Law School & The Web of Group Affiliation: Socializing, Socialization, & Social Network Site Use Among Law Students

Eric M Fink

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Eric M. Fink

ABSTRACT

Online social network sites (“SNS”) have emerged as a significant socio-technical phenomenon in the past several years. Scholars from various disciplines have examined these sites to develop a better understanding of their social significance and implications from a variety of perspectives. Within the burgeoning field of SNS studies, one strand of work focuses on the place of SNSs in students’ educational experiences and the potential pedagogical applications of SNSs. However, the SNS phenomenon generally, and its educational/pedagogical significance in particular, have received scant attention from legal scholars. This article examines the place of SNSs within the contemporary law school experience, through a case-study of students at one law school. The article gauges differences in Facebook by students’ age, gender, race/ethnicity, and other characteristics; and analyzes students’ Facebook communications as they pertain to the performance of law student identity and role.
INTRODUCTION

Online social network sites ("SNSs") have emerged as a significant socio-technical phenomenon in the past several years.\(^1\) The most widely-used SNS, Facebook,\(^2\) has attracted tens of millions of active users since its launch in 2004.\(^3\)

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\(^1\) danah m. boyd & Nicole B. Ellison, Social network sites: Definition, history, and scholarship. 13(1) J. Computer-Mediated Comm., (2007). According to boyd & Ellison, the term SNS captures a variety of "web-based services" that differ in their specific features, but share the defining attributes of enabling users to "(1) construct a public or semi-public profile within a bounded system, (2) articulate a list of other users with whom they share a connection, and (3) view and traverse their list of connections and those made by others within the system." Id.

\(^2\) http://www.facebook.com/. For the uninitiated, this brief description conveys the basic features of Facebook:

Like most social network sites, Facebook provides a formatted web page into which each user can enter personal information, including gender, birthday, hometown, political and religious views, e-mail and physical addresses, relationship status, activities, interests, favorite music and movies, educational background and a main personal picture. After completing their profile, users are prompted to identify others with whom they have a relationship, either by searching for registered users of Facebook or by requesting their contacts to join Facebook (usually by e-mail). Once someone is accepted as a "friend," not only the two users’ personal profiles but also their entire social networks are disclosed to each other. This allows each user to traverse networks by clicking through "friends’" profiles, so that one’s social network snowballs rapidly across people and institutions. This capability is the backbone of Facebook and other SNS and what attracts millions of users around the globe.

Facebook profiles also include two types of messaging services. A private system, which is very similar to a webmail service, and a public system called "The Wall," where "friends" leave comments to the owner
Originally targeted to college students, Facebook has since expanded access to the general public, but the site remains especially popular with young adults, including those within the post-college age range that traditionally accounts for most law students.

This article examines the place of SNSs within the contemporary law school experience, through a case study of Facebook use by students at one law school. Part I reviews existing literature on

of the profile that can be viewed by other users. Usually, “The Wall” contains short messages that reflect sentiments, common activities between “friends,” or call attention to external websites or events.

Sebastián Valenzuela, Namsu Park, & Kerk F. Lee, Lessons From Facebook: The Effect of Social Network Sites on College Students’ Social Capital at 6, 9th International Symposium on Online Journalism, Austin, TX (April 4-5, 2008) (citations omitted).

Sociologist George Steinmetz offers a robust “critical realist” defense of case studies against “methodological positivist” critiques:

[T]he case study of a specific event, process, or community is as important a part of the overall sociological enterprise as comparison or sustained theoretical reflection. The plausibility of a given theoretical argument can be assessed only by studying complex, overdetermined, empirical objects (particular individual psychobiographies, specific practices, and so forth). Case studies are thus the indispensable building block for all sociology.


Unlike positivist social research methods, which depend on statistically “representative” samples to make explanatory claims, the case study method entails the “building up [of] comparative knowledge over the course of a lifetime across different projects and texts,” without claiming that any one case is itself “representative” of some broader universe. See Steinmetz, supra at 391.
SNS use, particularly among student populations, and locates the study of SNS use and behavior within a broader social-theoretical framework. Part II presents the results of a survey measuring patterns of Facebook use among the students under study. Part III presents a content analysis of students’ Facebook communications. The results suggest that Facebook is a significant medium of social expression, identity, and interaction for these law students. The conclusion highlights some implications of law student SNS activity for legal educators, including potential uses of SNSs for collaborative learning beyond the confines of the law school, and suggests avenues for further inquiry.

I. BACKGROUND

A. Previous Research On Social Network Site Use

Various scholars have examined SNS use among such distinct student populations as American teenagers\(^5\), university undergraduates in the U.S.\(^6\) and U.K.\(^7\), and graduate pharmacy students.\(^8\)

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Some of this prior research has assessed patterns of SNS use along gender, race, ethnicity and class lines. That work has identified difference both as between users and non-users of SNSs in general, and, perhaps more significantly, among users of different SNS services.\(^9\)

Other work has examined the ways in which SNS participants construct and perform social identity and group affiliation.\(^{10}\)

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\(^9\) Neil Selwyn, ‘Screw Blackboard... do it on Facebook!’: an investigation of students’ educational use of Facebook, Poke 1.0—Facebook social research symposium, London Knowledge Lab/University of London (Nov. 15, 2007).

\(^8\) Jeff Cain, Online social networking issues within academia and pharmacy education, 72 American J. Pharm. Educ. (2008).


user profiles commonly permit SNS users to display “favorite” books, movies, music, etc.; membership in groups or organizations; support for various causes; and other indicia of personal taste and group affiliation. As such, SNSs offer an accessible and potentially rich site for studying the construction of identity and cultivation of social ties.

Previous researchers, and numerous media accounts, have noted the possible adverse consequences for students from having certain types of information or portrayals appear on Facebook.


11 Liu, supra at __.


13 See, e.g. Cain, supra at 2 (citing examples of students subject to academic
Others, however, have suggested that the focus on alleged adverse consequences of SNS participation may exaggerate the real risks, and might be understood as an instance of moral panic common in response to the advent of new forms of communication and culture.\textsuperscript{14}

In contrast to the largely anecdote-driven focus on the potential hazards of SNS activity, empirical studies have considered the potential social value of SNS participation. In particular, prior research has examined the extent to which SNS participation may enhance social capital,\textsuperscript{15} promote social solidarity & group affiliation,\textsuperscript{16} and facilitate civic engagement.\textsuperscript{17}

discipline or other criminal investigations resulting from “ill-advised postings” or “unprofessional” photographs posted on Facebook and MySpace); Valenzuela, et al, supra at 3 (citing “[u]nsafe disclosure of information, cyberbullying, addiction, risky behavior and contacting dangerous communities” as among “concerns raised in the media about the use of online social networks”). Such adverse consequences are not limited to students. In one widely-reported incident, University of Pennsylvania President Amy Gutmann came in for criticism in response to a photograph, posted on Facebook and republished on various other websites, of Gutmann posing with a student dressed in a “suicide bomber” costume at a Halloween party. Will photo haunt Penn president? Inside Higher Ed (Nov. 6, 2006) http://www.insidehighered.com/news/2006/11/06/penn.

\textsuperscript{14} Valenzuela, et al at 3; \textit{see also} Stanley Cohen, Folk Devils & Moral Panics: The Creation of the Mods and Rockers 9 (Martin Robertson 1980) (defining “moral panic” as a social phenomenon by which “[a] condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests” through “stylized and stereotypical” portrayal by “the mass media” and public opinion shapers, and identifying “the emergence of various forms of youth culture” as an especially common object of “moral panic”).

\textsuperscript{15} See James S. Coleman, Social Capital in the Creation of Human Capital. 94 Am. J. Soc. 95-120 (1988); Pierre Bourdieu, Forms of Capital, in Handbook of Theory and Research for the Sociology of Education 241-258 (J.G. Richardson,
SNS participants may reap social capital returns by using SNSs to “keep strong ties with friends, to strengthen ties with new acquaintances, and, to a lesser degree, to meet new people online”, and to “exchange news and discuss issues, both public (e.g. the 2008 U.S. presidential election) and private (e.g. movie tastes).”

Beyond individual social capital formation, “regular exchanges between users can foster trust and norms of reciprocity that are key antecedents of community life,” and may facilitate “collective action” by “common interest groups”. One study, focusing on an SNS specifically oriented to African-Americans, found a substantial volume of discussion on political and social “issues of common concern to the community.” However, “these discussions did not move beyond a discursive level of civic engagement,” and did not

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17 Byrne, supra at __ (defining “civic engagement” as “encompass[ing] the actions individuals or groups take in order to address issues of public concern,” which “can include volunteerism, electoral participation, serving on a neighborhood association, and so on”).

18 Valenzuela, et al., supra at 3 (citing Acquist & Gross, 2006).

19 Id. at 3.

20 Id. at 4.

21 Byrne, supra at __.

22 Byrne at __.
appear to lead to collective action among the SNS participants in relation to the issues under discussion, leading the author to conclude that “the potential for mobilization through social networking online has not yet been realized”. In a study of education-related Facebook use among undergraduate social science students at a British university, the investigator distinguished five categories of education-related postings:

i) recounting and reflecting on the university experience; ii) exchange of practical information; iii) exchange of academic information; iv) displays of supplication and/or disengagement; and v) exchanges of humour and nonsense.

The first category (“recounting and reflecting on the university experience”) consists of posts about students’ experiences in the classroom, visits to the library, encounters with faculty, and the like. The second category (“exchange of practical information”) such posts “were often not wholly positive reflections on the learning experience”, and “often conveyed a sense of bewilderment, disappointment and/or anger about perceived shortcomings of the teaching and learning provision in the department.” This category also includes critical remarks about the personal appearance or behavior of instructors. Selwyn notes that the posts frequently concerned classes or other events from which one student had been absent, “with the absentee seeking post-hoc justifications to rationalise
consists of posts “concerned [with] the practical logistics of attending courses,” including such matters as class schedules and locations, assignments, and deadlines. The third category (“exchange of academic information”) consists of posts in which students share and discuss information pertaining to substantive matters addressed in class, study techniques, exam preparation, and other matters related to “academic and intellectual requirements”. The fourth category (“displays of supplication and/or disengagement”) consists of posts “seeking … moral (rather than intellectual) support with regards to the demands of the students’ studies.” The fifth category (“exchanges of humour and nonsense”) consists of “banter” – typically “humorous in nature and often heavily interlaced with irony and sarcasm” – mocking other students, parodying assigned readings, and gossiping about faculty members.

the legitimacy of missing the class or not understanding the lecture material, whilst also allowing their peers space to express conciliatory ‘techniques of neutralization’.”

28 Id. at 10.
29 Id. at 10-11.
30 Id. at 12-13.
31 Id. at 14. Selwyn observes that “a willful anti-intellectualism pervaded many of these exchanges, with students brazenly highlighting their inabilities and, by implication, the inadequacies of the university department.”

32 Id. at 15.
33 Id. at 15. (“[S]tudents who were seen … to be overly engaged with their studies were assigned identifying labels such as ‘spods’, ‘geeks’, ‘keenos’ and so on.”).
34 Id. at 15-16 (citing an exchange in which one student writes, “DID U KNOW – that piaget had two willies and a fanny???? Nope……its coz the textbooks dont mention this. The authors consume themselves in terms such as
Other work has specifically examined student-faculty interaction with the SNS setting. This work reveals some apprehension on the part of students about the presence of faculty members on Facebook. Such apprehension reflects the degree to which Facebook represents a site of identity performance, to which participants may wish to restrict access in an effort to “maintain … control over [their] personna[s] and minimize the appearance of characteristics that are contrary to” their self-presentation in other venues, such as the classroom.

At the same time, many students appear to tolerate, or even value, interactions with faculty members on Facebook. One study

35 Id. at 16-17 (citing an exchange in which a student reports seeing an instructor performing at an “open-mic night”).


37 In Hewitt & Forte’s survey, one-third of students disagreed that “faculty should be on Facebook”, with female students twice as likely as men to object. Hewitt & Forte at 2. Part of the concern centered on privacy and the perception that information posted on Facebook might “unfairly skew a professor’s perception of a student”. Id. Some students also expressed discomfort with the idea of interacting with faculty in what the students perceived as an informal social context. Id.

38 See id. at ___ (citing Goffman, supra at note __).

39 In Hewitt & Forte’s survey, two-thirds of students overall (one-third of
found that students who viewed teacher Facebook profiles high in self-disclosure anticipated greater motivation and affective learning, and a more favorable classroom climate, and expressed more favorable perceptions of the teacher.\footnote{Mazer, et al. \textit{Supra} at 9-11; \textit{but see} Hewitt & Forte (finding no association between a students’ contact with a professor on Facebook and the student’s perception of the professor).}

\textbf{B. Social Network Sites & Law Students}

Despite the substantial and growing body of work examining social network site use among other student and young adult populations, there has been less attention to specific issues regarding SNS use among law students in particular.

To the extent that law student SNS use has garnered specific attention, much of the concern has focused on the implications of students’ online self-portrayal and self-disclosure, especially in relation to their job search and career prospects. Some law schools have taken to cautioning students about the possible adverse consequences of inappropriate information that potential employers might discover about students online.\footnote{Cain, \textit{supra} at 3 & n.37 (“One law school has begun educating students regarding the ‘public’ nature of Facebook postings and the need to project a professional online persona to avoid repercussions in the legal profession.”) (citing K. Mangan, \textit{Etiquette for the Bar: First-year students at Drake U’s law school learn the value of online discretion}. Chron. Higher Educ. (Jan. 12, 2007) at A31. \textit{See also}, Suffolk University Law School, \textit{Attention Myspace and Facebook.com Users} (on Suffolk website); University of Michigan (warning re: Google). While such a proactive stance may mitigate potential harm to students and the school itself, schools must also consider the possible risks of intervention. Cain observes that, by “monitor[ing] social networking sites to ensure that females and two-thirds of males) “reported that they are comfortable with faculty on the site.” \textit{Id.} at __.} However, it
does not appear that law schools have similarly advised students about potential benefits of SNS participation as a means of building and sustaining social networks that might be beneficial in their careers.

II. PATTERNS OF FACEBOOK USE

To collect data on patterns of Facebook use, a survey was conducted during the 2008-09 academic year. The survey was administered in two ways. First, a copy of the survey form was emailed directly to each student then enrolled at the law school, using the students’ university email addresses. The email survey produced 37 responses. Second, a follow-up email was sent to all students, requesting that those who had not already responded complete the survey online. The follow-up produced an additional 83 responses. Combined, the email and online surveys generated a response rate of more than 36% (121 respondents out of approximately 330 students total).  

42 The survey instrument is reproduced at Appendix A.  

43 In an effort to attract as representative a response as possible, the initial solicitation and follow-up email specifically encouraged students to respond whether or not they were active Facebook users. Nevertheless, it is likely that students who are not active Facebook users responded at a lower rate than those who are active users. Consequently, the observed differences between users and non-users reported here may to some extent be an artifact of selective response rates.
A. Respondent Characteristics

Table ___ offers a profile of the survey respondents. Compared to the Elon Law student population as a whole, women (54.1% of respondents) and third-year students (43.1% of respondents) are over-represented,\textsuperscript{44} while students of color (7.2% of respondents) are under-represented.\textsuperscript{45}

\begin{table}[h]
\centering
\begin{tabular}{lccc}
\hline
& Active & Former & Never \\
\hline
Number & 99 & 6 & 16 \\
Percent* & 81.8\% & 4.8\% & 1.3\% \\
\multicolumn{3}{l}{(*Figures do not total 100\% because of rounding)} \\
\hline
\end{tabular}
\caption{Respondent Characteristics}
\end{table}

\textit{Facebook User}

\begin{itemize}
\item \textit{(n=121)}
\end{itemize}

\textsuperscript{44} For the three classes enrolled at the time of the survey, females accounted for 44\% of total student enrollment (50\% of the 3L class, 41\% of the 2L class, and 48\% of the 1L class). Third-year students represented just over one-third of the total student population (107/315). \textit{See} Elon University School of Law, ABA Self-Study (Draft 8/11/09) at 42.

\textsuperscript{45} Taken together, students identified as members of racial and ethnic minority groups accounted for just over 10\% of the total student population, compared to just 7.2\% of respondents. African-Americans (4.6\% of respondents) represented just over 7\% of the total student population, and Asian/Pacific Islanders (1.7\% of respondents) represented just over 2\% of the total student population. There were also one Hispanic/Latino student, and one American Indian student, enrolled in the law school at the time of the survey. \textit{See} Elon Self-Study at 48.
**Age**  
\( (n=95) \)

Mean 26.9  
Median 25  
Min. 21  
Max. 42  
Std. Dev. 4.6

**Gender**  
\( (n=111) \)

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>60</td>
<td>51</td>
</tr>
<tr>
<td>Percent</td>
<td>54.1%</td>
<td>45.9%</td>
</tr>
</tbody>
</table>

**Race/Ethnicity**  
\( (n=109) \)

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Number</th>
<th>Percent*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian-Pac.</td>
<td>2</td>
<td>1.7%</td>
</tr>
<tr>
<td>African-Amer.</td>
<td>5</td>
<td>4.6%</td>
</tr>
<tr>
<td>White/Euro.</td>
<td>101</td>
<td>92.7%</td>
</tr>
<tr>
<td>Latino</td>
<td>1</td>
<td>0.9%</td>
</tr>
</tbody>
</table>

(*Figures do not total 100% because of rounding)
Of the 121 respondents, 81.8% (n=99) report having a currently active Facebook account. Nearly all began using Facebook before starting law school. Another 4.9% (n=6) report having a Facebook account in the past that is no longer active. The remaining 13.2% (n=16) report that they never had an account.

The data show a statistically strong difference in the probability of Facebook use by age, some differences by law school class year, and a modest difference by gender. In contrast, there are no measurable differences in the probability of Facebook use by race/ethnicity.

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Of the 99 respondents who reported having active Facebook accounts, 85 indicated that they created their accounts before beginning law school.

The invitations to participate in the survey encouraged all students to respond, even if they did not use Facebook. Nevertheless, it is reasonable to presume that non-users were less likely to respond, and the figures here likely underestimate the proportion of non-users among this population.
Among this sample, Facebook users are younger on average (mean=25.8 years) than non-users (mean=31.8 years), and the statistical significance of this difference is strong. However, it is interesting that the age range for Facebook users is broader, including both the youngest (21 years) and oldest (42 years) respondents in the sample. With Facebook use increasing among older adults in the general population, it is likely that this observed age difference in Facebook use among law students will fade in the near future.

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**TABLE __
FACEBOOK USE BY AGE**48

<table>
<thead>
<tr>
<th></th>
<th>Mean</th>
<th>Median</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>FB</td>
<td>25.8*</td>
<td>25.0</td>
<td>21.0</td>
<td>42.0</td>
</tr>
<tr>
<td>No FB</td>
<td>31.8*</td>
<td>32.0</td>
<td>25.0</td>
<td>39.0</td>
</tr>
<tr>
<td>All respondents</td>
<td>26.9</td>
<td>25.0</td>
<td>21.0</td>
<td>42.0</td>
</tr>
</tbody>
</table>

*p (1-tailed) <.0001

48 Figures include only respondents (n=95) who indicated their age. Of the 26 respondents who did not indicate their age, 21 were active Facebook users.
Facebook use varies by law school class year, with 2L students most likely, and 3L students least likely, to be active Facebook users. This pattern may, in part, be an artifact of the age distribution of students by class year, but may also reflect some propensity for first-year students to refrain from Facebook use as

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49 Figures include only respondents (n=111) who indicated their gender. Of 10 respondents who did not indicate their gender, 7 were active Facebook users.

50 Figures include only respondents (n=111) who indicated their race/ethnicity. Of 10 respondents who did not indicate their race/ethnicity, 7 were active Facebook users.

51 Figures include only respondents (n=109) who indicated their class year. Of 12 respondents who did not indicate their law school class year, 9 were active Facebook users.
they acclimate to the demands of law school, and for third-year students to refrain from Facebook use as they focus on obtaining jobs and preparing for the bar examination.

Facebook use also varies by gender, with women somewhat more likely to use Facebook than men. This gender disparity closely resembles the pattern among Facebook users in general. In contrast, there are no measurable differences in Facebook use by race/ethnicity. This contrasts with the findings of previous studies, which have identified marked racial/ethnic differences in SNS use among other student populations.

While women make-up 54% of respondents who indicated a gender, they account for 58% of Facebook users in the sample.

For this sample of law students, the male-female ratio among Facebook users is .74:1, which is similar to the .79:1 ratio among U.S. Facebook users between the ages of 18 and 44. See Inside Facebook, College Students’ Facebook Use Easing Up Over the Summer, While Parents Logging On in Record Numbers (July 6, 2009) http://www.insidefacebook.com/2009/07/06/college-students-facebook-use-easing-up-over-the-summer-while-parents-logging-on-in-record-numbers/

Of those respondents indicating a race/ethnicity, 1.8% (n=2) identified as Asian/Pacific Islander, 7.2% (n=8) identified as African American, and 93.7% identified as white/European.

See Hargittai, supra (2007); & Hargittai, supra (July 8, 2009) (identifying racial/ethnic differences in SNS use among U.S. college undergraduates); boyd, supra (June 30, 2009) (discussing racial/ethnic and other social/demographic differences in SNS use among U.S. teenagers).
B. Frequency and Purposes Of Use

<table>
<thead>
<tr>
<th>Days/Week</th>
<th>%</th>
<th>Visits/Day</th>
<th>%</th>
<th>Time/Day</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4.0%</td>
<td>0-1</td>
<td>32.3%</td>
<td>&lt;30 minutes</td>
<td>21.2%</td>
</tr>
<tr>
<td>2</td>
<td>6.1%</td>
<td>2-3</td>
<td>31.3%</td>
<td>30 min.-1 hour</td>
<td>68.7%</td>
</tr>
<tr>
<td>3</td>
<td>5.1%</td>
<td>4-5</td>
<td>18.2%</td>
<td>1-2 hours</td>
<td>9.1%</td>
</tr>
<tr>
<td>4</td>
<td>14.1%</td>
<td>6-7</td>
<td>5.1%</td>
<td>2 hours+</td>
<td>1.0%</td>
</tr>
<tr>
<td>5</td>
<td>13.1%</td>
<td>8+</td>
<td>12.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>8.1%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>49.5%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Those who have Facebook accounts check their accounts regularly. About half (49 out of 99) report visiting the site on a daily basis, and more than two-thirds (70 out of 99) report doing so at least five days a week; more than one-third (36 out of 99) report averaging four or more visits to the site a day. However, most respondents (66 out of 99) state that they spend a total of less than 30 minutes on Facebook each day. The overall picture that emerges is of users checking in briefly most days, but not spending significant amounts of time there.\(^{56}\)

\(^{56}\) The fact that most respondents reported limiting their daily Facebook time to 30 minutes or less may reflect the heavy workloads and busy lives of law students; of course, respondents may have understated, whether deliberately or unconsciously, the amount of time they spend on Facebook.
The law students in this sample reported that they use Facebook largely to keep in touch with existing friends (99% of respondents) and to reconnect with old friends (82% of respondents), but not extensively for making new friends (only 13% of respondents). Nor do most of these law students appear to view Facebook as a means of developing business contacts.\textsuperscript{57}

Nearly all respondents with active Facebook accounts (98 out of 99) report using the site to communicate with existing friends, and most (81 out of 99) report using the site to re-connect and keep in touch with old friends. In contrast, and consistent with the findings in previous research on SNS use among other populations, fewer report using Facebook to meet new friends (13 out of 99) or for business networking (18 out of 99). A significant minority (43 out of 57)

Just 18% of respondents stated that they use Facebook for “business networking”. This result is consistent with previous research, and with the suggestion that SNSs are better thought of as “social network sites” than “social networking sites”. \textit{See} boyd, \textit{supra} at __.
99) report using the site in connection with the law school work. Far more (76 out of 99) report using the site for amusement.\(^{58}\)

C. Facebook Friends

Table __ provides summary descriptive statistics for the number and distribution of reported friends among respondents with active Facebook accounts\(^{59}\). The total number of Facebook friends varies markedly. There is likewise substantial variation in the number of Facebook friends who are Elon Law students. However, the percentage of a respondent’s total number of Facebook friends who are Elon Law students does not vary as much.

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\(^{58}\) Note that the latter two uses (school work and amusement) may not be mutually exclusive. Among the law school-oriented Facebook groups to which respondents reported belonging, most are more humorous than pedagogical in their orientation. Students may view reading and contributing to those groups as both amusement and schoolwork-related.

\(^{59}\) Some respondents gave approximate figures (e.g. “≈100”) or ranges (e.g. “5 to 10”) in response to the questions about the number of friends. To facilitate data analysis, where a respondent provided an approximate figure, that figure was used as the number of friends; where a respondent provided a range, the median of the range was used as the number of friends. For purposes of this analysis, the precise number of friends is of less interest than the range and relative numbers among respondents; consequently, any imprecision resulting from this treatment of approximations and ranges is of little concern.
There is little variation in the number of friends who are Elon faculty and staff, and those who are attorneys or other legal professionals. Just over half of respondents with active Facebook accounts (n=55) report having one or more law school faculty or staff members among their Facebook friends, with the number of faculty or staff friends ranging from 1 to 20. A similar number (n=56) report having at least one attorney or other legal professional as a Facebook friend. However, in most instances the number of such friends was small, both in absolute numbers and as a percentage of the student’s overall number of Facebook friends. Consistent with previous research on Facebook friending practices, it would seem much more likely that these are individuals that the students know from outside Facebook, perhaps from work experience or social connections, and less likely that students are actively seeking out legal practitioners as Facebook friends in the hope of cultivating potential employment.
<table>
<thead>
<tr>
<th></th>
<th>All Friends</th>
<th>Elon Law Students</th>
<th>Elon Faculty/Staff</th>
<th>Att’ys &amp; Legal Prof’ls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mean</strong></td>
<td>423*</td>
<td>77**</td>
<td>2*</td>
<td>3.5</td>
</tr>
<tr>
<td><strong>Med.</strong></td>
<td>331</td>
<td>50</td>
<td>1.5</td>
<td>2</td>
</tr>
<tr>
<td><strong>Min.</strong></td>
<td>50</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Max.</strong></td>
<td>1380</td>
<td>194</td>
<td>20</td>
<td>28</td>
</tr>
<tr>
<td><strong>St. Dev.</strong></td>
<td>287.2</td>
<td>41.7</td>
<td>3.1</td>
<td>5.4</td>
</tr>
</tbody>
</table>

* *p(1-tailed) < .1

** *p(1-tailed) < .005

Women in the sample report more friends, both overall and among Elon Law students and faculty/staff. The statistical significance of this difference is especially high for the number of friends among fellow Elon Law students. In contrast, there is no statistically significant difference in the number of friends by respondents’ race/ethnicity.

There is a statistically significant negative correlation between respondent’s age and the total number of Facebook friends—that is, the number of friends tends to decrease with respondent’s age.

All figures, except standard deviations, rounded to nearest whole number.

The number of friends does not vary by respondent’s race. However, because so few respondents identified as African-American (n=5), Asian-Pacific (n=2), or Hispanic (n=1), no robust statistical analysis of friending patterns by respondent race is possible with this sample.

Spearman’s r = -.492 (significant at the 0.001 level [2-tailed]).
This result might, at first glance, appear counterintuitive, as it would be expected that an individual’s pool of friends and acquaintances would increase over time. A likely explanation is that the age-profile among Facebook users has been skewed toward younger adults. Those 18-24 (the site’s original college-aged target demographic) accounted for just over half of all U.S. Facebook users as of September 2008 (when this survey commenced), while those between ages 25 and 34 accounted for about 20%, and those between ages 35 and 44 accounted for less than 10%. Facebook’s age profile has shifted markedly over the past year, with significant growth in the proportion of users in the 25-34, and 35-44 age groups, and a decrease in the proportion of users in the 18-24 age group. Despite this recent trend, it is likely that, during the time-frame of this survey, older respondents would have fewer friends and acquaintances who are also Facebook users, even if they had more friends and acquaintances overall.

In contrast to the total number of Facebook friends, the number of friends who are attorneys or other legal professionals is

64 See Inside Facebook (July 6, 2009) (>20 million U.S. Facebook users between ages 18 and 24, representing 30% of total; >16 million users between ages 25 and 34, representing 24% of total; >13 million users between ages 35 and 44, representing 19% of total) http://www.insidefacebook.com/2009/07/06/college-students-facebook-use-easing-up-over-the-summer-while-parents-logging-on-in-record-numbers/; MediaPost, Study: Who’s on Which Social Nets (July 27, 2009) (citing study by Anderson Analytics comparing adoptions rates of Facebook and other SNSs by age group).
positively correlated with respondent’s age. This pattern makes sense, as older students are more likely to have peers and social acquaintances who have already graduated from law school.

There is no significant correlation between law school class year and the total number of Facebook friends. As might be expected, there is a significant correlation between class year and the number of Facebook friends among Elon Law students and faculty/staff, with students reporting more such friends for each year of law school. Perhaps somewhat surprising is the lack of correlation between class year and the number of friends among attorneys and legal professionals. It might be expected that law students would become acquainted with more practitioners over the course of law school, through summer jobs, internships, and similar experiences. One possible explanation for the result here is that Elon Law School has an especially active relationship with the local bar, providing students with regular opportunities to meet and interact with practitioners throughout their three years of study.

\[
\text{Spearman’s } r = .414 \text{ (significant at the .001 level [2-tailed]).}
\]

\[
\text{Spearman’s } r = __________
\]

Under Elon’s “preceptor” program, each entering student is assigned a local attorney mentor, who meets with her preceptees and visits their classes several times during the year. The Law School also regularly hosts speakers, continuing legal education programs, and informal social events at which students may meet and mingle with local practitioners. Several local practitioners also serve as adjunct faculty in the first-year legal writing program and the second-year trial advocacy course, as well as in some upper-level electives.
III. FACEBOOK GROUPS & LAW STUDENT CULTURE

In the survey, 60% of respondents (n=73) indicated that they were members of law student-oriented Facebook groups. These included groups specific to Elon Law School as well as groups concerning law students generally. The survey identified a total of such groups. Group pages offer further insight into law students’ management and performance of their social ties and identities through the medium of Facebook.

Among the most popular and active groups are those devoted to humorous banter about law school studies, social life, and personalities. One such group, “I Don’t Go to the Bathroom Like Everyone Else”, features postings of amusing in-class comments by professors (and occasionally students). The following examples provide the flavor of the postings to this group:

In reference to the provocation doctrine...

[PROFESSOR]: "How long would it take you to cool off if you found your spouse in bed with someone else?"
[STUDENT]: "That depends on if it’s a guy or a girl."
[PROFESSOR]: (empty stare)

[PROFESSOR]: How many of you read this?

Torts class: *Everyone raises a hand*

68 “Facebook Groups” are pages within the site, dedicated to particular interests or activities. Group members can add comments and other content to the group page, and can also display their group memberships on their own Facebook home pages. These groups represent “an important share of the civic and political impact of Facebook”. Valenzuela, et al. at 7.

69 Appendix B contains the names and descriptions of these groups.

70 Cf. Selwyn at 8, 15-17 (“exchanges of humour and nonsense”).

[PROFESSOR]: Well then why are you all sitting there like a bunch of stunned mullets!?

Girl: What does that have to do with a hairstyle?

[PROFESSOR]: A mullet is a fish.

___________________

[PROFESSOR]: "So how would that be trespass to chattels...?
[STUDENT]: "No, no.. I’m not referring to livestock..."

___________________

Brilliant Student: Do we need to know about the cases?

[PROFESSOR]: Noooo, of course not. Why would you need to know about the cases?? OF COURSE YOU NEED TO KNOW ABOUT THE CASES!!!!!

___________________

“We kept a list in law school of things that sounded dirty but weren’t, like ‘permissive joinder.’ ‘Tender offer’ was another.” - [PROFESSOR]

___________________

“Who would sue the Weekly World News for libel? Bat Boy?!” - [PROFESSOR]

The tenor of the group is generally good-natured: the posts appear, for the most part, offered not to embarrass or mock the speaker, but to share a humorous moment.

Another group, “I Own Blackacre”,72 is devoted to jokes about that mythical estate and other staples of first-year Property courses:

“Law school has adversely possessed my social life” (posted Jan. 5, 2010);

“In Soviet Russia, Blackacre owns you!” (posted Feb. 19, 2009);


___________________

There is, incidentally, also a group entitled “Chuck Norris Law down the law school” (http://www.facebook.com/group.php?gid=2217045939), featuring law-school-oriented versions of the now-familiar internet meme:

E.g., “Chuck Norris can never be overruled by the Supreme Court.” (posted May 27, 2008);

“The Bluebook makes perfect sense to Chuck Norris.” (posted Aug. 8, 2007);

“Chuck Norris can’t get Equity. His hands are always drenched in blood.” (posted May 19, 2007).

Most of the jokes are neither particularly funny nor particularly original. Nor did this type of humor originate with Facebook or other online media; law students have traded similar quips for generations. Such in-jokes serve multiple social functions—offering relief from the rigors of study, constructing and expressing shared identity, and demarcating group boundaries.

74 See Appendix B for other examples of groups in this category.
In contrast, groups dedicated to exchanges of practical and academic information display less activity, and typically grow dormant after a short period of time. For example, one group—the stated purpose of which is to “serve as a place to post questions, and answers ... on the recent cases we’re all covering in our classes” – has only three postings, all from the same date, and has had no further activity in more than two years. Another group, aimed at “starting a book exchange at the law school”, has just two


77 The judge said “affirmed’ and lil john said WHAT (http://www.facebook.com/group.php?v=wall&gid=5976677679).
posts, one endorsing the idea and another offering a used casebook, followed by no activity for more than a year.78

A similar pattern is evident in other groups established to share information about law school activities and events.79 While Facebook groups have the potential to serve as virtual spaces for substantive communication and collaboration among students in relation to their studies, it would appear that the law students in this study have not embraced that function.

CONCLUSION

Among the population of law students under study, Facebook use is widespread. Facebook appears to be a significant medium through which law students cultivate social ties, exchange information, blow off steam, and express their identities as law students and incipient lawyers. Further inquiry, involving a broader population of law students from different institutions, will likely enhance the picture preliminarily developed here, exposing in greater detail the patterns and variations observed.

Facebook use among law students should be of interest to both socio-legal scholars and legal educators. For scholars interested in the socialization of new lawyers into the profession, Facebook offers a site through which to observe students performing and

expressing their passage through the socialization process. For educators, Facebook represents a medium in which large numbers of law students are actively engaged, and thus a potential means of inculcating and sustaining student engagement and collaborative learning beyond the classroom.
APPENDIX A

Elon Law School Facebook Survey

1. Do you have a Facebook account?
   __ I have an active account
   __ I had an account in the past, but it is no longer active
   __ I have never had an account

2. If you currently have, or previously had, a Facebook account, when did you first create your account?
   __ Before starting college
   __ While in college
   __ After graduating from college but before starting law school
   __ After starting law school

3. If you do not currently have an active Facebook account (i.e. you have never had an account, or your account is not currently active), why not?
   __ Not interested
   __ Privacy concerns
   __ Too busy
   __ Other:

4. On average, how many days out of the week do you check your Facebook account? _____

5. On average, how many times a day do you check your Facebook account?
   __ 0-1
   __ 2-3
   __ 4-5
   __ 6-7
   __ 8 or more
6. On average, how much time do you spend each day viewing Facebook?
   __ less than 30 minutes
   __ 30 minutes - 1 hour
   __ 1 - 2 hours
   __ more than 2 hours

7. For which of the following purposes do you use Facebook (mark all that apply)?
   __ Keeping in touch with existing friends
   __ Finding old friends
   __ Making new friends
   __ Business networking
   __ Communicating with other law students about school work
   __ Amusement/Entertainment
   __ Other (specify)

8. How many Facebook friends do you currently have? _____

9. Of your Facebook friends, how many are
   a. Elon Law students: ___
   b. Students at other law schools: ___
   c. Elon Law faculty or staff: ___
   d. Faculty or staff at other law schools: ___
   e. Attorneys or other legal professionals: ___

10. If you are a member of any Facebook groups, please identify those that are oriented toward the following:
    a. Elon Law School students: __________________________
    b. Law students generally: ____________________________
    c. Lawyers and legal issues generally: ________________
12. What restrictions, if any, are there on who may access your Facebook profile?
   __ No restrictions
   __ Only my friends
   __ Only Facebook members in particular networks (specify): ______

13. What is your current class year at Elon Law School
   __ 1L
   __ 2L
   __ 3L

14. What is your gender?
   __ Male
   __ Female

15. What is your race or ethnicity?
   __ Asian/Pacific Islander
   __ Black/African-American
   __ White/European
   __ Hispanic
   __ Native American/Alaska Native
   __ Other/Multi-Racial
   __ Decline to Respond

16. What is your age? ___

---

N.B. Question 11 was omitted from the survey as administered.
## APPENDIX B

### LAW STUDENT-ORIENTED FACEBOOK GROUPS

<table>
<thead>
<tr>
<th>GROUP NAME</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Elon-Specific Groups</strong></td>
<td></td>
</tr>
<tr>
<td>Alyssa talks to strangers</td>
<td>Humor/Social</td>
</tr>
<tr>
<td>Amnesty Int'l USA at Elon Law</td>
<td>Student Organization</td>
</tr>
<tr>
<td>Brett Moore for SBA Dog Catcher</td>
<td>Humor/Social</td>
</tr>
<tr>
<td>Carolina Alumni &amp; Fans at Elon Law</td>
<td>Social</td>
</tr>
<tr>
<td>Christa Davis for 1L Rep</td>
<td>Student Bar Association</td>
</tr>
<tr>
<td>Cybulski is my God</td>
<td>Humor/Social</td>
</tr>
<tr>
<td>Elon Federalist Society</td>
<td>Student Organization</td>
</tr>
<tr>
<td>Elon Law</td>
<td>Academic/Information</td>
</tr>
<tr>
<td>Elon Law 1L</td>
<td>Academic/Information</td>
</tr>
<tr>
<td>Elon Law ACLU</td>
<td>Student Organization</td>
</tr>
<tr>
<td>Elon Law Alumni</td>
<td>Social/Information</td>
</tr>
<tr>
<td>Elon Law Book Exchange</td>
<td>Academic/Information</td>
</tr>
<tr>
<td>Elon Law Class 2010</td>
<td>Academic/Information</td>
</tr>
<tr>
<td>Elon Law Class of 2011</td>
<td>Academic/Information</td>
</tr>
<tr>
<td>Elon Law Global Poker Strategic Thinking Society</td>
<td>Social</td>
</tr>
<tr>
<td>Elon Law Partners</td>
<td>Social</td>
</tr>
<tr>
<td>Elon Law Public Interest Law Society</td>
<td>Student Organization</td>
</tr>
<tr>
<td>Elon OutLaw</td>
<td>Student Organization</td>
</tr>
<tr>
<td>Elon Law Students</td>
<td>Academic/Information</td>
</tr>
<tr>
<td>Elon Law: Welcome Home Smart ass</td>
<td>Humor/Social</td>
</tr>
<tr>
<td>GROUP NAME</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>I Don't Go to the Bathroom Like Everybody Else</td>
<td>Humor/Academic</td>
</tr>
<tr>
<td>Int'l Law Society at Elon Law</td>
<td>Student Organization</td>
</tr>
<tr>
<td>Make Murphree 1L Rep</td>
<td>Student Bar Association</td>
</tr>
<tr>
<td>Elon Law Republicans</td>
<td>Student Organization</td>
</tr>
<tr>
<td>The judge said &quot;affirmed&quot; and lil Jon said WHAT?</td>
<td>Humor/Academic</td>
</tr>
<tr>
<td>Vote Gordo</td>
<td>Student Bar Association</td>
</tr>
<tr>
<td>Women’s Law Association</td>
<td>Student Organization</td>
</tr>
</tbody>
</table>

**B. General Law Student Groups**

<table>
<thead>
<tr>
<th>GROUP NAME</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Be nice, I could be your lawyer someday</td>
<td>Humor</td>
</tr>
<tr>
<td>Chuck Norris Lays down the law…school</td>
<td>Humor</td>
</tr>
<tr>
<td>Damn you law school, gimme my friends back</td>
<td>Humor</td>
</tr>
<tr>
<td>Dear Law school: High School called, they want their drama back</td>
<td>Humor</td>
</tr>
<tr>
<td>Delta Theta Phi</td>
<td>Academic/Social</td>
</tr>
<tr>
<td>Elle Woods is my biggest inspiration for doing law</td>
<td>Humor</td>
</tr>
<tr>
<td>Future Lawyers of America</td>
<td>Professional/Social/Humor</td>
</tr>
<tr>
<td>I have a drinking habit, its called Law School</td>
<td>Humor</td>
</tr>
<tr>
<td>I own Blackacre</td>
<td>Humor</td>
</tr>
<tr>
<td>I remember a time when I was happy,</td>
<td>Humor</td>
</tr>
<tr>
<td>GROUP NAME</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>before law school</td>
<td>Humor</td>
</tr>
<tr>
<td>I've thought about dropping out of law school at least 10 times</td>
<td>Humor</td>
</tr>
<tr>
<td>Keep your fucking hand down in lecture and shut up. No one cares</td>
<td>Humor</td>
</tr>
<tr>
<td>Law School Took 10 Years Off my Life Expectancy</td>
<td>Humor</td>
</tr>
<tr>
<td>Law Students Building a better legal profession</td>
<td>Professional</td>
</tr>
<tr>
<td>Law students of North Carolina</td>
<td>Academic</td>
</tr>
<tr>
<td>National Black Law Students Association</td>
<td>Academic</td>
</tr>
<tr>
<td>Phi Alpha Delta</td>
<td>Academic/Professional</td>
</tr>
<tr>
<td>Students Against the Rule Against Perpetuities</td>
<td>Humor</td>
</tr>
<tr>
<td>Wikipedia is getting me through law school</td>
<td>Humor</td>
</tr>
<tr>
<td>You know its law school finals when…</td>
<td>Humor</td>
</tr>
<tr>
<td>You might be in law school if…</td>
<td>Humor</td>
</tr>
</tbody>
</table>