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### OK, Zoomer: Teaching Legal Research to Gen Z

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## OK, Zoomer: Teaching Legal Research to Gen Z\*

Olivia R. Smith Schlinck\*\*

*Generation Z has entered law school. With each new generation comes new education preferences. While research on Gen Z in the legal academy has grown over the past few years, to date none deal explicitly with teaching legal research to Gen Z. This article connects Gen Z's childhood and resulting peer personality to 10 tangible pedagogical changes for teaching legal research to Gen Z.*

The children now love luxury; they have bad manners, contempt for authority; they show disrespect for elders and love chatter in place of exercise. Children are now tyrants, not the servants of their households. They no longer rise when elders enter the room. They contradict their parents, chatter before company, gobble up dainties at the table, cross their legs, and tyrannize their teachers.<sup>1</sup>

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## Introduction

¶1 People love to categorize: animals into classes (then orders, families, genres, and species); learning into subjects (language arts, history, philosophy); nourishment food groups (fruits, vegetables, grains, protein, dairy); music into genres (classical, jazz, blues, pop, country, alternative, rap, hip-hop, rock); and so on. Categories help us organize, navigate, and make sense of the world. This is not a modern phenomenon but rather a human one; one of Aristotle’s greatest works is on categories.<sup>2</sup> People especially love categorizing themselves: assigning people to social groups based on their race, gender, class, and religion. One of these well-analyzed categories of people is the generation, a group of similarly aged people.

¶2 People often use generational categories to make assumptions about an individual’s attitudes, beliefs, habits, and values. For example, the Baby Boomers, born 1946–1964, have a strong work ethic, buy wholeheartedly into the American Dream, and are raised to believe that “hard work is the path to success.”<sup>3</sup> Gen Xers, a “relatively small, jaded generation”<sup>4</sup> born 1965–1980 were the “latchkey kids,” considered cynical and “lost” as young adults and are often overlooked as a cohort today.<sup>5</sup> The Millennials, born 1981–1994, are often painted as lazy, entitled, and self-centered,<sup>6</sup> blamed for

2. See ARISTOTLE, *CATEGORIES* (Harold P. Cooke ed. & Trans., Harvard University 1996) (1938).

3. Robert Minarcin, *OK Boomer—The Approaching DiZruption of Legal Education by Generation Z*, 39 QUINNIPIAC L. REV. 29, 36 (2020).

4. Alex Williams, *Move Over, Millennials, Here Comes Generation Z*, N.Y. TIMES, Sept. 18, 2015, at 1.

5. See, e.g., Paul Taylor & George Gao, *Generation X: America’s Neglected “Middle Child,”* PEW RSCH. CTR., June 5, 2014, <https://www.pewresearch.org/fact-tank/2014/06/05/generation-x-americas-neglected-middle-child/> [https://perma.cc/28JF-B3WX] (“This overlooked generation . . . bookended by two much larger generations”).

6. See, e.g., Willem Gravett, *The Generational Traits of Millennial Law Students*, 83 TYDSKRIF VIR HEDENDAAGSE ROMEINS-HOLLANDSE REG [J. CONTEMP. ROMAN-DUTCH L.] 67, 72 (2020) (“[T]hey more accurately fit the stereotype of the disengaged, entitled student customer, expecting high marks without

“killing” every industry under the sun;<sup>7</sup> and mocked as the “participation trophy” generation.<sup>8</sup>

¶3 Setting aside these (often negative) stereotypes, generational categories can be useful for pedagogical purposes. Professors who understand their students’ generational attributes are better educators.<sup>9</sup> Students arrive in the classroom with preexisting traits, attributes, and attitudes, all of which are informed by their generation.<sup>10</sup> Like other educators, law librarians considered the Millennial generation’s unique characteristics and adapted their instruction accordingly, providing advice to their colleagues across the profession for teaching the first generation of “digital natives.”<sup>11</sup> It is time to do the same for Gen Z students.

¶4 Generation Z, referred to simply as Gen Z or the Zoomers,<sup>12</sup> is the group of people born between 1995 and 2012.<sup>13</sup> Today, these roughly 11- to 28-year-olds make up nearly a quarter of the U.S. population—about 85 million people.<sup>14</sup> In the context of

significant effort and often just for showing up to class; demanding comfort more than a rigorous education; seeing themselves as consumers and expecting services and personal attention on demand; having little respect for authority and showing disdain for collegial and social rules of conduct; failing to differentiate between civil exchange of reasoned ideas and shouting personal beliefs, yet growing defensive when faced with constructive criticism; and having a naïve sense of the future.”)

7. See, e.g., Kate Taylor, “Psychologically Scarred” Millennials are Killing Countless Industries from Napkins to Applebees—Here are the Businesses They Like the Least, *BUS. INSIDER* (Oct. 31, 2017, 2:18 P.M.), <https://www.businessinsider.com/millennials-are-killing-list-2017-8> [<https://perma.cc/DAU6-3RDP>] (listing the industries Millennials allegedly “killed,” including diamonds, cereal, banks, and football).

8. Jeffrey Zaslow, *The Most-Praised Generation Goes to Work*, *WALL ST. J.* (Apr. 20, 2007, 12:01 A.M.), <https://www.wsj.com/articles/SB117702894815776259> [<https://perma.cc/LBS7-ET5T>] (“[S]ome researchers suggest that inappropriate kudos are turning too many adults into narcissistic praise-junkies.”).

9. See Laura P. Graham, *Generation Z Goes to Law School: Teaching and Reaching Law Students in the Post-Millennial Generation*, 41 *U. ARK. LITTLE ROCK L. REV.* 29, 36 (2018) (“Put simply, everyone and no one is to ‘blame’ for the attributes of Gen Z law students, good or bad. Our focus should be on understanding them more fully, so we can educate them more effectively.”).

10. *Id.* at 39.

11. See, e.g., Aliza B. Kaplan & Kathleen Darvil, *Think and Practice Like a Lawyer: Legal Research for the New Millennials*, 8 *LEGAL COMM’N & RHETORIC* 153 (2011) (calling for curriculum change to adapt to incoming Millennial law students); Kari Mercer Dalton, *Bridging the Digital Divide and Guiding the Millennial Generation’s Research and Analysis*, 18 *BARRY L. REV.* 167 (2012) (discussing strategies for teaching information literacy and legal research to Millennials); Jessica Haseltine, *Yes, You Can: A Millennial on Millennials*, *AALL Spectrum*, Nov. 2014, at 8. (describing the Millennial generation and suggesting approaches to teaching them legal research).

12. See Michael Dimock, *Defining Generations: Where Millennials End and Generation Z Begins*, *PEW RSCH. CTR.*, Jan. 17, 2019, <https://www.pewresearch.org/fact-tank/2019/01/17/where-millennials-end-and-generation-z-begins/> [<https://perma.cc/6GWF-CU83>] (“[W]e hesitated at first to give them a name . . . but over the past year, Gen Z has taken hold in popular culture and journalism.”); see also *Words We’re Watching: “Zoomer,”* *MERRIAM-WEBSTER DICTIONARY*, <https://www.merriam-webster.com/words-at-play/words-were-watching-zoomer-gen-z> [<https://perma.cc/T4KZ-EP6F>]. Interestingly, the nickname “Zoomer” predates the use of “Zoom” for education during the COVID-19 pandemic. See *Zoomer Wojak*, *KNOW YOUR MEME*, <https://knowyourmeme.com/memes/zoomer-wojak> [<https://perma.cc/6DBD-QPBF>].

13. See *infra* “An Overview of Generational Theory.”

14. United States Census Bureau, *American Community Survey S0101 Age and Sex 2021: ACS 1-Year Estimates Subject Tables*, <https://data.census.gov/table?tid=ACSST1Y2021.S0101> [<https://perma.cc/WT85-QJRT>] (showing 87,128,678 people in the U.S. ages 10–29 in 2021).

legal education, Gen Z students have been in law school for at least the last six years,<sup>15</sup> but only a handful of articles discuss their impact on law school pedagogy.<sup>16</sup> To date, none focus specifically on legal research instruction for Gen Z law students. Given their ever-growing population in law schools, legal research professors must pay serious attention to Gen Z students, their characteristics, and how they learn, to make the changes required to best teach them.

¶5 This article uses the frame of generational characteristics to meet its larger goal of better equipping legal research professors to effectively teach Gen Z students. Moreover, it focuses on Gen Z in a positive light and encourages other educators to do the same. After all, if complaints about the younger generation's "tyranniz[ing] their teachers" dates back to ancient Greece, then it may be time to see our students as occupying a glass half full.

¶6 It is important to note several assumptions before beginning. First, this article assumes that categorizing by generation is a useful endeavor and that persons falling within a generation share some characteristics. Second, it assumes that most law students fall within the same age range and that some number of current law students are part of Gen Z.<sup>17</sup>

¶7 The article begins with a brief overview of generational theory. It then discusses the Gen Z cohort, first exploring the societal context of their upbringing and then their resulting traits and characteristics. Finally, it applies Gen Z's traits to offer 10 tangible suggestions on how to best instruct Gen Z students in the legal research classroom.

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15. Born in 1995, the oldest Gen Z law students would be 28 as of this writing. Zoomers who entered law school immediately after graduating college would have enrolled in 2017 and graduated in 2020.

16. As of February 2022: Elizabeth A. Cameron & Marisa Anne Pagnattaro, *Beyond Millennials: Engaging Generation Z in Business Law Classes*, 34 J. LEGAL STUD. EDUC. 317 (2017) (discussing Gen Z's "three major learning styles"); Graham, *supra* note 9 (exploring Gen Z's personality and learning characteristics and providing suggestions on how to adjust legal education to fit Gen Z's needs); Minarcin, *supra* note 3 (examining Gen Z's personality and traits and suggesting changes to curricula to meet their learning characteristics); Mark D. Janis & Norman J. Hedges, *Training Post-Millennial IP Lawyers: A Field Guide*, 11 LANDSLIDE MAG. (2019) (providing guidance on how to train law students to be intellectual property practitioners); Carolyn V. Williams, *#CriticalReading #WickedProblem*, 44 S. ILL. U. L.J. 179 (2020) (discussing the problem of critical reading" skills for Millennials and Gen Z in law school); Tiffany D. Atkins, *#ForTheCulture: Generation Z and the Future of Legal Education*, 26 MICH. J. RACE & L. 115 (2020) (advocating for structural changes to the law school curriculum to increase diversity and social justice initiatives); Sha-Shana Crichton, *Teaching in the Time of Disruption: A Case for Empathy and Honoring Diversity*, 25 LEGAL WRITING 4 (2021) (discussing approaches to educating Gen Z law students to appeal to their desire for equal justice under the law); Laura P. Graham, "Safe Spaces" and "Brave Spaces": *The Case for Creating Law School Classrooms That Are Both*, 76 U. MIAMI. L. REV. 84 (2021) (advocating for changes to the law school environment to foster dialogue about racial and social injustice with Gen Z students).

17. The average age of a 1L at the top 50 law schools, ranked by *U.S. News*, is 24. Many members of the class of 2026, entering law school in fall 2023, will be born between 1999 and 2001. See Barbara Vargo, *Later-Than-Most to Law School*, ABA STUDENT LAW., Jan. 1, 2020, <https://abaforlawstudents.com/2020/01/01/later-than-most-to-law-school/> [<https://perma.cc/EAY2-P8YM>] ("According to LSAC, 1L students average between 22–24 years old.").

## An Overview of Generational Theory

¶18 Several sociologists contributed to the categories we now call “generations,” what the public thinks of when they call someone a “Boomer” or a “Gen Xer” or a “Millennial.”<sup>18</sup> A generation is a group of similarly aged people spanning about two decades, although most scholars today agree that the cutoff date for a generation has some fluidity.<sup>19</sup> Generational membership is involuntary, permanent (unlike age, which is involuntary but ever-changing), and finite; “after its last birthyear, a cohort-group can only shrink in size.”<sup>20</sup> Because the members of a generation are born between two fixed points, all members of a generation experience “the same national events, moods, and trends at similar ages,” leading to a distinct peer personality.<sup>21</sup>

¶19 The generations alive today are as follows: the G.I. Generation (also known as the Greatest Generation), born 1901–1924; the Silent Generation, born 1925–1946;<sup>22</sup> the Baby Boomers, born 1946–1964;<sup>23</sup> Gen X, born 1965–1980;<sup>24</sup> the Millennials, born 1981–1994;<sup>25</sup> Gen Z, born 1995–2012;<sup>26</sup> and Generation Alpha, born after 2013.<sup>27</sup>

¶10 The end of the Millennial generation and the span of the Gen Z generation is not necessarily a fixed date. But the impreciseness of the beginning and end of a generational cohort should not impact its usefulness as an analytical tool.<sup>28</sup> Those born at the

18. See Karl Mannheim, *The Problem of Generations*, in *ESSAYS ON THE SOCIOLOGY OF KNOWLEDGE* (1952) (outlining the structure of generations); see also NEIL HOWE & WILLIAM STRAUSS, *GENERATIONS: THE HISTORY OF AMERICA’S FUTURE* (1992) (describing generation theory and describing the generations of American history beginning in 1584).

19. HOWE & STRAUSS, *supra* note 18, at 34; see also Dimock, *supra* note 12 (“[G]enerational cutoff points aren’t an exact science.”).

20. HOWE & STRAUSS, *supra* note 18, at 48.

21. *Id.*

22. *Id.* at 8.

23. See generally the “Baby Boomer” generation is the only generation officially recognized by the U.S. Census. SANDRA L. COLBY & JENNIFER M. ORTMAN, *THE BABY BOOM COHORT IN THE UNITED STATES: 2012 TO 2060* (2014).

24. Dimock, *supra* note 12.

25. *Id.*

26. The birth year range for Gen Z varies by source. The leading researchers on Gen Z as college students, Corey Seemiller and Meghan Grace, use the span of 1995–2010. The Pew Research Center uses 1997–2012. I have chosen 1995–2012 to encompass the widest range. COREY SEEMILLER & MEGHAN GRACE, *GENERATION Z GOES TO COLLEGE* (2015); see also Dimock, *supra* note 12.

27. Gen Alpha are the children of Millennials and older Gen Zers. See MARK MCCRINDLE ET AL., *GENERATION ALPHA: UNDERSTANDING OUR CHILDREN & HELPING THEM THRIVE* (2021) (describing Gen Alpha’s birth years between 2010 and 2024); see also Joe Pinsker, *Oh No, They’ve Come Up with Another Generation Label*, ATLANTIC (Feb. 21, 2020), <https://www.theatlantic.com/family/archive/2020/02/generation-after-gen-z-named-alpha/606862/> [<https://perma.cc/ARG2-KTVM>] (“What comes after Z? *Alpha*, apparently. That’s the (Greek) letter that the unofficial namers of generations—marketers, researchers, cultural commentators, and the like—have affixed to Gen Z’s successors, the oldest of whom are on the cusp of turning 10.”).

28. “Like most other social categories—religion, political party, income, occupation, race—generations can be imprecise at the boundaries. We define generational boundaries by calendar year—and, of course, some people born on just one side may really belong on the other. But a little ambiguity does not keep us from distinguishing Catholics from Protestants, Democrats from Republicans, or the middle class

beginning or end of the date range may associate more with the common traits and stereotypes of a generation other than their own. For example, some people born between 1995 and 2000 describe feeling stuck between the Millennial and Gen Z generations, dubbing themselves the “Zillennials.”<sup>29</sup> The preciseness of the date is immaterial when the importance is in shared experiences, or “generation defining moments.”<sup>30</sup> By “living through certain historical events” with similarly aged people, worldviews and values emerge.<sup>31</sup>

¶11 Not all members of a generation exhibit all—or any—of the traits of their generation.<sup>32</sup> Instead, generational theory allows us to uncover a “peer personality,” common beliefs and behaviors as informed by age and perceived generational membership.<sup>33</sup> Put differently, peer personality is “a caricature” of a generation’s “prototypical member.”<sup>34</sup> While not every member of a generation will fit into this caricature, and indeed some members may have no generational traits at all, “even those who differ from the peer norm are generally *aware* of their nonconformity,”<sup>35</sup> like a person born in 1987 steadfastly refusing Millennial traits and insisting they fit more with Gen X.

¶12 By learning a generation’s peer personality, we can begin to tailor pedagogy to fit those preferences. What follows is a look inside the upbringing and characteristics of Zoomers in America.

### Gen Z’s Peer Personality

¶13 Today, Gen Z, born between 1995 and 2012, are aged roughly 11 to 28. Since birth, Zoomers have lived in a world of perpetual crisis, beginning with the terrorism attacks on September 11, 2001.<sup>36</sup> Whereas even the youngest Millennial would have a memory of the day, the majority of Zoomers were not alive when the towers fell, and those who were alive are unlikely to remember it. While Millennials experienced a world

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from the poor.” HOWE & STRAUSS, *supra* note 18, at 59.

29. *Urban Dictionary* defines Zillennial as “a microgeneration consisting of persons born three years before the end of Millennials and/or three years after the start of Generation Z.” *Zillennial*, URBAN DICTIONARY, <https://www.urbandictionary.com/define.php?term=Zillennial> [<https://perma.cc/5F56-427G>]. See also Alicia Lansom, *Too Old for Gen Z, Too Young for Millennials: Life as a Confused Zillennial*, REFINERY29, Mar. 9, 2021, <https://www.refinery29.com/en-gb/generation-zillennial> [<https://perma.cc/ZXN8-9V5P>] (describing the confusion of identifying which generation someone born in 1996 belongs to).

30. GEN HQ, STATE OF GEN Z 2020: GEN Z AS EMPLOYEES AND EMERGING LEADERS 5 (2020), <https://genhq.com/generation-z-employee-research-2020/> [<https://perma.cc/W7N9-32VR>] (available for free download).

31. JOHN DELLA VOLPE, FIGHT: HOW GENERATION Z IS CHANNELING THEIR FEAR AND PASSION TO SAVE AMERICA 1 (2022).

32. HOWE & STRAUSS, *supra* note 18, at 8–9.

33. *Id.* at 64.

34. *Id.*

35. *Id.* at 66.

36. See ROBERTA KATZ ET AL., GEN Z, EXPLAINED: THE ART OF LIVING IN A DIGITAL AGE 125 (2021) (“[A] perpetual atmosphere of crisis, whether local, regional, or global, has been brought right into their bedrooms through their internet feeds.”).

before the hyper-surveillance of the Patriot Act state, Zoomers have grown up almost entirely in a post-9/11 world. They have always taken their shoes off at the airport.<sup>37</sup> It is normal to them.

¶14 To paint a picture of the “average” Gen Z law student, I use descriptions from the Mindset List,<sup>38</sup> as Laura P. Graham does.<sup>39</sup> As an example, the undergraduate class of 2019—students largely born in 1997 and entering law schools after 2019—“have never licked a postage stamp, have assumed that Wi-Fi is an entitlement, and have no firsthand experience of Princess Diana’s charismatic celebrity.”<sup>40</sup> For the undergraduate class of 2023—largely born in 2001 and yet to walk the law school halls—“the primary use of a phone has always been to take pictures.”<sup>41</sup>

¶15 Studies of Gen Z thus far describe them as cautious, pragmatic,<sup>42</sup> confident,<sup>43</sup> and self-reliant.<sup>44</sup> As college students, Zoomers were found to be loyal, compassionate, thoughtful, open-minded, responsible, and determined.<sup>45</sup> They are motivated by making a difference<sup>46</sup> even if “deeply pessimistic about the problems they have inherited” like climate change, racial injustice, and economic issues. Constantly connected to technology,<sup>47</sup> Gen Z “values ‘information, stimulation, and connection.’”<sup>48</sup> They are entrepreneurial and motivated by the prospect of future financial security. When it comes to the classroom, Zoomers want “an education they can apply.”<sup>49</sup>

37. In December 2001, Richard Reid boarded a flight from Paris to Miami with bombs hidden in his shoes, which led to the requirement that all passengers remove their footwear to be screened by the Transportation Security Administration (TSA) before boarding a flight. See *Artifact of the Month: December 2020: Richard Reid’s Shoes*, FBI, <https://www.fbi.gov/history/artifact-of-the-month/december-2020-richard-reids-shoes> [<https://perma.cc/5RNS-ZRRX>].

38. “The Mindset list has delighted millions for over a decade about what has ‘always’ or ‘never’ been true for entering college students.” MINDSET LISTS, <http://themindsetlist.com/lists/> [<https://perma.cc/4DFN-DPSG>].

39. Graham, *supra* note 9, at 38.

40. Tom McBride & Charles Westerberg, *The Mindset List for the Class of 2019*, MINDSET LISTS, <http://themindsetlist.com/lists/the-mindset-list-for-the-class-of-2019/> [<https://perma.cc/W3PB-QXU4>].

41. *Read the Marist Mindset List for the Class of 2023*, MINDSET LISTS, <https://www.marist.edu/mindset-list> [<https://perma.cc/65TJ-GDSQ>].

42. See Hedges & Janis, *supra* note 16 (“They’re pragmatic. Millennials may be idealists; post-millennials are projected to be more hard-headed, valuing long-term job security.”); see Williams, *supra* note 16, at 190 (tracing Gen Z’s pragmatism to their Gen X parents’ parenting and values); see also Williams, *supra* note 4 (“I think I can speak for my generation when I say that our optimism has long ago been replaced with pragmatism.”).

43. See KATZ ET AL., *supra* note 36, at 191; see also Crichton, *supra* note 16, at 7 (“this visibly bold and strikingly confident group”).

44. KATZ ET AL., *supra* note 36, at 127.

45. SEEMILLER & GRACE, *supra* note 26, at 7–13.

46. *Id.* at 15.

47. See *id.* at 29 (“[O]ne study found that 100 percent of all Generation Z students indicate being online at least one hour per day with nearly three-quarters of those within one hour of waking up.”).

48. Cameron & Pagnattaro, *supra* note 16, at 318 (internal citations omitted).

49. JEFFREY J. SELINGO, *THE NEW GENERATION OF STUDENTS: HOW COLLEGES CAN RECRUIT, TEACH, AND SERVE GEN Z* 26 (2018).



¶16 Of course, we can no longer talk about a generation's peer personality without considering the impact of the COVID-19 pandemic. Before COVID-19, Gen Z were on track to “inherit a strong economy with record-low unemployment,” setting their adulthood off on the right foot.<sup>50</sup> When COVID-19 arrived, Gen Z was among the hardest hit by job loss and pay cuts,<sup>51</sup> causing the steepest decline in college enrollment in recorded history,<sup>52</sup> and driving many Zoomers living on their own to move back in with their parents.<sup>53</sup>

### The Tech Factor

¶17 For Gen Z, technology is central to their being. It is an “extension of themselves.”<sup>54</sup> Zoomers are comfortable and confident technology users, learning at a young age “how to find their own answers to questions . . . and navigate networks and use tools that confounded their elders.”<sup>55</sup> *They never get off their dang phones* is a common complaint, often made by older adults in their lives: parents and grandparents, bosses, and strangers who see them on the streets, buses, and trains. As two researchers aptly note, it becomes apparent who is Gen Z and who is not when a question arises in conversation that nobody can answer; whoever immediately “reaches for a smartphone to query Google, Bing, or Yahoo for the answer” is a Zoomer.<sup>56</sup>

¶18 Some call people who grow up using technology—like Millennials and Zoomers—“digital natives.”<sup>57</sup> Born throughout the 1980s and early 1990s, many Millennials attended primary school and some high school without computer and

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50. Kim Parker & Ruth Igielnik, *On the Cusp of Adulthood and Facing an Uncertain Future: What We Know About Gen Z So Far*, PEW RSCH. CTR. (May 14, 2020), <https://www.pewsocialtrends.org/essay/on-the-cusp-of-adulthood-and-facing-an-uncertain-future-what-we-know-about-gen-z-so-far/> [<https://perma.cc/9ZP5-JPSX>].

51. Richard Fry et al., *A Majority of Young Adults in the U.S. Live with Their Parents for the First Time Since the Great Depression*, PEW RSCH. CTR. (Sept. 4, 2002), <https://www.pewresearch.org/fact-tank/2020/09/04/a-majority-of-young-adults-in-the-u-s-live-with-their-parents-for-the-first-time-since-the-great-depression/> [<https://perma.cc/GBM2-JKQH>].

52. JEFFREY J. SELINGO, *THE FUTURE OF GEN Z: HOW COVID-19 WILL SHAPE STUDENTS AND HIGHER EDUCATION FOR THE NEXT DECADE* 5 (2022) (“Never before had colleges experienced a one-year decline in enrollment as steep as the one they witnessed between the high-school graduating classes of 2019 and 2020. In that one-year period, the number of students enrolling directly in college from high school dropped by some 700,000 students, or nearly 7 percent.”).

53. Fry et al., *supra* note 51 (“The share of 18- to 29-year-olds living with their parents has become a majority since U.S. coronavirus cases began spreading early this year, surpassing the previous peak during the Great Depression era.”).

54. SELINGO, *supra* note 52, at 17.

55. KATZ ET AL., *supra* note 36, at 191.

56. TOM KOULOPOULOS & DAN KELDSEN, *THE GEN Z EFFECT: THE SIX FORCES SHAPING THE FUTURE OF BUSINESS* 3 (2014) (“In fact, many children born into Gen Z have an annoying habit of constantly fact-checking their parents during conversations.”).

57. This term was coined by Marc Prensky in 2001. See Marc Prensky, *Digital Natives, Digital Immigrants*, 9 *ON THE HORIZON* 1, <https://www.marcprensky.com/writing/Prensky%20-%20Digital%20Natives,%20Digital%20Immigrants%20-%20Part1.pdf> [<https://perma.cc/H7CW-GL7U>] (“the most useful designation I have found for them is Digital Natives. Our students today are all ‘native speakers’ of the digital language of computers, video games, and the internet.”).

internet access. Their technology education focused less on information literacy (outside of an ever-present warning to Never Use Wikipedia Ever) and more on physical skills like typing. Millennials might remember being in high school when MySpace, the “original” social media site, became popular and in college when Facebook first emerged. Perhaps the more accurate way to describe Millennials is that they were the first generation to *grow up* with computer and internet technology.

¶19 Gen Z have since taken Millennials’ place as “digital natives,” being the first generation *born into* technology. The vast majority of Zoomers were children—or not yet born—when social media gained popularity.<sup>58</sup> The oldest Gen Z members were barely in the double-digits when the first iPhone was released<sup>59</sup> and adolescents when the iPad hit the shelves.<sup>60</sup> Zoomers might not remember a time before smartphones were the norm and laptops in classrooms were commonplace. By 2017, when the eldest Zoomers were graduating college, “more than half the nation’s primary- and secondary-school students” used Google education apps and tools like Chromebooks.<sup>61</sup>

¶20 Zoomers use their devices to scroll and post on social media, browse the internet, play games, shop, watch videos, and do schoolwork. Zoomers *love* YouTube,<sup>62</sup> and their social media platforms of choice are Instagram, Snapchat, and TikTok.<sup>63</sup> The shorter format of this media, sometimes called “snack media” or “bite-size communications,” appeals to this generation, who have short attention spans.<sup>64</sup> Zoomers stay current on news and politics largely through social media and have no qualms about admitting this oft-taboo format for news consumption,<sup>65</sup> with 9 in 10 reporting using

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58. While various social media—like messaging services and blogs—existed throughout the 1990s, the “first” social media site, MySpace, launched in 2003, followed by Facebook in 2004, YouTube in 2005, Reddit in 2005, Twitter in 2006, Tumblr in 2007, Pinterest and Instagram in 2010, and Snapchat in 2011. See JOSE VAN DIJCK, *THE CULTURE OF CONNECTIVITY: A CRITICAL HISTORY OF SOCIAL MEDIA* 7 (2013); see also Jolie O’Dell, *iPhone Photo App Instagram Nabs 100K Users in One Week*, MASHABLE (Oct. 13, 2010), <https://mashable.com/archive/instagram-100k-users#e8nU0D3CAaqb> [<https://perma.cc/32SW-GSKW>].

59. The first iPhone was released in the United States on June 29, 2007.

60. The first iPad was released in the United States on April 3, 2010.

61. Natasha Singer, *How Google Took Over the Classroom*, N.Y. TIMES (May 13, 2017), <https://www.nytimes.com/2017/05/13/technology/google-education-chromebooks-schools.html> [<https://perma.cc/QD8E-YP8K>].

62. PEARSON, *BEYOND MILLENNIALS: THE NEXT GENERATION OF LEARNERS* 11 (2018), [https://www.pearson.com/content/dam/one-dot-com/one-dot-com/global/Files/news/news-announcements/2018/The-Next-Generation-of-Learners\\_final.pdf](https://www.pearson.com/content/dam/one-dot-com/one-dot-com/global/Files/news/news-announcements/2018/The-Next-Generation-of-Learners_final.pdf) [<https://perma.cc/MC6K-9KDQ>].

63. Brooke Auzier & Monica Anderson, *Social Media Use in 2021*, PEW RSCH. CTR., Apr. 7, 2021, <https://www.pewresearch.org/internet/2021/04/07/social-media-use-in-2021/> [<https://perma.cc/Z4YT-TE4W>] (“In fact, a majority of 18- to 29-year-olds say they use Instagram (71 percent) or Snapchat (65 percent), while roughly half say the same for TikTok.”).

64. Cameron & Pagnattaro, *supra* note 16, at 318.

65. See Kim Parker et al., *Generation Z Looks a Lot Like Millennials on Key Social and Political Issues*, PEW RSCH. CTR., Jan. 17, 2019, <https://www.pewsocialtrends.org/2019/01/17/generation-z-looks-a-lot-like-millennials-on-key-social-and-political-issues/> [<https://perma.cc/PJG6-N2MW>] (“Gen Z ... are much less likely than older generations to say the fact that more people are getting their news from social media is a bad thing—39 percent of Gen Zers hold this view, compared with about half among each of the older generations.”).

their phones to check the news, and three-fifths getting news from social media directly.<sup>66</sup>

¶21 Zoomers spend a *lot* of time looking at screens. In 2018, nearly half of U.S. teens reported using the internet “almost constantly.”<sup>67</sup> One study found that Zoomers struggle “to go even fifteen minutes without checking their [phones] for new messages.”<sup>68</sup> Some estimate that Gen Z’s social media usage is as high as 11 hours per week.<sup>69</sup> To put this in perspective, per day American adults check their phones around 50 times<sup>70</sup> and spend about three and a half hours on their phones.<sup>71</sup>

¶22 Introducing Zoomers to digital technologies at an early age certainly impacts the way they interact with and use technology as adults. But their comfort with digital technology does not necessarily equate to proficiency in the way the “digital natives” moniker implies.<sup>72</sup> Simply growing up using digital technologies and using them more frequently than older people does not make Zoomers *better* at using technology than any other generation.<sup>73</sup> The ability to use a smartphone to text, tweet, film content for TikTok, and take and share photos on Instagram or Snapchat is very different from using a computer to conduct legal research or draft and edit a written work product using a word processing program.<sup>74</sup>

¶23 Students who grew up using digital technologies “often substitute gathering a high volume of information—something they can do quickly online—for critically evaluating the information;” they may struggle to understand that a large *quantity* of

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66. Niaz Ahmed, *Perception of Fake News: A Survey of Post-Millennials*, 10 JOURNALISM & MASS COMM’N 1, 12 (2020).

67. SELINGO, *supra* note 49, at 38.

68. Lauren A. Newell, *Rebooting Empathy for the Digital Generation Lawyer*, 34 OHIO ST. J. DISP. RESOL. 1, 50 (2019) (internal citations omitted).

69. ELLEN BARA STOLZENBERG ET AL., *THE AMERICAN FRESHMAN: NATIONAL NORMS* Fall 2018, at 9 (2019).

70. Todd Spangler, *Are Americans Addicted to Smartphones? U.S. Consumers Check Their Phones 52 Times Daily, Study Finds*, VARIETY (Nov. 14, 2018), <https://variety.com/2018/digital/news/smartphone-addiction-study-check-phones-52-times-daily-1203028454/> [<https://perma.cc/3FPB-MUJA>].

71. Rani Molla, *Tech Companies Tried to Help Us Spend Less Time on Our Phones. It Didn’t Work.*, VOX (Jan. 6, 2020), <https://www.vox.com/recode/2020/1/6/21048116/tech-companies-time-well-spent-mobile-phone-usage-data> [<https://perma.cc/9QNT-BMND>].

72. Paul A. Kirschner & Pedro De Bruyckere, *The Myths of the Digital Native and the Multitasker*, 67 TEACHING & TCHR. EDUC. 135 (2017); see also Bernd W. Becker, *Information Literacy in the Digital Age: Myths and Principles of Digital Literacy*, 7 SCH. INFO. STUDENT RES. J. 1, 2 (2018) (“Another myth that is important to address is the idea that digital natives are by default, digitally literate. The term digital natives is a categorization of a person born or brought up during the age of digital technology. In many ways this leads them to be familiar with computers and the internet from an early age. The problem is that being familiar and being literate are not necessarily the same thing.”).

73. See, e.g., Kaplan & Darvil, *supra* note 11, at 175 n.131 (“It is important to mention that though these students were born into a world of technology and it is second nature to them, it doesn’t necessarily mean that they understand how to use all of the tools appropriately or effectively.”).

74. See, e.g., Susan Azyndar, *Work with Me Here: Collaborative Learning in the Legal Research Classroom*, 1 LEGAL INFO. REV. 1, 3 (2015–2016) (“Although Millennials are born-digital and have been exposed to technology for much or all of their lives, these students are not necessarily experts in the use of technology or electronic-based research.”).

information does not necessarily equate to *quality* information.<sup>75</sup> And while being a “digital native” does not mean they have more advanced digital skills, some Zoomers nonetheless assume they are naturally gifted technology users and researchers.<sup>76</sup>

¶24 Because Zoomers get so much of their news and current events knowledge from social media, some older generations voice concerns that Gen Z will struggle with separating fact from misinformation.<sup>77</sup> Gen Z are confident technology users, many of whom have taught their parents and older relatives how to use the internet and how to identify misinformation online.<sup>78</sup> And to some extent, this confidence and skill does protect them from “fake news”: a 2018 study found that “younger Americans are better than their elders at separating factual from opinion statements in the news.”<sup>79</sup> Zoomers are “generally very apt at being able to trace the origins of stories or discern the authenticity of a vital storyline.”<sup>80</sup> Instead, the issue for Gen Z lies in the pure *volume* of information they can access.<sup>81</sup>

¶25 In terms of research, Zoomers are “skilled at non-linear and selective reading, keyword spotting, scanning behaviors, and ‘power browsing,’” but less skilled at “careful study of word choices and sentence structure,” which is imperative to critical reading.<sup>82</sup> As early Googlers, Zoomers often “prioritize relevance” in search results, meaning they often dismiss “information that does not immediately appear pertinent.”<sup>83</sup> Gen Z’s computer and digital skills, such as using word programs or creating spreadsheets, may be self-taught, particularly those older Zoomers who had less technology in their schools.

¶26 Because of their familiarity with the digital world, Zoomers indicate a preference for learning via video. Almost 60 percent describe YouTube as their “number one preferred learning method,” and 55 percent say YouTube has contributed to their

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75. Williams, *supra* note 16, at 199.

76. Melissa Correll, *What Do High School Students Know About Information Literacy? A Case Study of One University’s Feeder Schools*, 7 PA. LIBR. 25, 32 (2019).

77. See, e.g., Jennifer Neda John, *Why Generation Z Falls for Online Misinformation*, MIT TECH. REV. (June 30, 2021), <https://www.technologyreview.com/2021/06/30/1026338/gen-z-online-misinformation/> [<https://perma.cc/63FJ-W2C2>] (“Young people are more likely to believe and pass on misinformation if they feel a sense of common identity with the person who shared it in the first place.”); see also Matthew Choi, *When Gen Z Is the Source of the Misinformation it Consumes*, POLITICO (Oct. 11, 2020), <https://www.politico.com/news/2020/10/11/gen-z-misinformation-politics-news-conspiracy-423913> [<https://perma.cc/MTP5-V6RL>] (“With an inundation of information, a penchant for picture-based platforms that can obfuscate nuance and an emotional media landscape rife with conflicting and dubious accounts, Gen Zers can and do fall into pitfalls with serious implications on their political outlook.”).

78. Choi, *supra* note 77 (“The sharing of fake news stories still tends to be the domain of older generations. . . . [Y]ounger social media users are often quick to call out in the comments of problematic posts when something is misleading or flat-out false.”).

79. Jeffrey Gottfried & Elizabeth Grieco, *Younger Americans Are Better Than Older Americans at Telling Factual News Statements from Opinions*, PEW RSCH. CTR., Oct. 23, 2018, <https://www.pewresearch.org/fact-tank/2018/10/23/younger-americans-are-better-than-older-americans-at-telling-factual-news-statements-from-opinions> [<https://perma.cc/Z4LA-7UAY>].

80. Choi, *supra* note 77.

81. *Id.*

82. Williams, *supra* note 16, at 198.

83. KATZ ET AL., *supra* note 36, at 23.

education.<sup>84</sup> Whereas the majority of Millennial students indicate a preference for print books, less than half of Zoomers say the same.<sup>85</sup> This preference does not mean that Gen Z want entirely online or virtual learning experiences—the COVID-19 pandemic has made that clear.<sup>86</sup> Instead, they “favor a mix of learning environments and activities, both face-to-face and online.”<sup>87</sup>

### Zoomers Are Diverse

¶27 Zoomers are the “most diverse generation in modern American history,”<sup>88</sup> with just over half of Gen Z members identifying as non-Hispanic White.<sup>89</sup> One in four Zoomers are Hispanic, 14 percent are Black, and 6 percent are Asian.<sup>90</sup> They are less likely to be immigrants than Millennials<sup>91</sup> but more likely to have one foreign-born parent.<sup>92</sup>

¶28 Zoomers are also the gayest generation yet. About 1 in 5 Gen Z adults identify as LGBTQ—“nearly double the proportion of Millennials who do so.”<sup>93</sup> About 2 percent of Zoomers identify as transgender,<sup>94</sup> and 35 percent know someone who uses gender-neutral pronouns (as compared to 25 percent of Millennials, 16 percent of Gen Xers, and 12 percent of Boomers).<sup>95</sup>

### Zoomers Are Pragmatic and Money Conscious

¶29 The Great Recession was “formative” for Gen Z,<sup>96</sup> leaving them “debt averse” and apt to prioritize financial security.<sup>97</sup> Their childhoods were plagued by the

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84. PEARSON, *supra* note 62, at 15.

85. *Id.* at 14 (“Notably, while 60 percent of Millennials prefer printed books for learning, only 47 percent of Gen Zers prefer books for learning.”).

86. See, e.g., Learning Network, *What Students Are Saying About Remote Learning*, N.Y. TIMES (Apr. 9, 2020), <https://www.nytimes.com/2020/04/09/learning/what-students-are-saying-about-remote-learning.html> [<https://perma.cc/3D3L-J4K9>] (describing the struggles facing students during remote learning).

87. SELINGO, *supra* note 49, at 25.

88. *Id.* at 9.

89. Richard Fry & Kim Parker, *Early Benchmarks Show “Post-Millennials” on Track to be Most Diverse, Best-Educated Generation Yet*, PEW RSCH. CTR., Nov. 15, 2018, <https://www.pewsocialtrends.org/2018/11/15/early-benchmarks-show-post-millennials-on-track-to-be-most-diverse-best-educated-generation-yet/> [<https://perma.cc/Z5WX-ZTXR>].

90. *Id.*

91. *Id.* (“[S]ome 7 percent of post-Millennials are foreign born, as were 8 percent of Millennials in 2002.”).

92. *Id.* (reporting that 22 percent of Gen Z have at least one foreign-born parent, compared to 15 percent of Millennials).

93. Jeffrey M. Jones, *LGBT Identification in U.S. Ticks Up To 7.1%*, GALLUP (Feb. 17, 2022), [https://news.gallup.com/poll/389792/lgbt-identification-ticks-up.aspx?utm\\_source=twitterbutton&utm\\_medium=twitter&utm\\_campaign=sharing](https://news.gallup.com/poll/389792/lgbt-identification-ticks-up.aspx?utm_source=twitterbutton&utm_medium=twitter&utm_campaign=sharing) [<https://perma.cc/62AN-V9FK>] (“Roughly 21 percent of Generation Z Americans who have reached adulthood—those born between 1997 and 2003—identify as LGBT”).

94. *Id.*

95. Parker et al., *supra* note 65.

96. SELINGO, *supra* note 49, at 18.

97. *Id.* at 19.

economic crash and a plummeting employment rate. Zoomers are turning out to be like the Silent Generation, born around the Great Depression, in their spending and saving habits.<sup>98</sup> They are mindful about spending money<sup>99</sup> and are pragmatic, valuing job security and looking to achieve “financial security in an uncertain future.”<sup>100</sup>

¶30 As children and young teens, living though the Great Recession meant Gen Z watched their parents lose their jobs and perhaps their homes.<sup>101</sup> The recession of 2007–2009 “eliminated 20 percent of the net worth from four in every five American families.”<sup>102</sup> In 2008, about one-fifth of all households with children were food insecure,<sup>103</sup> and by 2009, approximately a year and a half into the recession, the child poverty rate was 20.7 percent—an increase of 33.4 percent since the beginning of the millennium.<sup>104</sup> In 2010, 1 in 9 children and teenagers in the United States had an unemployed parent.<sup>105</sup>

¶31 The impact of a childhood marked by such economic instability cannot be overstated. Low socioeconomic status and economic anxieties can have profound impacts on children, like an increase in psychiatric disorders and behavioral problems.<sup>106</sup> Children whose parents experienced financial hardship may face a “cognitive tax on psychic resources such as attention, self-control, and patience,”<sup>107</sup> undoubtedly impacting their learning and development. Children whose parents lost their jobs are more likely to end up on unemployment or some sort of social assistance as adults.<sup>108</sup>

¶32 The Great Recession also had severe consequences for education overall. Spending per student fell across the country,<sup>109</sup> and student achievement declined.<sup>110</sup>

98. Bruce Tulgan, *Meet Generation Z: The Second Generation Within the Giant “Millennial” Cohort* 5 (RainmakerThinking white paper, 2013), <https://web.archive.org/web/20141219164513/http://rainmaker-thinking.com/assets/uploads/2013/10/Gen-Z-Whitepaper.pdf>.)

99. Atkins, *supra* note 16, at 126.

100. KATZ ET AL., *supra* note 36, at 161.

101. Seemiller & Grace, *supra* note 26, at 41; *see also* Atkins, *supra* note 16, at 126 (“Gen Zers saw their hard-working parents suffer job loss, foreclosure, and other hardships during the Recession, and developed a financially conservative attitude as a result.”).

102. VOLPE, *supra* note 31, at 37 (internal citations omitted).

103. Charles N. Oberg, *The Great Recession’s Impact on Children*, 15 *MATERNAL & CHILD HEALTH J.* 553, 554 (2011).

104. *Id.* at 553.

105. Nancy Cook & Nat’l J., *What Happens to the Children of the Unemployed?*, ATLANTIC (Oct. 13, 2012), <https://www.theatlantic.com/politics/archive/2012/10/what-happens-to-the-children-of-the-unemployed/429054/> [<https://perma.cc/JG75-TDJ7>].

106. *See generally* Franziska Reiss, *Socioeconomic Inequalities and Mental Health Problems in Children and Adolescents: A Systematic Review*, 90 *SOC. SCI. & MED.* 24 (2013) (finding consistently low or declining socioeconomic status as a predictor for the onset of mental health problems for children and adolescents).

107. Ariel Kalil, *Effects of the Great Recession on Child Development*, ANNALS AM. ACAD. POL. & SOC. SCI. 232, 238 (2013).

108. Cook & Nat’l J., *supra* note 105.

109. C. Kirabo Jackson et al., *Do School Spending Cuts Matter? Evidence from the Great Recession*, 31 *AM. ECON. J.* 304, 304 (2021) (“[P]ublic school per-pupil spending fell by roughly 7 percent nationally.”).

110. *See* Kenneth Shores & Matthew P. Steinberg, *The Impact of the Great Recession on Student Achievement: Evidence from Population Data* 4, 17 (2017), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3026151](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3026151) [<https://perma.cc/Q9VT-X3PB>] (reporting that students in areas hit hardest by

Existing inequalities were exacerbated: schools serving low-income and minority students were more likely to show adverse effects of the recession on educational achievement.<sup>111</sup> Approximately 300,000 teachers lost their jobs during the recession, while school enrollment rose; thus, the recession eliminated over a decade of reductions in pupil/teacher ratios in classrooms in just three years.<sup>112</sup> Gen Z children whose parents lost their jobs during the Great Recession struggled academically, increasing the likelihood that they would need to repeat a grade.<sup>113</sup>

¶33 The recession put pressure on Gen Z children to attend the best college, the golden ticket to ensuring future financial security. College education was often described as the Ultimate Goal;<sup>114</sup> educators stressed that test success could lead to Ivy League admissions and merit scholarships (necessary to combat the rising prices of college tuition). Pressure to excel academically to get into selective schools has become one of the main sources of stress for high school students.<sup>115</sup>

¶34 Prior to the Great Recession, the main reason to go to college was to learn about an area of interest.<sup>116</sup> Today, Gen Z's top priority in higher education is to get a better job.<sup>117</sup> But Zoomers, always haunted by the ghost of the Great Recession, are wary of student debt and take it on reluctantly only to achieve future economic security. They are aware of the financial struggles that await them and are thus focused on getting a job after graduation.<sup>118</sup> Focusing on "sensible" careers,<sup>119</sup> Gen Z wants an education that is relevant and will give them skills they will use in their jobs.<sup>120</sup> This means that Zoomers want to know, at the outset, how a skill or tool will help them in their careers (and to achieve future financial stability).

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the recession fared worse in math and ELA achievement).

111. *Id.* at 29.

112. William Evans et al., *The Great Recession & Public Education*, 14 *EDUC. FIN. & POL'Y* 298 (2019).

113. See Ann Huff Stevens & Jessamyn Schaller, *Short-Run Effects of Parental Job Loss on Children's Academic Achievement*, 30 *ECON. EDUC. REV.* 289, 290 (2011) ("Our results show that a parental job loss increases the probability that a child repeats a grade in school by nearly 1 percentage point per year, or roughly 15 percent.").

114. See, e.g., Alexandra Robbins, *Kids Are the Victims of the Elite-College Obsession*, *ATLANTIC* (Mar. 12, 2019), <https://www.theatlantic.com/ideas/archive/2019/03/college-bribe-scandal-shows-elite-college-obsession/584719/> [<https://perma.cc/GE6C-QS87>] (describing the intense pressure put on teenagers to attend "name brand" universities).

115. Noelle R. Leonard et al., *A Multi-Method Exploratory Study of Stress, Coping, and Substance Use Among High School Youth in Private Schools*, 6 *FRONTIERS PSYCH.* 1, 2 (2015) ("The pressure to gain admission to a selective college or university is one of the main factors identified in the popular and empirical literatures as driving the conditions that lead to high rates of chronic stress among high-achieving youth").

116. SELINGO, *supra* note 49, at 21.

117. *Id.*

118. SELINGO, *supra* note 52, at 18.

119. Williams, *supra* note 4.

120. See Minarcin, *supra* note 3, at 54 ("The Great Recession and the evolving economy has shown this generation that traditional careers, even steady ones like accounting and law, lack the security they once had; thus, Generation Z students are demanding education that is relevant and useful in obtaining employment.").

### Zoomers Are Motivated by Making a Difference

¶135 Gen Z want to change the world,<sup>121</sup> and they want their education to help them do so.<sup>122</sup> Zoomers have spent most of their lives exposed to “considerable human suffering” in real life and online,<sup>123</sup> following police violence, racism and white supremacy, protests, war, and climate change live on social media.<sup>124</sup> They are a “generation forged by trauma and loss.”<sup>125</sup> The reality of the world is not lost on Gen Z; “for them, America at times has resembled a dystopia.”<sup>126</sup> As a result, this generation is anxious, driven, pragmatic, money conscious, and motivated by making a difference.

¶136 Gen Z are politically progressive<sup>127</sup> and politically engaged.<sup>128</sup> The social and political issues they care about are deeply personal. A childhood surrounded by “rising inequality, discrimination, an endangered environment, and fractured politics”<sup>129</sup> has created a generation ready to engage and fight for the country they were promised but not given.<sup>130</sup> Already this generation has seen vocal activists fighting for political, economic, social, and human rights; take, for example, the recent wave of unionization at Starbucks across the country led by Gen Z baristas.<sup>131</sup> Zoomers are passionate about fighting racism, economic inequality, and climate change,<sup>132</sup> of which they are particularly anxious about regardless of political affiliation.<sup>133</sup>

121. See Time Video, *How Generation Z Will Change the World*, TIME (Apr. 23, 2018, 11:36 A.M.), <https://time.com/5250542/generation-z/> [<https://perma.cc/54FG-TLSG>].

122. SEEMILLER & GRACE, *supra* note 26, at 203.

123. KATZ, *supra* note 36, at 192.

124. SELINGO, *supra* note 49, at 8; see VOLPE, *supra* note 31, at 20 (“[A]s a consequence of an unfolding climate crisis, economic upheaval, gun violence, civil unrest, and increasingly brazen displays of intolerance, white nationalism, and hate, Zoomers have endured more adversity than any generation of young Americans in at least seventy years.”).

125. David Hogg, *Introduction to VOLPE*, *supra* note 31, at 1.

126. VOLPE, *supra* note 31, at 20.

127. See *id.* at 28; see also Parker et al., *supra* note 65 (describing Gen Z as liberal); Laura Barrón-López, *The Rise of Gen Z Could Foretell the Fall of Trumpism*, POLITICO (Oct. 11, 2020, 5:00 A.M.), <https://www.politico.com/news/2020/10/11/gen-z-fall-trumpism-gop-realignment-424171> [<https://perma.cc/TKJ3-56YQ>] (describing Gen Z as leaning left in their political opinions).

128. VOLPE, *supra* note 31, at 15 (“In November 2018, Generation Z and other young Americans exceeded even the rosiest expectations and turned out in historic fashion to vote Trumpism out of office, though they would have to wait two more years to do the same for its namesake. Voters under age thirty doubled their participation.”).

129. *Id.* at 17.

130. See *id.* at 20 (“The failure of older generations to resolve [challenges of economic upheaval, civil unrest, and racism] weighs heavy on them.”).

131. Liz Garone, *How Gen Z Baristas Are Spreading the Starbucks Unionization Effort*, TIME (Feb. 18, 2022, 12:39 P.M.), <https://time.com/6148475/starbucks-union-organizers-gen-z/> [<https://perma.cc/TZ6W-QZPJ>].

132. See Barrón-López, *supra* note 127 (“They rank climate change, racism, and economic inequality consistently in their top issues.”).

133. Alec Tyson et al., *Gen Z, Millennials Stand Out for Climate Change Activism, Social Media Engagement with Issue*, PEW RSCH. CTR., May 26, 2021, <https://www.pewresearch.org/science/2021/05/26/gen-z-millennials-stand-out-for-climate-change-activism-social-media-engagement-with-issue/> [<https://perma.cc/E4G5-ENA3>] (“[N]early seven-in-ten Gen Zers (69 percent) say they felt anxious about the future the most recent time they saw content about addressing climate change.”). In fact, *among*



¶37 Gen Z's diversity makes them more "attentive to inclusion," and they expect the same of higher education institutions.<sup>134</sup> Polls from the Pew Research Center show two-thirds of Zoomers believe Black people are treated "less fairly" than White people in the United States, and a majority approved of the NFL kneeling protest in support of Black Lives Matter.<sup>135</sup>

¶38 A common criticism of Gen Z is that they are "intolerant," disrespectful, easily offended youths—"snowflakes"—who require "safe spaces" and "trigger warnings."<sup>136</sup> This critique has also been lobbed at Millennials and, more broadly, liberals regardless of their age.<sup>137</sup> Studies have shown that Zoomers are more likely to "support limits such as free-speech zones, speech codes, and prohibitions on hate speech" when faced with speech challenging their values.<sup>138</sup>

¶39 Instead of characterizing this generation as entitled or intolerant, we could interpret Gen Z as devoted to creating positive social change. What older generations perceive as snowflake-ism could instead be seen as the Zoomers' demand for equitable and decent treatment. Gen Z isn't intolerant. They are *demanding tolerance*. They are seeking a more equitable, competent, antiracist world. To perceive this demand as entitlement, intolerance, or disrespect would be a mischaracterization. Despite being admitted to law schools over only the last five or so years, Gen Z has already demanded change in the academy. For example, in the summer of 2020, admitted 1Ls at the University of Michigan wrote to the law school administration "expressing disappointment at the lack of institutional response to incidents of violence and oppression in the Black community at large, and reported incidents of bias by the Black students on campus."<sup>139</sup>

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*Republicans*, generational differences in views are often quite pronounced. For example, 49 percent of Gen Z and 48 percent of Millennial Republicans (including Republican leaners) say action to reduce the effects of climate change need to be prioritized today, even if that means fewer resources to deal with other important problems; significantly fewer Gen X (37 percent) and Baby Boomer and older (26 percent) Republicans say the same.”).

134. SELINGO, *supra* note 49, at 9.

135. Parker et al., *supra* note 65.

136. See, e.g., CLAIRE FOX, I FIND THAT OFFENSIVE! (2016) (describing college students as “generation snowflake”); see also KATZ ET AL., *supra* note 36, at 160 (“[S]ome critics of postmillennials have proposed that Gen Z . . . is a fragile, coddled, or snowflake generation.”); U.S. Dep’t of Justice, *Attorney General Jeff Sessions Delivers Remarks to Turning Point USA’s High School Leadership Summit* (July 25, 2018) (“Rather than molding a generation of mature and well-informed adults, some schools are doing everything they can to create a generation of sanctimonious, sensitive, supercilious snowflakes.”).

137. See, e.g., Gravett, *supra* note 6, at 74 (“Besides narcissism, what the millennial generation is most (in)famous for is the effect thereof: entitlement. I and other law teachers increasingly experience a sense of entitlement among our millennial students—a sense that they deserve what they want, because they want it, they want it all and they want it now.”).

138. SELINGO, *supra* note 49, at 40.

139. Atkins, *supra* note 16, at 140.

## Zoomers Struggle with Critical Thinking

¶40 Gen Z's primary and secondary education failed to adequately teach them the critical thinking, reading, and analytical skills necessary for succeeding in law school. Their primary education revolved around "test-driven accountability policies,"<sup>140</sup> leaving students well equipped to memorize and regurgitate information but less able to critically think, read, or write. Because of federal education policy throughout the 2000s and 2010s, Zoomers have taken more standardized tests than any previous generation.<sup>141</sup> They started school in the era of the No Child Left Behind Act of 2001 (NCLB),<sup>142</sup> most notable for its introduction of regular standardized testing into America's public schools.<sup>143</sup> The NCLB Act's strategy was to regularly test children and hold their teachers responsible for improving their test scores in order to make every student "proficient" by 2014.<sup>144</sup> The law "more than doubled the number of federally required standardized tests," requiring annual tests in grades three through eight for reading and mathematics.<sup>145</sup>

¶41 In 2015, when the oldest Zoomers were already in college but the majority remained in primary and secondary school, NCLB was "effectively repealed" and replaced by the Every Student Succeeds Act (ESSA).<sup>146</sup> Under the ESSA, states must submit annual plans to the U.S. Department of Education to receive funding for education.<sup>147</sup> The ESSA retained the standardized testing requirements from its predecessor; to receive federal money for education, a state must administer standard examinations in math and English Language Arts (ELA) every year for grades three through eight plus once in high school and a science assessment once per set of three grade spans (3–5, 6–9, and 10–12).<sup>148</sup> As a result, in the 2018–2019 school year, all 50 states and the

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140. KEVIN G. WELNER & WILLIAM J. MATHIS, REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT: TIME TO MOVE BEYOND TEST-FOCUSED POLICIES 2 (2015), <https://nepc.colorado.edu/sites/default/files/nepc-policymemo-esea.pdf> [<https://perma.cc/3F7F-WHVD>].

141. "A typical student takes 112 mandated standardized tests between pre-kindergarten classes and 12th grade." Lyndsey Layton, *Study Says Standardized Testing Is Overwhelming Nation's Public Schools*, WASH. POST (Oct. 24, 2015), [https://www.washingtonpost.com/local/education/study-says-standardized-testing-is-overwhelming-nations-public-schools/2015/10/24/8a22092c-79ae-11e5-a958-d889faf561dc\\_story.html](https://www.washingtonpost.com/local/education/study-says-standardized-testing-is-overwhelming-nations-public-schools/2015/10/24/8a22092c-79ae-11e5-a958-d889faf561dc_story.html) [<https://perma.cc/P2QA-WVQG>].

142. The No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 (2001).

143. Schools began administering standardized tests like the Iowa Basic Skills Test and the California Achievement Test in the 1980s. In 1998, Marc Tucker, the president of the National Center on Education and Economy, wrote to then-First Lady Hillary Clinton a four-part plan for education reform that included a "national system of . . . examinations." 144 CONG. REC. 22,326 (1998). In 1994, President Bill Clinton signed the Improving America's Schools Act, reauthorizing the Elementary and Secondary Education Act (ESEA) first passed in 1965, and included the first federally mandated tests to "be administered at some time during grades 3 through 5; grades 6 through 9; and grades 10 through 12." Improving America's Schools Act, Pub. L. No. 103-382, § 1111, 108 Stat. 3518, 3525 (1994). For a history of standardized testing in America, see ANYA KAMENETZ, *THE TEST: WHY OUR SCHOOLS ARE OBSESSED WITH STANDARDIZED TESTING: BUT YOU DON'T HAVE TO BE* 39–112 (2014).

144. WELNER & MATHIS, *supra* note 140, at 2.

145. KAMENETZ, *supra* note 143, at 85.

146. Every Student Succeeds Act, 20 U.S.C. § 6301 note; Pub L. No. 114-95, 129 Stat. 1802 (2015).

147. *Id.* § 6311.

148. Under the ESSA, a state must implement "a set of high-quality student academic

District of Columbia administered some form of standardized testing beginning in grade three.<sup>149</sup>

¶42 Spoiler alert: the standardized testing strategy failed. Instead of “proficient” students, today we have a generation whose education revolved around being told “what to learn and how to learn it.”<sup>150</sup> Students learned material without the necessary context, taught by teachers who faced potential career-ending consequences for students who failed.<sup>151</sup> A decade or more removed from their early education, the legacy of the enormous pressure standardized tests put on children as young as eight endures, evidenced by Gen Z’s focus on achieving eventual educational and financial success.<sup>152</sup>

¶43 Because of widespread standardized testing, Gen Z students were taught to ace the test, not necessarily to think critically.<sup>153</sup> Millennials and Zoomers joke, “I can tell you the mitochondria is the powerhouse of the cell, but I can’t tell you how to file your taxes.”<sup>154</sup> It’s a joke, sure, but it gets to the heart of the problem with test-focused education systems: those who attended primary and secondary school after 2002 were taught to learn specific facts to answer questions correctly on standardized tests. Critical thinking, reading, analysis, and other skills moved to the backburner in favor of rote memorization.

### Zoomers Are Wary of Experts

¶44 Gen Z see their professors as “guides rather than authorities”<sup>155</sup> whose job it is to facilitate, not lecture. This professor-as-facilitator role requires good communication between the professor and student. It also requires guidance and feedback on assignments. Zoomers want a “helpful, responsive, practical educational environment” and look to their professors to create that space.<sup>156</sup> Professors can be a source of motivation, particularly if they are enthusiastic and involved.<sup>157</sup> Studies show that Gen Z students who believe their professors “care about them” are more motivated to engage with the

assessments” that are “administered to all public elementary school and secondary school students in the state.” These assessments must be administered according to a specific timeframe. 20 U.S.C. § 6311.

149. Catherine Gewertz, *What Tests Does Each State Require?*, EDUC. WEEK (Mar. 7, 2018), <https://www.edweek.org/teaching-learning/what-tests-does-each-state-require> [https://perma.cc/C8RS-J5LU].

150. Emily Grant, *Helicopter Professors*, 53 GONZAGA L. REV. 1, 16 (2017).

151. AMY L. KELLY, *THE HIGH STAKES OF TESTING: EXPLORING STUDENT EXPERIENCE WITH STANDARDIZED ASSESSMENT THROUGH GOVERNMENTALITY* 23–24 (2019).

152. *Id.* at 69–75 (describing children’s responses to standardized testing).

153. Grant, *supra* note 150, at 16.

154. See “*Mitochondria is the Powerhouse of the Cell*,” KNOW YOUR MEME, <https://knowyour-meme.com/memes/mitochondria-is-the-powerhouse-of-the-cell> [https://perma.cc/AL9G-3Z7M]; see also Logan (@LJD31), Twitter (Oct. 17, 2017, 6:36 P.M.), <https://twitter.com/LJD31/status/920418311246139393> (“‘You’re almost 22, you should have learned about taxes in high school.’ First of all, the mitochondria is the powerhouse of the cell.”).

155. KATZ ET AL., *supra* note 36, at 197.

156. Amy Chasteen Miller & Brooklyn Mills, “*If They Don’t Care, I Don’t Care*”: *Millennial and Generation Z Students and the Impact of Faculty Caring*, 19 J. SCHOLARSHIP TEACH. & LEARNING 78, 80 (2019).

157. SELINGO, *supra* note 49, at 27.

work.<sup>158</sup> Zoomers value feedback from their professors and want to receive it as quickly as possible.<sup>159</sup>

¶45 Professors often complain that their Millennial and Gen Z students are incapable of receiving negative feedback, reacting “with confusion and hostility” to constructive criticism.<sup>160</sup> But Zoomers, educated during the era of the NCLB Act and the ESSA, which rewarded correct answers and not process or strategy, have little experience receiving negative feedback. In fact, their entire educational upbringing made them see failure as a “catastrophe rather than an opportunity for learning and growth.”<sup>161</sup> If Gen Z students have negative responses when faced with feedback, professors need to teach their students how to “receive constructive criticism well”<sup>162</sup> and how to frame failure as an educational opportunity.<sup>163</sup>

¶46 Perhaps the most common criticism of the Millennial and Gen Z generations is their so-called entitlement and disrespect for authority figures. One professor writes, “Millennial students see professors less as intellectual leaders who are to be respected and more as simple gatekeepers—even impediments—on students’ path to education completion.”<sup>164</sup> But what professors may perceive as entitlement and disrespect from their Gen Z students could instead be a manifestation of their pragmatism and economic anxiety. Zoomers need to see the value in their education and want to ensure their money spent on tuition and other expenses serves a purpose.<sup>165</sup> They view higher education as a service they pay for and should therefore have some control over (in terms of what they are taught, when they are taught, and how they are treated).

### Zoomers Are Anxious and Depressed

¶47 Gen Z are very open about their mental health challenges, which appear to be more prevalent than in older generations—almost half of Zoomers are being treated for symptoms of depression.<sup>166</sup> More than 1 in 4 undergraduate and graduate students

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158. Miller & Mills, *supra* note 156, at 80.

159. SELINGO, *supra* note 49, at 27.

160. Gravett, *supra* note 6, at 75.

161. SELINGO, *supra* note 49, at 39 (“Students rarely see good models of failure in their daily lives because parents and teachers often hide their mistakes.”).

162. Graham, *supra* note 9, at 83. *But see* GEN HQ, *supra* note 30 (“[I]n 2018, we discovered that 2/3 of Gen Z need feedback from their supervisor every few weeks or more often in order to stay at their job.”).

163. See Kaci Bishop, *Framing Failure in the Legal Classroom: Techniques for Encouraging Growth and Resilience*, 70 ARK. L. REV. 959 (2018) (describing the importance of teaching students to be resilient in the face of failure); *see also* Catherine Martin Christopher, *Normalizing Struggle*, 73 ARK. L. REV. 27 (2020) (advocating for the normalizing of struggle and describing how law professors can do so in their classrooms).

164. Gravett, *supra* note 6, at 75.

165. Regina Pefanis Schlee et al., *From Millennials to Gen Z: Changes in Student Attitudes About Group Projects*, 95 J. EDUC. BUS. 139, 145 (2020).

166. VOLPE, *supra* note 31, at 23.

report mental health challenges,<sup>167</sup> with 1 in 3 first-time, full-time freshmen in 2018 reporting feelings of anxiety.<sup>168</sup> Nearly 90 percent of Zoomer undergraduates report education as a significant stressor.<sup>169</sup> Even before COVID-19, Zoomers were more likely to report poor mental health than any other generation,<sup>170</sup> and youth suicide rates had increased by almost half.<sup>171</sup>

¶48 Gen Z's mental health challenges may stem partially from a lifetime of "an unprecedented information overload about traumatic and disturbing events."<sup>172</sup> Take, for example, the impact of school shootings on Gen Z's mental health. These tragic events, once rare, are now so common that kindergarteners learn how to quietly hide from an active shooter before they learn how to tie their shoes.<sup>173</sup> School shootings have increased in frequency over the course of Gen Z's lifetime: the eldest of the Gen Z generation were toddlers when two high schoolers murdered their classmates and a teacher in the 1999 Columbine shooting<sup>174</sup> and, in the 24 years since, there have been over 350 shootings in America's public and private K-12 schools and universities<sup>175</sup> (and hundreds more in other public and private settings, like concert venues, grocery stores, and the like).<sup>176</sup> At least 338,000 children have experienced gun violence at school since Columbine, with at least 191 children and educators killed and over 414 injured in school shootings.<sup>177</sup>

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167. Sara Lipka, "I Didn't Know How to Ask for Help": Stories of Students with Anxiety, 64 CHRON. HIGHER EDUC. 14 (2018).

168. STOLZENBERG ET AL., *supra* note 69, at 10.

169. AM. PSYCH. ASS'N, STRESS IN AMERICA 2020: A NATIONAL MENTAL HEALTH CRISIS 4 (2020), <https://www.apa.org/news/press/releases/stress/2018/stress-gen-z.pdf> [<https://perma.cc/933T-3LSD>].

170. AM. PSYCH. ASS'N, STRESS IN AMERICA: GENERATION Z (2018), <https://www.apa.org/news/press/releases/stress/2018/stress-gen-z.pdf> [<https://perma.cc/N5WB-8CCN>] (citing gun violence, immigration, and sexual harassment as major causes of stress for Gen Z young adults). *But see* KATZ ET AL., *supra* note 36, at 162 ("The clear articulation of mental health issues raises the question as to whether this generation has greater mental health issues or is simply much better at naming their problems and seeking care.").

171. VOLPE, *supra* note 31, at 23 ("From an eight-year period of stability (2000 to 2007), the suicide rate began increasing as Gen Z aged into adolescence. When government researchers compared the period of 2007-2009 with 2016-2018, they found that suicide rates among youths increased by 47 percent.").

172. KATZ ET AL., *supra* note 36, at 164.

173. *See, e.g., ALICE Age-Appropriate Elementary School Training*, ALICE TRAINING, <https://www.alicetraining.com/our-program/alice-training/k12-education/age-appropriate/> [<https://perma.cc/K6HK-LHMD>] (describing a training program for elementary school children to respond to active shooters).

174. On April 20, 1999, two shooters killed 15 people at Columbine High School. *See* RALPH W. LARKIN, COMPREHENDING COLUMBINE 1 (2007).

175. John Woodrow Cox et al., *More Than 338,000 Students Have Experienced Gun Violence at School Since Columbine*, WASH. POST (Feb. 14, 2023), <https://www.washingtonpost.com/education/interactive/school-shootings-database/> [<https://perma.cc/C254-NFVW>].

176. At least 2,000 people have been killed or injured in a mass shooting in the United States since 1999. Chris Canipe & Travis Hartman, *A Timeline of Mass Shootings in the U.S.*, REUTERS GRAPHICS (Mar. 23, 2021), <https://graphics.reuters.com/USA-GUNS/MASS-SHOOTING/nmovardgrpa/> [<https://perma.cc/E99E-TA59>].

177. Cox et al., *supra* note 175.

¶49 Gen Z grew up watching these shootings play out on the national stage: first the initial news coverage, then the listing of the injured and dead, then the inevitable political fight to “do something” about America’s gun problem that would eventually come to a dead end with no solution.<sup>178</sup> School shootings have drastic psychological effects on those who live through them and can have an even wider impact—causing fear and anxiety—for those outside of the impacted community.<sup>179</sup> In 2018, around the time of the Parkland shooting,<sup>180</sup> 3 in 4 Zoomers were stressed because of mass shootings.<sup>181</sup>

¶50 The pandemic impacted everyone’s mental health, but Zoomers have been hit particularly hard. A recent study by the American Psychological Association found that Gen Z adults have had some of the highest stress levels during the pandemic and nearly three-quarters of Gen Z adults reported symptoms of depression.<sup>182</sup> Half of Gen Z teens “report that the coronavirus pandemic makes planning for their future feel impossible,”<sup>183</sup> and almost 50 percent report that the pandemic has made pursuing “educational or career goals more difficult.”<sup>184</sup>

¶51 More aware of the importance of mental health than previous generations, Gen Z prioritize self-care. For example, Zoomers were likely to consider quitting their jobs during “the Great Resignation,” leaving if they felt burned out, stifled, unproductive, or unappreciated.<sup>185</sup> In 2020, about one-third of Zoomers reported taking time off work because of stress or anxiety.<sup>186</sup> In school, Zoomers prioritize their mental health over their schoolwork, risking lower grades and late work in return for self-care.<sup>187</sup>

¶52 The mental well-being of their peers is important, too. “Safe spaces” and “trigger warnings,” while often ridiculed, are “elements of mental self-care and consideration of others.”<sup>188</sup> Trigger warnings alert students to upcoming content that might activate a

178. See, e.g. KATZ ET AL., *supra* note 36, at 164 note 14 (“I don’t understand why adults are so worried about social media. I’m much more likely to get killed at school than I am on Instagram.”).

179. Valentina Cimolai et al., *Effects of Mass Shootings on the Mental Health of Children and Adolescents*, 23 CURRENT PSYCHIATRY REPS. 1, 5 (2021) (“[D]irectly exposed survivors are not the only ones affected by mass shootings. The [communities] in which they occur get profoundly shaken and immediate response can include mass panic, loss of cohesion, and widespread anxiety.”).

180. On Valentine’s Day in 2018, a gunman opened fire at Marjory Stoneman Douglas High School in Parkland, Florida, killing 17 people, including 14 students. See Audra D.S. Burch & Patricia Mazzei, *Death Toll Is at 17 and Could Rise in Florida School Shooting*, N.Y. TIMES (Feb. 14, 2018), <https://www.nytimes.com/2018/02/14/us/parkland-school-shooting.html> [<https://perma.cc/26CE-N2VF>].

181. VOLPE, *supra* note 31, at 71.

182. AM. PSYCH. ASS’N, *supra* note 169, at 3.

183. *Id.* at 4.

184. *Gen Z and the Toll of the Pandemic*, AP (Dec. 6, 2021), <https://apnorc.org/projects/gen-z-and-the-toll-of-the-pandemic/> [<https://perma.cc/8VJL-YC4N>].

185. See Raisa Bruner, *Young People Are Leaving Their Jobs in Record Numbers—And Not Going Back*, TIME (Oct. 29 2021), <https://time.com/6111245/young-workers-quitting/> (describing Gen Z and Millennials leaving their jobs because of poor treatment, low wages, and burnout).

186. Sophia June, *Could Gen Z Free the World From Email?*, N.Y. TIMES (July 10, 2021), <https://www.nytimes.com/2021/07/10/business/gen-z-email.html%20/> [<https://perma.cc/73HT-53SP>].

187. See KATZ ET AL., *supra* note 36, at 167 (“Owning your vulnerability and inability to cope extends to the classroom, and students increasingly prioritize self-care over their studies, even if that means accepting lower grades because of incomplete or late assignments.”).

188. *Id.*

trauma response in those who have experienced or witnessed some catastrophic event, like “combat, violent crimes, sexual assault, kidnapping, natural disasters, car accidents, and imprisonment.”<sup>189</sup>

### Zoomers Are Independent and Self-Reliant

¶53 Zoomers are an individualistic generation. Perhaps a result of their access to an unprecedented amount of information and resources via the internet, they prefer intra-personal learning where they can “learn independently and at their own pace.”<sup>190</sup> They appreciate time to “puzzle through” or reflect on the material on their own before discussing it with their peers.<sup>191</sup>

¶54 Preferences for working with others is one of the greatest differences between the Millennial and Gen Z generations. Millennials famously enjoy collaboration,<sup>192</sup> and higher education has adapted to this preference, incorporating group projects and assignments and focusing on group discussion as a pedagogical tool.<sup>193</sup> Zoomers, “highly collaborative and social,”<sup>194</sup> often “prefer to work alone rather than in groups.”<sup>195</sup> These two preferences might appear contradictory, but collaboration for Gen Z just looks *different* from collaboration for Millennials.

¶55 When collaborating in school, Zoomers rely on digital tools; Google Docs and GroupMe allow them to work together without necessarily working *alongside* their peers.<sup>196</sup> For example, “instead of collaborating on the project verbally, they work independently next to each other on the same Google Doc.”<sup>197</sup> Zoomers may want time to obtain foundational information independently before coming together as a group to discuss.<sup>198</sup> While often preferring to work alone, they “enjoy group work when it

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189. Francesca Laguardia et al., *Trigger Warnings: From Panic to Data*, 66 J. LEGAL EDUC. 882, at 886–87 (2017).

190. SEEMILLER & GRACE, *supra* note 26, at 178; see Minarcin, *supra* note 3, at 51 (“This technological presence in their educational environment, along with Generation Z’s trait for self-reliance, contributes to their preference to work alone and makes intrapersonal learning one of the most preferred learning methods of this new generation of students.”).

191. SELINGO, *supra* note 49, at 28.

192. See, e.g., Emily A. Benfer & Colleen F. Shanahan, *Educating the Invincibles: Strategies for Teaching the Millennial Generation in Law School*, 20 CLINICAL L. REV. 1, 11 (2013) (“Millennial students prefer to learn in networks or teams.”); see also Kaplan & Darvil, *supra* note 11, at 180 (“Millennials do not want a passive learning environment. They want assignments that are hands-on and exploratory. In addition to using technology, legal research instructors should incorporate collaborative learning into their lessons. Collaborative work suits this generation’s style; because Millennials have grown up working in groups and playing on teams, they enjoy working with their peers.”).

193. See, e.g., Benfer & Shanahan, *supra* note 192, at 24–25 (“[I]ndependent learning elements and experiences should be integrated into group work so that independent thinking skills are developed in a comfortable setting.”).

194. KATZ ET AL., *supra* note 36, at 195.

195. Graham, *supra* note 9, at 67.

196. KATZ ET AL., *supra* note 36, at 17–18.

197. *Id.* at 181.

198. Minarcin, *supra* note 3, at 51–52.

involves creativity and applying new lessons.”<sup>199</sup> And when working in groups, Gen Z collaboration tends to be amorphous and leaderless.<sup>200</sup>

¶156 For Gen Z, group work can be a source of stress and anxiety. Students worry that other group members might not pull their weight in the assignment.<sup>201</sup> When it comes to grading, this pragmatic generation might balk at group work that impacts their grade.<sup>202</sup> Additionally, Zoomers must see the educational value in collaborative learning to take it seriously.

### Zoomers Are Easily Distracted

¶157 Some call Gen Z excellent multitaskers. But experts have debunked the myth of multitasking; in reality, no person is ever really able to multitask.<sup>203</sup> If anything, Zoomers are good at “task-switching”<sup>204</sup> or “dividing their attention between tasks.”<sup>205</sup> Where Millennials are accustomed to switching between two screens, Zoomers toggle between five.<sup>206</sup>

¶158 Task-switching or multitasking has an impact on the attention span; the average Gen Z attention span is about eight seconds.<sup>207</sup> This results in students who struggle to focus on long lectures or complex problems<sup>208</sup> and may leave students struggling to prioritize their work.<sup>209</sup> Zoomers might “power-browse,” or skim complex reading material in the way they skim social media.<sup>210</sup> Some new research suggests Gen Z’s brains are “wired to complex, sophisticated, visual imagery,” meaning they may prefer visual instruction.

### Zoomers Prefer In-Person Communication

¶159 Some older generations are concerned about Gen Z’s communication skills, especially given their technological saturation from an early age. For Gen Z, online and offline interactions are “interchangeable.”<sup>211</sup> Zoomers prefer texting over many other forms of

199. *Id.*

200. See KATZ ET AL., *supra* note 36, at 129 (“In collaborative work, Gen Zers ‘cannot understand why officers are needed if the organization can get its work done without such formality.’”).

201. Schlee et al., *supra* note 165, at 145 (explaining that Gen Z students are anxious that their group members will not produce quality work and do not enjoy the camaraderie in team projects).

202. *Id.* at 145.

203. See, e.g., Kirschner & Bruyckere, *supra* note 72, at 138 (“In general, research has shown that when thinking or any other form of conscious information processing is involved in carrying out a task, people are not capable of multitasking and can, at best, switch quickly and apparently seamlessly from one activity to another.”).

204. *Id.*

205. Graham, *supra* note 9, at 53.

206. *Id.*

207. Cameron & Pagnattaro, *supra* note 16, at 318.

208. Minarcin, *supra* note 3, at 53.

209. Kurt Meyer, *Teaching Legal Research to Today’s Digital Natives*, AALL Spectrum, Mar.-Apr. 2017, at 12, 14.

210. Graham, *supra* note 9, at 52 (internal citations omitted).

211. KATZ ET AL., *supra* note 36, at 12–13.



communication, and over one-third report sending “three thousand text messages per month—roughly one hundred messages a day.”<sup>212</sup> They find email “burdensome”<sup>213</sup> and voice calls anxiety inducing. But they still seek interpersonal connections, with over 80 percent of Zoomers preferring “face-to-face communication [that allows] them to connect better and read the other person.”<sup>214</sup>

### **Leveraging Gen Z’s Traits for More Effective Legal Research Pedagogy: 10 Strategies**

¶60 Understanding Gen Z’s upbringing and characteristics can help educators adjust their teaching strategies to better train Gen Z lawyers. Infusing pedagogy with a generational framework allows professors to “anticipate the challenges our students will face when entering our classrooms.”<sup>215</sup> Of course, generational theory is intention-ally *general*; while this blanket approach to discerning the traits of a group is useful for informing pedagogy, “meeting the diverse needs of diverse students requires an individualized approach.”<sup>216</sup> Professors should tailor their courses in ways that make the most sense for their individual students.

¶61 Law schools began matriculating Gen Z students in fall 2017; today, most law students are Zoomers.<sup>217</sup> A handful of articles discuss Gen Z law students, identifying the following suggestions for Zoomer-focused pedagogy:

- Incorporating critical reading instruction into each course<sup>218</sup>
- Using technology in the classroom thoughtfully<sup>219</sup>

212. Minarcin, *supra* note 3, at 48. *But see* Salma Alaa, *Gen Z Hates the Full Stop*, WRITING COOP. (Oct. 2, 2020), <https://writingcooperative.com/gen-z-hates-the-full-stop-47dde5ec2b5c> [<https://perma.cc/R2WP-CTL5>] (discussing the use of paragraphs versus sending sentences separately in individual text messages).

213. KATZ ET AL., *supra* note 36, at 15 (“For Gen Zers, emails, like business letters in the past, are for formal communications that require care over content and grammar, such as exchanges with professors and employers. Some students expressed an intense dislike of emailing, finding the composition of an email message—to a faculty member, for example—burdensome in its formality and too time-consuming.”).

214. SEEMILLER & GRACE, *supra* note 26, at 61.

215. Atkins, *supra* note 16, at 123.

216. Rebecca Flanagan, *Better by Design: Implementing Meaningful Change for the Next Generation of Law Students*, 71 ME. L. REV. 103, 118 (2018).

217. The average age of a 1L is between 22 and 24. Many members of the class of 2026, entering law school in fall 2023, will be born between 1999 and 2001. Gregory Yang, *How Age Affects Your Law School Application*, TIPPING THE SCALES (Apr. 3, 2019), <https://tippingthescales.com/2019/04/how-age-affects-your-law-school-application/#:~:text=According%20to%20numbers%20by%20LSAC,is%20between%2022%20and%2024> [<https://perma.cc/RLH7-LFMU>].

218. Graham, *supra* note 9, at 72–75 (describing ways for law professors to incorporate critical reading into all law school courses); *see also* Williams, *supra* note 16, at 219–23 (advocating for the buy-in of legal education stakeholders to address the problem of critical reading skills in law schools).

219. Graham, *supra* note 9, at 80–85 (advocating for more careful use of technology in law classrooms because of Gen Z’s attention span issues); *see also* Minarcin, *supra* note 3, at 59–63 (discussing multimedia learning and incorporating technology into the classroom).

- Offering opportunities for collaboration with a purpose<sup>220</sup>
- Providing opportunities for experiential learning<sup>221</sup>
- Focusing on “active learning” and moving away from the traditional lecture model of legal instruction<sup>222</sup>
- Committing to teaching lawyers skills in all courses, including providing the chance to practice legal writing across the curriculum<sup>223</sup>
- Providing individualized feedback<sup>224</sup>
- Creating space for students to practice mindfulness and self-care<sup>225</sup>
- Supporting students of color by creating “identity-safe” institutions and classrooms<sup>226</sup>

¶62 Those useful suggestions are not necessarily made with legal research instruction in mind. Below, I identify 10 tangible strategies for teaching Gen Z *research* better, supplementing the existing strategies outlined above.

### 1. Explain How Each Skill, Topic, or Resource Will Be Used in Legal Practice

¶63 Zoomers are motivated by financial security, by getting a good job after graduation. They enter law school with an average of \$30,000 in student loan debt from their undergraduate education alone<sup>227</sup> and will almost certainly take on more given the ever-increasing cost of attending law school.<sup>228</sup> Facing these financial burdens means

220. Graham, *supra* note 9, at 85–89 (explaining that unlike Millennials, Gen Z do not like collaboration and describing changes law professors can make to their collaborative learning pedagogies); see also Minarcin, *supra* note 3, at 64–66 (encouraging adding collaborative elements to law classes for Gen Z students).

221. Minarcin, *supra* note 3, at 69–70 (arguing for more experiential learning to appeal to Gen Z students); see also Atkins, *supra* note 16, at 164–67 (suggesting experiential learning as a useful pedagogical mode for Gen Z students).

222. Minarcin, *supra* note 3, at 60 (“To accommodate Generation Z, law professors will need to throw out long lectures, ‘surrender the soapbox,’ and make active learning the hallmark of classes.”).

223. Graham, *supra* note 9, at 75–80 (“Gen Z students have not grown up having the kind of rigorous writing experiences in their secondary and post-secondary education that many of their law professors had. . . . [T]hus, teaching critical writing across the curriculum must be a top priority for legal educators moving forward.”).

224. Janis & Hedges, *supra* note 16 (“[A]n effective training program for post-millennial lawyers should . . . [include] high-quality individualized feedback.”).

225. See Graham, *supra* note 9, at 89–94 (advocating for providing student services because of Gen Z’s mental health struggles).

226. See Atkins, *supra* note 16, at 160 (explaining how to identify safe classrooms after changing legal education on an institutional level).

227. See Emma Kerr & Sarah Wood, *See 10 Years of Average Student Loan Debt*, U.S. NEWS (Sept. 14, 2021, 9:00 AM), <https://www.usnews.com/education/best-colleges/paying-for-college/articles/see-how-student-loan-borrowing-has-risen-in-10-years#:~:text=College%20graduates%20from%20the%20class,in%20the%20amount%20students%20borrow> (“[C]ollege graduates from the class of 2019 who took out student loans borrowed \$30,062 on average. That’s around \$6,300 more than borrowers from the class of 2009 had to shoulder—representing a more than 26 percent increase in the amount students borrow.”).

228. See *Law School Costs*, LAW SCH. TRANSPARENCY, <https://data.lawschooltransparency.com/costs/tuition/> [<https://perma.cc/PD5N-KPR6>] (“[L]aw school tuition increases exceed the inflation rate between 1985 and 2019. . . . In other words, private law school was 2.76 times as expensive in 2019 as it

that Gen Z law students want to connect what they are learning with how it applies to future careers.

¶164 Meeting this demand in the classroom is as simple as explaining your pedagogy to your students. Gen Z “want their teachers to get to the point, immediately.”<sup>229</sup> Before teaching *how* to research in a particular area, explain *why* students are learning that research skill. Luckily, this should not be difficult for a class like legal research because legal research “underpins virtually everything that an attorney does.”<sup>230</sup>

¶165 To tap into Gen Z’s pragmatism, discuss the cost of legal research, both in terms of the amount paid to database vendors and the amount charged to clients for time spent researching. Emphasize the value of efficient research. Explain to students concerned with speed that internalizing various legal research strategies will make them more efficient and faster researchers, which will save them time and their clients’ money. Then, give students the opportunity to practice using secondary sources to underscore their importance as a time-and-money-saving strategy. Remind students that efficient researchers are more effective advocates. By appealing to students’ pragmatism in this way—by explaining why a skill will be useful in the “real world”—Gen Z law students will be more engaged in their learning.<sup>231</sup>

## 2. Use Short, Prerecorded Lectures to Flip Your Classroom

¶166 Zoomers have short attention spans—approximately eight seconds.<sup>232</sup> They were “born into a world where algorithms keep them clicking, scrolling, and swiping at a frenetic pace.”<sup>233</sup> When it comes to in-class instruction, shorter lectures are probably best. Even better? Eliminate your lectures and flip your classroom.<sup>234</sup>

¶167 In a flipped classroom, students learn the content on their own time and use in-class time to practice applying that material.<sup>235</sup> The modern flipped classroom

was in 1985 after adjusting for inflation. . . . Public school was 5.92 times more expensive in 2019 as it was in 1985 after adjusting for inflation.”).

229. Janis & Hedges, *supra* note 16.

230. Barbara Bintliff, *Introductory Essay*, in *THE BOULDER STATEMENTS ON LEGAL RESEARCH EDUCATION: THE INTERSECTION OF INTELLECTUAL AND PRACTICAL SKILLS* (Susan Nevelow Mart ed., 2014).

231. See, e.g., Crichton, *supra* note 16, at 11 (“It also requires us to show and tell students how the research, analysis, writing, and advocacy skills they are learning in the legal writing course are transferrable and can help them to create legal documents to effect positive legal and social change.”).

232. Cameron & Pagnattaro, *supra* note 16, at 318.

233. Nicholas Mancall-Bitel, *How Can a Distracted Generation Learn Anything?* BBC (Feb. 20, 2019), <https://www.bbc.com/worklife/article/20190220-how-can-a-distracted-generation-learn-anything/> [<https://perma.cc/T7VQ-VUGS>].

234. See, e.g., Minarcin, *supra* note 3, at 49–50 (“Generation Z students will not learn as effectively from sitting at their desks reading or listening. . . . This new group of students also have a marked preference for learning visually through instructional videos and by acquiring hands-on experience.”); see also SELINGO, *supra* note 49, at 25 (“Some innovations in teaching, like the flipped classroom . . . suit the habits of incoming students.”).

235. JONATHAN BERGMANN & AARON SAMS, *FLIP YOUR CLASSROOM: REACH EVERY STUDENT IN EVERY CLASS EVERY DAY* (2012); see also Alyson Drake, *The Need for Experiential Legal Research Education*, 108 *LAW LIBR. J.* 511, 530–31 (2016) (“A flipped classroom is one where most or all the lecture components of the course takes place prior to class. The information that the students would get in the lecture

involves students watching prerecorded lectures on a topic before coming to class. This model is well suited to Zoomer law students, who prefer learning via video and turn to YouTube to supplement their education.

¶168 Flipped classrooms have many benefits. First, prerecorded lectures are flexible and give typically overworked and overbooked law students more control over their schedules because they can watch videos anytime and anywhere. Students can watch a video as many times as necessary to understand the key concepts<sup>236</sup> and have the option to watch videos on faster or slower speeds depending on their preferences.<sup>237</sup> Students appreciate this flexibility and enjoy having more control over their learning.

¶169 If not carefully designed, a flipped classroom is not necessarily effective.<sup>238</sup> For example, poor audio and video quality reduce the effectiveness of prerecorded lectures,<sup>239</sup> so instructors should take care to produce high-quality content. Students engage less with videos when they are too long; researchers recommend each video be no longer than 20 minutes.<sup>240</sup> Embedding formative quiz questions throughout or at the end of a video may encourage students to pay attention to the content. The nature of video lectures means that students with content-based questions are unable to immediately ask questions. To remedy this, professors can utilize discussion boards to provide feedback or at least to track student questions that can be answered during class time.<sup>241</sup>

### 3. Rethink Group Work

¶170 Zoomers enjoy collaborative work but “on their own terms,” preferring time to learn independently before working with others.<sup>242</sup> When adapting to the Millennial preference for collaboration, “many law professors put students in pairs or groups for class presentations, drafting exercises, peer editing, and a host of other teaching and learning strategies.”<sup>243</sup> Despite the prevalence of Zoomers in law classrooms, professors, so accustomed to Millennials, have not yet changed their strategies. Now is the time to rethink group work in the legal research classroom.

¶171 This does not mean that professors should abandon group work altogether; indeed, collaboration and communication in a team setting are important lawyering

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during a traditional research course is conveyed through some combination of their textbook, videos, and pre-class assignments. This format frees up most of the class time for skills practice.”).

236. See Daniel Ferguson, *The Gamification of Legal Education: Why Games Transcend the Langdellian Model and How They Can Revolutionize Law School*, 19 *CHAP. L. REV.* 629, 648 (2016) (“If students fail to understand material the first time around, they can watch a lecture again without having to ask the professor to repeat the material in class and using other students’ time.”).

237. Some students prefer to watch prerecorded lectures at double or triple speed to remove temptations to multitask and force them to pay closer attention. KATZ ET AL., *supra* note 36, at 22.

238. Gökçe Akçayır & Murat Akçayır, *The Flipped Classroom: A Review of Its Advantages and Challenges*, 126 *COMPUTS. & EDUC.* 334, 338 (2018).

239. *Id.* at 341.

240. *Id.*

241. See generally *id.*

242. SEEMILLER & GRACE, *supra* note 26, at 207.

243. Graham, *supra* note 9, at 85.

skills. Instead, provide “adequate time to work on the task solo first”<sup>244</sup> to allow Zoomer students to become comfortable with the material, and then have students meet in groups later. This method, commonly referred to as “pair and share,” can facilitate conversation and “increase Gen Z students’ comfort level for working together.”<sup>245</sup>

¶72 Long-term group projects, especially those that will impact grades, are anxiety-producing. Zoomers worry that group members might not carry their weight for the team.<sup>246</sup> To remedy this anxiety, “make each student responsible for a fraction of the project” to encourage accountability.<sup>247</sup> Alternatively, consider making group work ungraded to encourage students to focus on practicing their collaborative skills without the added pressure of an assessment.

¶73 Lastly, the flipped classroom model provides Zoomer law students the chance to learn independently before collaborating or discussing with their classmates. By omitting the traditional lecture portion of class, professors can demonstrate research strategies and assist students with honing their research skills, which appeals to Gen Z’s “preferences for experiential learning as well as collaborate and intrapersonal learning.”<sup>248</sup>

#### 4. Incorporate Low-Stakes Writing Assignments to Practice Communicating Research Findings

¶74 Communicating research findings is an important yet often underdeveloped lawyering skill. A 2016 ethnographic study of junior law firm associates found that in contrast to the first-year legal writing class, which teaches formal brief writing, junior associates “more often summarized research findings in informal email communications to supervising attorneys.”<sup>249</sup> This skill can be practiced in legal research classes. Students sometimes respond with confusion when asked to write in a “research” class; they see the skills as separate, divorced from one another. But legal research and legal analysis are intertwined,<sup>250</sup> and students need to be able to succinctly communicate their research findings to their supervisors and colleagues.

¶75 Zoomers do not like to email, finding it burdensome and time-consuming.<sup>251</sup> Some professors and supervisors find Zoomers’ email communications unprofessional.<sup>252</sup> While not “writing” courses, legal research classes can nonetheless fill this gap by

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244. *Id.* at 86.

245. *Id.*

246. See Schlee et al., *supra* note 165, at 145 (“Gen Z students are less likely than Millennials to trust others with matters important to them. . . . Gen Z is more likely to believe that ‘Group projects bring out the worst in people’ than Millennials.”).

247. SELINGO, *supra* note 49, at 29.

248. *Id.* at 50.

249. Ann Sinsheimer & David J. Herring, *Lawyers at Work: A Study of the Reading, Writing, and Communication Practices of Legal Professionals*, 21 L. WRITING J. 63, 99 (2016).

250. See Alyson M. Drake, *Building on CREAC: Reimagining the Research Log as a Tool for Legal Analysis*, 52 U. MEM. L. REV 52, 60 (2021) (“There are a number of research tasks unique to the law that are inherently analytical.”).

251. KATZ ET AL., *supra* note 36, at 15; see also June, *supra* note 186 (“[M]embers of Gen Z do seem to agree with their elders on one thing: Email. Ugh.”).

252. See, e.g., Brittney Cooper (@ProfessorCrunk), TWITTER (Jan. 12, 2021, 10:17 AM), [https://](https://twitter.com/ProfessorCrunk)

requiring students to draft emails that summarize their research findings after completing a short research task. Students can learn strategies for formatting emails so that they are easy to digest and quick to read.<sup>253</sup>

### 5. Give Regular Individual Feedback

¶176 Zoomers need and want regular feedback.<sup>254</sup> Law professors grumble that their students react poorly when provided with constructive criticism. But Zoomers were not taught how to receive negative feedback and learned—through unrelenting standardized testing—that failure is catastrophic. They must be given the opportunity to respond to feedback in the classroom to become better at receiving constructive criticism. To prepare students for gracefully accepting feedback in the workplace and to meet their need for regular feedback in the classroom, instructors should make high-quality, structured, individualized feedback a priority. And they should give this feedback as quickly as possible.<sup>255</sup>

¶177 Zoomers may prefer formative assessment given their preference for face-to-face conversations where they can connect to the other speaker.<sup>256</sup> Formative assessment focuses on “student learning, primarily through feedback” and helps students learn how to improve their research skills.<sup>257</sup> The typical feedback law students receive in their doctrinal courses is summative.<sup>258</sup> Importantly, the American Bar Association (ABA)’s Standards and Rules of Procedure for Approval of Law Schools requires *both* modes of feedback.<sup>259</sup>

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twitter.com/ProfessorCrunk/status/1349012729936412676?s=20&t=NYg1H30X1RQVdIT-MywZmg [https://perma.cc/X93S-RE8B] (“Why don’t modern college kids know how to send a formal letter/email? I thought everyone knew to begin Dear Prof. X or Dear Dr. X. Instead, these kids stay emailing me Hello There! Or Hello (no name): Why are they like this?”); *see also* James Goodnow, *Resistance Is Futile: Millennial Lawyers Are Invading and Are Ready to Eat Your Lunch—With a Latte*, 54 ARIZ. ATT’Y 14, 18 (2017) (“Millennials also typically communicate in a more casual manner than people from previous generations, which often gets misinterpreted as disrespectful or unprofessional.”).

253. For example, students can read articles about drafting effective emails or read sample emails and identify what is and is not effective about them. Readings to consider include: CHRISTINE COUGHLIN ET AL., *A LAWYER WRITES: A PRACTICAL GUIDE TO LEGAL ANALYSIS* 295–304 (2d ed. 2013); Joe Regalia, *A Young Attorney’s Most Important Writing: Emails*, ABA STUDENT LAW. (Sept. 14, 2017), <https://abaforlawstudents.com/2017/09/14/young-attorneys-important-writing-e-mails/> [https://perma.cc/WS7N-YRMR].

254. *See* GEN HQ, *supra* note 30, at 18 (“. . . 2/3 of Gen Z need feedback from their supervisor every few weeks or more often to stay at a job.”).

255. SELINGO, *supra* note 49, at 27.

256. SEEMILLER & GRACE, *supra* note 26, at 61.

257. Shawn G. Nevers, *Assessment in Legal Research Education*, in *THE BOULDER STATEMENTS ON LEGAL RESEARCH EDUCATION: THE INTERSECTION OF INTELLECTUAL AND PRACTICAL SKILLS* 81, 82–83 (Susan Nevelow Mart ed., 2014).

258. “Summative assessment methods are measurements at the culmination of a particular course or at the culmination of any part of a student’s legal education that measure the degree of student learning.” ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Standard 314 (2021–2022) [*hereinafter* ABA STANDARDS].

259. *Id.*

¶178 One strategy for providing the kind of individualized, structured, immediate feedback that Gen Z crave is through “live critique,” wherein a professor gives feedback to a student’s work as they review it together.<sup>260</sup> This face-to-face interaction makes for an “active and personal” learning experience in which each student learns *why* something is or is not correct and how to improve in the future, not simply *if* the answer is right.<sup>261</sup> Live critique may function best without grades to reduce the stress associated with negative feedback.<sup>262</sup>

¶179 In the legal research classroom, a “live critique” assignment could have students meet their professor individually, researching while the professor observes and gives immediate feedback and suggestions for improvement.<sup>263</sup> This kind of formative assessment has the added benefit of teaching Zoomers uncomfortable with criticism “how to interact with a superior in a professional setting.”<sup>264</sup>

## 6. Connect Class to the Causes Gen Z Cares About by Partnering with Local Legal Organizations

¶180 Zoomers respond to and care about real-world events; nearly 3 in 4 Zoomers report that they are motivated by their passions.<sup>265</sup> And because they spend money as an “extension of their activism,”<sup>266</sup> they want to see their tuition money connected to the causes they care about. Professors can tap into this desire by structuring their course to “appeal to students’ social justice values and interests.”<sup>267</sup>

¶181 “Skills” courses like legal research are the ideal space for real-world immersive learning. To connect to Gen Z’s values and appeal to their pragmatic, how-will-this-help-me-in-my-career worldview, legal research professors should consider the public interest partnership model of legal education.<sup>268</sup> Public interest partnerships allow law students to work directly with nonprofit legal organizations, completing legal research

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260. See Amanda L. Sholtis, *Say What?: A How-to Guide on Providing Formative Assessment to Law Students through Live Critique*, 49 STETSON L. REV. 1 (2019) (outlining how live critique could work in a law school classroom).

261. *Id.* at 7.

262. SELINGO, *supra* note 49, at 39.

263. The Cardozo School of Law has utilized this formative assessment approach for the last year and has seen great success.

264. Sholtis, *supra* note 260, at 8.

265. SEEMILLER & GRACE, *supra* note 26, at 57.

266. Atkins, *supra* note 16, at 124.

267. SEEMILLER & GRACE, *supra* note 26, at 203.

268. See, e.g., Nantiya Ruan, *Experiential Learning in the First-Year Curriculum: The Public-Interest Partnership*, 8 LEGAL COMM. & RHETORIC 191 (2011) (outlining a plan wherein 1Ls work with local nonprofits during their first-year writing class); see also Mary Nichol Bowman, *Engaging First-Year Students Through Pro Bono Collaborations in Legal Writing*, 62 J. LEGAL EDUC. 586 (2013) (describing a program wherein 1Ls work with a local legal services organization during their legal writing class); Alyson Drake & Brie Sherwin, *Service-Learning in the First Year Research and Writing Classroom*, in INTEGRATING DOCTRINE & DIVERSITY: INCLUSION AND EQUITY IN THE LAW SCHOOL CLASSROOM 287 (Nicole P. Dyszlewski et al. eds., 2021) (describing a partnership between social justice legal organizations and 1L legal research and writing courses).

tasks that aid the organizations' work.<sup>269</sup> In addition to appealing to students' social justice values, this kind of course would satisfy an experiential learning requirement, of which the ABA requires at least six credit hours per law student.<sup>270</sup>

¶82 Using the public partnership model, professors contact local nonprofits or public interest organizations and offer to have their students research legal authorities and analyze legal issues relevant to ongoing projects at the organization. The professor then creates a fact pattern based on a legal issue the organization needs answering and assigns the problem to students. The students research and draft a written response and present their findings to the organization.<sup>271</sup> This exercise lets Zoomer students "engage in the kind of work that drew them to law school in the first place"<sup>272</sup> by giving them the opportunity to research law in a way that is more impactful. Connecting legal research skills to the issues Gen Z cares most about will make students more invested in their coursework and "create powerful, effective advocates and future lawyers who are trained and ready to take on social justice issues upon graduating."<sup>273</sup>

## 7. Embrace Google

¶83 While instructors should never assume preexisting foundational knowledge, they should also not discount the fact that their law students are adults with nearly two decades of formal education and life experiences, who enter the classroom with histories and backgrounds in various fields and skills. Professors should teach from an understanding of what their students already know.<sup>274</sup> For Gen Z, that is Google.

¶84 Discounting Google is futile; professors who tell students not to trust internet resources are typically ignored (or worse, thought of as technologically inept). By disparaging Zoomer students' internet and technology skills, professors perpetuate a kind of "generational arrogance" that holds the old tools as the most important ones.<sup>275</sup> Zoomers are *going to use Google* for legal research, no matter how many times they are told not to. Google is familiar. It is comfortable. And it is free. Instead of shouting into the void about the problems with Google, professors must embrace Google. After all, doesn't the instinct to use Google indicate the kind of curiosity we want to foster in our students: "asking new questions, seeking new answers"?<sup>276</sup>

¶85 Part of encouraging Gen Z's existing skills is helping them to become better, more critical Googlers. Gen Z's education prepared them for memorization and standardized test taking; skills like critical thinking and reading were deprioritized. Assuming "digital natives" are technologically gifted based purely on their age obscures

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269. Ruan, *supra* note 268, at 193.

270. ABA STANDARDS, *supra* note 258, Standard 303.

271. Ruan, *supra* note 268, at 204–08.

272. Atkins, *supra* note 16, at 166.

273. *Id.* at 157.

274. See generally Haseltine, *supra* note 11, at 8–9 (explaining the importance of recognizing Google's usefulness to Millennial law students).

275. See, e.g., TOM KOULOPULOS & DAN KELDSSEN, THE GEN Z EFFECT: THE SIX FORCES SHAPING THE FUTURE OF BUSINESS 56 (2016).

276. Mancall-Bitel, *supra* note 233.



their need for support in developing information and digital literacy skills. Zoomers often value finding the “quick answer [rather than the] correct one.”<sup>277</sup> With assistance from their professor, Zoomers can become better at analyzing and selecting sources of information online.

¶86 In creating better Googlers, professors and students should discuss the usefulness and drawbacks to keyword scanning in a text. Zoomers tend to read in a nonlinear manner and are excellent at keyword spotting and browsing.<sup>278</sup> When researching, they are likely to gather a long list of possible sources and then skim for an obvious answer.<sup>279</sup> For example, Zoomers might “power browse,” opening dozens of possible resources in multiple tabs to review. This behavior can result in the researcher missing a relevant piece of authority from the long list of potential sources.<sup>280</sup>

¶87 Legal research professors should discuss power browsing behaviors with their students. There are benefits to keyword spotting and scanning when researching, like quickly identifying a relevant authority by skimming for keywords. But there can be drawbacks, too, like when the researcher is scanning for keywords that are not used in a source. Research classes should discuss these two potential outcomes and brainstorm together about when power browsing is a tool and when it might be a hurdle.

¶88 Finally, encouraging smart online searching may help students to recognize the importance of legal research as a skill. Upon entering law school, Zoomers might think that “the skills necessary to conduct a Google search are the same skills needed to conduct thorough and accurate legal research.”<sup>281</sup> Confident in their Google skills, they may see research instruction as a waste of time. When professors embrace Google, Zoomers can reframe their view of the importance of the course. After all, a client can Google the law. It is lawyers’ specialized research knowledge and skill that make them professionals (and pay their bills—remember, Zoomers are pragmatic).

## 8. Teach Research Process, Not Database Mechanics

¶89 The organization of legal information online can be confusing to those who have not conducted legal research in print.<sup>282</sup> Some scholars theorize this is because legal information is now accessed almost entirely online, meaning law students of the past few years and foreseeable future rarely, if ever, perform book-based legal research.<sup>283</sup>

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277. Ellie Margolis & Kristen Murray, *Information Literacy for the Next Generation*, 23 LEGAL WRITING 11, 12 (2019).

278. Williams, *supra* note 16, at 198.

279. *Id.* at 199.

280. Dalton, *supra* note 11, at 182, citing Nicholas Carr, *Is Google Making Us Stupid? What the Internet Is Doing to Our Brains*, ATLANTIC (July–Aug. 2008), <http://www.theatlantic.com/magazine/archive/2008/07/is-google-making-us-stupid/306868/> [<https://perma.cc/MF5B-MCGR>]; see also Williams, *supra* note 16, at 199 (describing the issues with power browsing when conducting legal research).

281. Kaplan & Darvil, *supra* note 11, at 163–64.

282. See Patrick Meyer, *The Google Effect, Multitasking, and Lost Linearity: What We Should Do*, 42 OHIO N.U.L. REV. 705, 706 (2016) (“The online environment lacks the structure necessary for students to learn and understand the legal system, which impedes their ability to properly choose the legal sources they need to access for research purposes.”).

283. See generally *id.* (describing the challenges students face when learning about the structure

Understanding the organization of legal information is crucial to the task of legal research and can make researching more organized and efficient. A common response to this problem is to teach print-based research to ensure students understand the structure of the legal system.<sup>284</sup> But focusing on print sources that are so rarely used in real life by practicing attorneys<sup>285</sup> is unnecessary and, at worst, a waste of precious in-class instruction time. Instead, teach the format and layout of legal information *without* returning to book research by reframing the goal of instruction to create “technologically resilient” graduates—lawyers who can “use existing technology successfully” and “approach new technology thoughtfully and with an open mind.”<sup>286</sup>

¶190 Technologically resilient legal researchers need to know how to navigate legal research databases on their own. Because Gen Z law students have some familiarity with search engines and strategies, we can let them learn for themselves where to click in a database and focus class instruction on understanding legal authority and sources of legal information.<sup>287</sup> Shifting our focus away from teaching the mechanics of the databases will result in technologically resilient graduates for a few reasons. First, the databases are arguably “designed to be self-taught.”<sup>288</sup> Second, the functionality of legal research databases changes quite regularly,<sup>289</sup> meaning that law students taught the mechanics of Westlaw in 2022 may find themselves relearning the mechanics of a new Westlaw in 2027. This is not to say that research demonstrations should fall by the wayside, but instead they should be reserved for the more complicated aspects of online research.<sup>290</sup>

¶191 Research instruction should focus more on research *strategy* than database function. A common first step of an inexperienced legal researcher on the hunt for case

of legal information using online sources).

284. *Id.* at 710 (“In order to most effectively teach new students’ legal structure, there will be instances when we should teach print-based research.”).

285. Less than 1 percent of attorneys reported *not* working primarily on computers in 2020. ABA, 2020 LEGAL TECHNOLOGY SURVEY REPORT, VOL. III: LAW OFFICE TECHNOLOGY 12 (2020).

286. Iantha M. Haight, *Digital Natives, Techno-Transplants: Framing Minimum Technology Standards for Law School Graduates*, 44 J. LEGAL PROF. 175, 216 (2020).

287. See *Boulder Statement on Legal Research Education: Signature Pedagogy Statement*, in THE BOULDER STATEMENTS ON LEGAL RESEARCH EDUCATION: THE INTERSECTION OF INTELLECTUAL AND PRACTICAL SKILLS 255, 256 (Susan Nevelow Mart ed., 2014) (“We teach an intellectual process for the application of methods for legal research by: . . . (2) showing the relationship of legal structure to legal tools and evaluating the appropriate use of those tools.”).

288. Torea Randall, *Meet Me in the Cloud: A Legal Research Strategy That Transcends Media*, 19 LEGAL WRITING 127, 134 (2014).

289. See Susan Nevelow Mart, *Teaching the Benefits and Limits of Human Classification and Machine Algorithms: Theory and Practice*, in THE BOULDER STATEMENTS ON LEGAL RESEARCH EDUCATION: THE INTERSECTION OF INTELLECTUAL AND PRACTICAL SKILLS 153 (Susan Nevelow Mart ed., 2014) (“In the realm of legal research resources, because they change so quickly, it is not sufficient to teach students how to use the interface or resources they see today. The interface will be different tomorrow. One legal publisher will be purchased by another. The format for accessing a particular resource will change. A tool available online in law school might only be available in print at the workplace.”).

290. For example, students mostly know how to use a search bar for natural language searches and do not need in-class instruction on this use of a database. They could instead be directed on how to use advanced search features, how to browse by content type, and how to use Boolean searching.

law, for example, is to search for case law directly on Westlaw or Lexis using keywords and perhaps a jurisdictional filter. Seasoned researchers and librarians know that this kind of direct case law search is among the less productive ways a researcher can begin.

¶192 Consider, as an example, teaching students about statutory research. Before class, students watch a recorded lecture that explains the format of the U.S. Code, the process of deciding which statute is placed where in the Code, and the way different statutes codified in a chapter function together. In class, the professor briefly highlights the various strategies for locating statutes and performing statutory research. Equipped with this information, students begin an exercise, independently navigating the Code on Westlaw, Lexis, or whatever other research tool they want to use. After several minutes of working independently, students discuss with a partner their strategies for locating relevant statutes. At the end of class, students can demonstrate their research strategies and discuss the best ways to navigate the databases.

¶193 If our goal is technological resilience, we want our students to gain transferrable research skills: skills that they can adapt over time “so that they can refine and iterate the research process to completion.”<sup>291</sup> This kind of adaptability is difficult<sup>292</sup> but important to teach to help Gen Z students be more efficient and creative legal researchers and attorneys in the long term.

## 9. Intentionally Teach Critical Legal Research

¶194 It remains essential that legal research professors teach “critical perspectives about information.”<sup>293</sup> In particular, professors should devote class time to Critical Legal Research theory (CLR).<sup>294</sup> CLR, law librarianship’s response to other forms of critical theory like Critical Race Theory and Critical Legal Studies, encourages the deconstruction and questioning of the arrangement and accessibility of legal information.<sup>295</sup> For Zoomers who struggle with critical skills and information literacy because of their early education, class discussions about CLR will help them better evaluate sources and hone their analytic and metacognitive skills “in a practical and realistic context.”<sup>296</sup>

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291. Mart, *supra* note 289, at 153–54.

292. See Haight, *supra* note 286, at 217 (“Adaptability is a difficult skill to teach, but legal educators can cultivate curiosity and help students gain confidence, both of which help develop adaptability.”).

293. Julie Krishnaswami, *Critical Information Theory: The New Foundation for Teaching Regulatory Research*, in *THE BOULDER STATEMENTS ON LEGAL RESEARCH EDUCATION: THE INTERSECTION OF INTELLECTUAL AND PRACTICAL SKILLS* 175, 178 (Susan Nevelow Mart ed., 2014).

294. See, e.g., Nicholas F. Stump, *Following New Lights: Critical Legal Research Strategies as a Spark for Law Reform in Appalachia*, 23 AM. U. J. GEN. & SOC. POL’Y L. 573, 600–21 (2015) (providing an overview of Critical Legal Research theory). See generally Richard Delgado & Jean Stefancic, *Why Do We Ask the Same Questions? The Triple Helix Dilemma Revisited*, 99 LAW LIBR. J. 307 (2007) (analyzing the impact of computer-assisted legal research on law reform).

295. See, e.g., Stump, *supra* note 294; see also Nicholas Mignanelli, *Critical Legal Research: Who Needs It?*, 112 LAW LIBR. J. 327 (2020).

296. Krishnaswami, *supra* note 293, at 178.

¶195 Critical Legal Studies argues that legal doctrine is indeterminate and incoherent, and that legal reasoning is a myth.<sup>297</sup> In response, CLR's purpose is to make visible the underlying decisions and biases that inform the structure of legal information and research tools. CLR encourages the researcher to question the amount of control our "research tools assert over research practice and legal thinking"<sup>298</sup> and how these tools can serve to "stifle legal innovation and law reform."<sup>299</sup>

¶196 Doctrinal law classes teach law *and* legal theory. There is no reason that skills classes like legal research cannot do the same. And there are practical reasons for teaching CLR. Researching within a CLR context will encourage Zoomers to not have "blind faith or an uncritical reliance on technology"<sup>300</sup> and to continue to rely on self-learning (which, in turn, can create technologically resilient, adaptable lawyers). Professors should explain that Westlaw's and Lexis's algorithms, while proprietary, are different from the search algorithms they are already comfortable with (Google), and that search results may not appear in a logical order. With this insight, students will think more critically about the results they select in their searches.

¶197 CLR can help students "develop comfort with the unknown or unforeseeable" by forcing them to grapple with the idea that "history produces unforeseeable outcomes."<sup>301</sup> This kind of instruction involves stressing to students that the sources they find are "not equivalent to a whole universe of information or even a random subset, but rather to that particular universe found economically, politically, and/or personally expedient or essential to publishers, editors, and librarians."<sup>302</sup> Zoomers look for the quick, obvious answer in their research. Of course, legal research has no quick or obvious answer. This results in student frustrations when researching. With CLR insights, students can contextualize their search results and begin to understand why they might not find the answer to a particular legal inquiry.

¶198 Some legal research instructors might already use a CLR or similar framework in their instruction. This article is advocating for *explicitly* teaching about CLR in the classroom, not just teaching the skills and theory without naming CLR. As previously mentioned, Zoomers are pragmatic; they want to know *what* they are learning and *how* it connects to their careers.

¶199 Following discussions about the control that tools like Westlaw and Lexis assert over legal research, students may be better able to understand why they get a particular set of search results and to question their research strategies along with the results themselves. They will be more aware of the impact of their online searching on legal

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297. Steven M. Barkan, *Deconstructing Legal Research: A Law Librarian's Commentary on Critical Legal Studies*, 79 LAW LIBR. J. 617, 618 (1987) ("Much of the [Critical Legal Studies] enterprise has focused on three interrelated subjects: the incoherency and indeterminacy of legal doctrine, the myth of legal reasoning, and the nature and effects of categorizing legal problems.").

298. *Id.*

299. Mignanelli, *supra* note 295, at 331.

300. Krishnaswami, *supra* note 293, at 182.

301. *Id.*

302. Jill Anne Farmer, *A Poststructuralist Analysis of the Legal Research Process*, 85 LAW LIBR. J. 391 (1993).

innovation and be encouraged to research offline or in nonlegal spaces. With a base understanding of CLR, law students can be encouraged to, for lack of a better phrase, think outside the search box.

### 10. Make It Clear That You Care

¶100 Zoomers arrive in the classroom with certain expectations. They expect a diverse, inclusive environment that is respectful of all.<sup>303</sup> They expect to engage with the outside world and talk about their passions. They expect their professors to encourage them to do their best work. They expect flexibility and recognition of their humanity. All of this can be summed up in one word: caring. Zoomers want to see that their professors *care*.

¶101 The idea of professors “caring” in academia is often considered “motherwork”: work that is often unpaid and relegated to women and minorities.<sup>304</sup> While a valid concern that is beyond the scope of this article, consider that studies of Zoomers in higher education have found that “caring” does not necessarily mean unpaid labor, emotional or otherwise.<sup>305</sup> In fact, Zoomers perceive their professors as “caring” largely based on their classroom teaching strategies, favoring those who are engaging, responsive, and empathetic.<sup>306</sup>

¶102 Exciting classrooms are engaging classrooms; bell hooks herself wrote, “The classroom should be an exciting place, never boring.”<sup>307</sup> Subjects often perceived as boring—legal research included—can be engaging if the professor is excited about the material and the class. One way to show your excitement with the material is to be prepared for class: “those who seemed to be reading prepared lectures, not interacting with students, or not curious about student learning [are seen by their students] as not really putting forth effort and thus not caring if students [do] well or not.”<sup>308</sup> Additionally, Gen Z see professors who adapt to their students’ needs and feedback as caring. Professors who seek feedback from their students about their understanding and then adjust their strategy in response are seen as caring, as are professors who use different teaching methods and monitor whether all students are learning.<sup>309</sup>

¶103 Being responsive to student needs can be as simple as being flexible with your students. During the pandemic, many advocated for using more flexible learning policies, eliminating grades, and offering extensions on assignment deadlines.<sup>310</sup> Continuing

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303. See SELINGO, *supra* note 49, at 9 (“[T]oday’s students are attentive to inclusion across race, ethnicity, sexual orientation, and gender identity, and want colleges to live up to those ideals as well.”).

304. See Sharon M. Varallo, *Motherwork in Academe: Intensive Caring for the Millennial Student*, 31 WOMEN’S STUD. IN COMM’N 151 (2008) (describing the way academics “mother” their students).

305. See generally Miller & Mills, *supra* note 156 (finding that students look to their professor’s time spent teaching in class when determining whether they “care” or not).

306. *Id.* at 82.

307. BELL HOOKS, *TEACHING TO TRANSGRESS* 7 (1994).

308. Miller & Mills, *supra* note 156, at 84.

309. *Id.* at 84–85.

310. See Nicole Else-Quest et al., *How to Give Our Students the Grace We All Need*, CHRON. HIGHER EDUC. (Jan. 18, 2022), <https://www.chronicle.com/article/how-to-give-our-students-the-grace-we-all-need>

this practice of flexibility will show students that your goal is that they learn, and that their goal should not be simply earning a good grade.<sup>311</sup>

¶104 Lastly, students want an empathetic classroom environment and perceive their empathetic professors as caring professors. Be sure that your students know their presence is valued and their experiences are valid.<sup>312</sup> This is especially important for students of color, who “report feeling out of place in law schools.”<sup>313</sup> Atkins recommends creating “identity safe” law schools wherein harmful stereotypes are “neutralized” with positive social cues to ensure all students feel like they belong.<sup>314</sup> Being empathetic in class requires acknowledging life outside the classroom. During the pandemic, teachers were encouraged not to go on as normal, pretending the world outside was not in the midst of chaos.<sup>315</sup> Acknowledging the complexities of life and providing space for students to talk about what they are feeling and experiencing shows students that you care about them as whole people. You might consider checking in with your students using an anonymous system like a Google Form or Poll Everywhere.<sup>316</sup>

¶105 Overall, be sure that your students know that your “ultimate goal is to see them succeed in law school and have a successful career”—and *tell them* as much instead of assuming they already know.<sup>317</sup>

## Conclusion

¶106 When Millennials matriculated, legal educators jumped through hoops to make law school more appealing to the digitally connected, collaboration-obsessed generation. After six years of Gen Z law students roaming the halls, it is past time we do the same to better educate the new generation of future attorneys. The 10 suggestions above are intended as starting points for engaging Gen Z in the legal research classroom as well as in law school instruction more broadly.

¶107 Zoomers are complex. They prefer to learn alone but enjoy collaborating on creative projects with their peers. They feel lost without their cell phones but prefer face-to-face communication. They are confident technology users but struggle with legal and academic research. They are deeply pessimistic about the America they have inherited but dedicated to fixing the nation's problems.

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[<https://perma.cc/2LLS-9GXW>] (providing ideas for interacting with students with kindness and grace during the pandemic).

311. SELINGO, *supra* note 52, at 29.

312. HOOKS, *supra* note 307, at 8.

313. Atkins, *supra* note 16, at 141 (internal citations omitted).

314. *Id.* at 142.

315. See, e.g., Learning Network, *48 Pieces of Advice from Educators on How to Survive This Challenging Time*, N.Y. TIMES (Dec. 14, 2021), <https://www.nytimes.com/2021/12/14/learning/48-pieces-of-advice-from-educators-on-how-to-survive-this-challenging-time.html> [<https://perma.cc/Y3RZ-L6Z2>] (providing advice to educators about teaching during the pandemic, including taking care of students).

316. Else-Quest et al., *supra* note 310.

317. Crichton, *supra* note 16, at 10.

¶108 With every new generation comes new opportunity to adjust how we teach. And with each new generation comes an opportunity to see our students through a positive and open-minded lens rather than a belittling and critical one. We have the choice: treat Zoomers as we did Millennials by disparaging their skills, calling them lazy and entitled, and blaming them for educational missteps made when they were literal children, or learn about their peer personality to adjust our view and treat them with respect. We can play to their strengths instead of bemoaning their weaknesses.<sup>318</sup>

¶109 Gen Z believe they will change the world.<sup>319</sup> They are resilient and “channeling their energies into holding themselves and others accountable.”<sup>320</sup> They will come to law school looking to learn the skills needed to do just that. If we “evolve our pedagogy”<sup>321</sup> to their preferences, we can help them learn how to change the world and perhaps even learn something from them in the process.<sup>322</sup>

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318. Christopher, *supra* note 163, at 39.

319. Time Video, *supra* note 121.

320. DELOITTE, DELOITTE GLOBAL 2021 MILLENNIAL AND GEN Z SURVEY 2 (2021), <https://www2.deloitte.com/content/dam/Deloitte/global/Documents/2021-deloitte-global-millennial-survey-report.pdf> [<https://perma.cc/EY6N-8WX7>].

321. Christopher, *supra* note 163, at 39.

322. VOLPE, *supra* note 31, at 5 (“By listening carefully to what [Zoomers] are saying, we can appreciate the lessons they have to teach us: be real, know who you are, be responsible for your own well-being, support your friends, open up institutions to the talents of the many not the few, embrace diversity, make the world kinder, live by your values.”).