

Maurice A. Deane School of Law at Hofstra University

Scholarship @ Hofstra Law

Hofstra Law Faculty Scholarship

2020

Law Students and Cell Phone Use: Results of a Six-School Survey

Linda Galler

Maurice A. Deane School of Law at Hofstra University

Robert M. Jarvis

Cindy I.T. Archer

Hugh D. Spitzer

Jodi Wilson

See next page for additional authors

Follow this and additional works at: https://scholarlycommons.law.hofstra.edu/faculty_scholarship



Part of the [Law Commons](#)

Recommended Citation

Linda Galler, Robert M. Jarvis, Cindy I.T. Archer, Hugh D. Spitzer, Jodi Wilson, and Mark E. Wojcik, *Law Students and Cell Phone Use: Results of a Six-School Survey*, 89 UMKC L Rev. 269 (2020)

Available at: https://scholarlycommons.law.hofstra.edu/faculty_scholarship/1336

This Article is brought to you for free and open access by Scholarship @ Hofstra Law. It has been accepted for inclusion in Hofstra Law Faculty Scholarship by an authorized administrator of Scholarship @ Hofstra Law. For more information, please contact lawscholarlycommons@hofstra.edu.

Authors

Linda Galler, Robert M. Jarvis, Cindy I.T. Archer, Hugh D. Spitzer, Jodi Wilson, and Mark E. Wojcik

LAW STUDENTS AND CELL PHONE USE: RESULTS OF A SIX-SCHOOL SURVEY

Robert M. Jarvis*
Cindy I.T. Archer**
Linda Galler***
Hugh D. Spitzer****
Jodi L. Wilson*****
Mark E. Wojcik*****

I. INTRODUCTION

The sight of a law student using his or her cell phone now is so common that law professors do not give it a second thought.¹ But what, exactly, is the

* Professor of Law, Nova Southeastern University (jarvisb@nova.edu). I am grateful to Dean Jon M. Garon, my faculty colleagues, and Kathleen K. Perez, NSU Law's Director of Marketing, Communications and Publications, for helping me collect my school's data.

** Associate Dean for Clinical Programs and Experiential Learning and Clinical Professor of Law, Loyola Marymount University (cindy.archer@lls.edu). Following the completion of this article, Professor Archer moved to the University of California – Irvine (carcher@law.uci.edu), where she currently serves as a Professor of Lawyering Skills.

*** Max Schmertz Distinguished Professor of Law, Hofstra University (linda.galler@hofstra.edu).

**** Professor of Law, University of Washington (spith@uw.edu).

***** Associate Dean for Academic Affairs, Director of Legal Methods, and Associate Professor of Law, University of Memphis (jlwolson2@memphis.edu). I am grateful to Dean Katharine T. Schaffzin, Professors Demetria D. Frank, Regina L. Hillman, Carrie E. Kerley, Mary H. Morris, and Anna P. Vescovo, and my research assistant, Mitchell W. Pollard, for helping me collect my school's data.

***** Professor of Law, UIC John Marshall Law School (mwojcik@uic.edu).

The authors extend their thanks to the many students who completed the survey that forms the basis of this article. We also wish to acknowledge the University of Memphis, which took the lead in coordinating and simplifying the data collection process.

¹ There are times, however, when law professors do notice—such as when a student's cell phone causes a disruption. *See, e.g.*, ROBERT H. MILLER, LAW SCHOOL CONFIDENTIAL—A COMPLETE GUIDE TO THE LAW SCHOOL EXPERIENCE: BY STUDENTS, FOR STUDENTS 172 (3d ed. 2011) (“One last point on electronics. For everyone's sake, silence your cell phone when you're in a lecture and resist the urge to text people during class, even if you can do so silently. There is no quicker way to draw the ire of the professor and your classmates than to have your cell phone chirping at you during class.”).

Cell phone disturbances are not limited to class. All law school libraries, for example, limit the use of cell phones, although as Professor Elizabeth M. McKenzie noted while serving as the director of Suffolk University's law library, such policies are difficult to enforce:

About once a year, I am contacted by a student distraught enough about cell phone use in our library to work up through the layers to reach me. We have signs posted strictly forbidding cell phone use in the library. And the library users routinely flout the rule. We used to try to restrict the use to certain areas. That worked so badly that the librarians voted for total restriction in the hopes that then users might restrict themselves to the limited areas. Hah!

If the conversations seemed to be about emergency issues, I would not feel so badly about the use of cell phones. But I rarely hear parents checking on ill children, or even clerks calling in for clarification about the research assignment. The cell phone conversations in the library are the same inane,

student doing? Texting with friends? Shopping? Watching a movie? To try to find out, during the Fall 2019 semester we asked our respective student bodies to take an online survey² consisting of eighteen questions.³ To our knowledge, this is the first cell phone survey of law students.⁴

Largely by luck, our law schools were sufficiently diverse to provide a useful laboratory for our experiment. Two were founded in the late nineteenth century; one was started just after World War I; and three began during the Vietnam era.⁵ Three are private, two are public, and one is sectarian.⁶ Three are in very large cities (Chicago, Los Angeles, and New York), two are in medium-sized cities (Memphis and Seattle), and one is in a small city (Fort Lauderdale). Four have downtown campuses, while two are in suburbia.⁷ Reputationally, our schools range across the *U.S. News & World Report* spectrum.⁸

II. DEMOGRAPHICS

A total of 561 J.D. students took our survey.⁹ Of this number, 186 (33.2%) were men, 370 (66.0%) were women, and five (0.9%) chose “other/prefer not to

sometimes too-private conversations that are carried on everywhere else.

Betsy McKenzie, *Cell Phone Blues*, OUT OF THE JUNGLE (Aug. 25, 2005), <http://outofthejungle.blogspot.com/2005/08/cell-phone-blues.html>.

² To administer the survey, we used a software program called “Qualtrics” (<https://www.qualtrics.com>). It provided each of our schools with a link at which our students could take the survey. The links opened on August 15 and closed on November 15.

Because the survey was anonymous and students had to opt in to take it, only one of our schools made us seek Institutional Review Board clearance. As we expected, it quickly deemed the project “exempt.” See 45 C.F.R. § 46.104 (2019).

³ Questions one through four collected demographic data; question five asked students if they own a cell phone; question six asked students what type of cell phone they own; questions seven through eleven asked students about their general cell phone habits; questions twelve through sixteen asked students how often they use their cell phones to contact loved ones, friends, employers, and clients; question seventeen asked students who invented the telephone; and question eighteen gave students the opportunity to provide open-ended feedback.

⁴ In contrast, college students have been surveyed repeatedly. See, e.g., Andrew Lepp et al., *The Relationship Between Cell Phone Use and Academic Performance in a Sample of U.S. College Students*, 5 SAGE OPEN 1 (2015) (survey of 536 undergraduates); Richard C. Emanuel, *The American College Student Cell Phone Survey*, 47 C. STUDENT J. 75 (2013) (survey of 403 undergraduates); Jeff W. Totten et al., *General Patterns of Cell Phone Usage Among College Students: A Four-State Study*, 26:3 SERVS. MARKETING Q. 13 (2005) (survey of 383 undergraduates).

⁵ Further information about our respective schools can be found at *Best Law Schools 2020*, PRINCETON REVIEW (Nov. 5, 2019), <https://www.princetonreview.com/law-school-rankings/best-law-schools>.

⁶ *Id.*

⁷ *Id.*

⁸ See *2021 Best Law Schools*, U.S. NEWS & WORLD REP. (2020), <https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings>.

⁹ This figure represented 13.1% of our combined J.D. classes (4,269 students). See *2019 Standard 509 Information Reports*, AM. B. ASS’N (Dec. 19, 2019), <http://abarequireddisclosures.org> [hereinafter *509 Reports*]. The distribution among our respective schools was as follows: Hofstra: 118 completed surveys (21.0%); Nova Southeastern: 100 (17.8%); Memphis: 99 (17.7%); Washington: 85 (15.2%); Loyola: 83 (14.8%); and John Marshall: 76 (13.6%).

answer.”¹⁰ The respondents ranged in age from twenty-one to fifty-seven. Although their average age was 26.2, a majority—337 (60.1%)—were twenty-two to twenty-five.

The group included 155 (27.6%) 1Ls, 219 (39.0%) 2Ls, 179 (32.0%) 3Ls, and eight (1.4%) 4Ls. We received responses from thirty-eight (6.8%) African-Americans/Blacks, forty-four (7.8%) Asian-Americans, eighty-one (14.4%) Hispanics/Latinx, zero (0%) Native Americans, one (0.2%) Native Hawaiian/Pacific Islander, 365 (65.1%) whites, and thirty-two (5.7%) persons who chose “other/prefer not to answer.”

These numbers correspond closely to the Fall 2019 national law student (J.D.) body, which had 112,879 members, of whom 52,555 (46.6%) were men, 60,175 (53.3%) were women, and 149 (0.1%) described themselves as “other/prefer not to answer”;¹¹ was primarily twenty-two to twenty-four years of age at the time of admission;¹² consisted of 39,270 (34.8%) 1Ls, 36,748 (32.6%) 2Ls, 34,614 (30.7%) 3Ls, and 2,247 (2.0%) 4Ls;¹³ and included 8,818 (7.8%) African-Americans/Blacks, 7,017 (6.2%) Asian-Americans, 18,497 (16.4%) Hispanics/Latinx, 602 (0.5%) Native Americans, 148 (0.1%) Native Hawaiians/Pacific Islanders, 69,825 (61.9%) whites, and 7,972 (7.1%) “other/unknown.”¹⁴

Every one of our respondents answered “yes” when we asked if they own a cell phone. By brand, Apple was the most popular: 486 students (86.6%) reported they have an iPhone. Samsung’s Galaxy finished second with forty-six students (8.2%), followed by Google’s Pixel with eleven (2.0%). The remaining eighteen students (3.2%) have devices from a variety of other manufacturers, including HTC (one), LG (eight), Motorola (five), and Xiaomi (one). Only two students (0.4%) reported having a cell phone that was not a smartphone.

These figures largely mirror the general population. Overall, 96% of American adults own cell phones¹⁵ and 81% have smartphones.¹⁶ The most popular brand is Apple (41%), followed by Samsung (21%), LG (13%), Motorola (8%), and “other” (17%).¹⁷

III. RESULTS

Although cell phones have many different features,¹⁸ 369 (65.8%) of our students primarily use their devices to send and receive text messages (including

¹⁰ Throughout this article, some totals do not equal 100% due to rounding.

¹¹ See *509 Reports*, *supra* note 9.

¹² See 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/>.

¹³ See *509 Reports*, *supra* note 9.

¹⁴ *Id.*

¹⁵ See *Mobile Fact Sheet*, PEW RES. CTR. (June 12, 2019), <https://www.pewresearch.org/internet/fact-sheet/mobile/>.

¹⁶ *Id.*

¹⁷ See *US Smartphone Market Share: By Quarter*, COUNTERPOINT (Feb. 16, 2020), <https://www.counterpointresearch.com/us-market-smartphone-share/> (under “2019 Q2” results).

¹⁸ Because of their diverse functionality, all law schools ban cell phones during examinations. The

DMs). A small number use them primarily for other activities: seventy-nine (14.1%) to surf the web; thirty-seven (6.6%) to keep up with social media (including Instagram, Snapchat, and Twitter);¹⁹ twenty-four (4.3%) to check e-mail; twenty-four (4.3%) to watch videos or stream other content; and four (0.7%) to check the time. Only twenty-four students (4.3%) primarily use their cell phones to make phone calls. One student noted it was difficult to identify a primary use.

Several students indicated they also use their cell phones to organize and keep track of their schedules. One such student wrote: “Law school requires that students utilize time wisely. A smart phone maximizes time use.”

At night, all but five students (0.9%) leave their cell phones on, although 266 (47.4%) silence the text notification feature so as not to be disturbed. In the morning, 406 students (72.4%) check their cell phones immediately for texts and DMs. The remaining 155 (27.6%) “eventually” do so.

Regarding their cell phone’s importance, 204 students (36.4%) said they “cannot live” without their cell phones, 265 (47.2%) said that while their cell phones are useful they could “make do” without them, and seventy-three (13.0%) said they view their cell phones as “necessary evils” that they “personally hate.” The remaining nineteen students (3.4%) gave a variety of other responses, although most fell somewhere between the first and second categories.

In explaining their “addictions,” one student wrote: “I am obsessed with my phone. I am on it 24/7. I cannot even watch TV without playing on my phone.” Another commented: “When I have left my phone at home, or it [has] died without a charger, I feel lost and cut off.”

When asked how much time they spend on their cell phones, eight students (1.4%) said fewer than thirty minutes a day; fifty-one (9.1%) said thirty-one to fifty-nine minutes a day; 175 (31.1%) said one to two hours a day; and 327 (58.3%) said more than two hours a day. Interestingly, one student remarked: “Since starting law school my cell phone use has gone down by 75%.” Another said: “It’s

University of Pittsburgh’s policy is typical:

ABSOLUTELY NO WATCHES, CELLPHONES, BACKPACKS, PURSES, OR BAGS ARE PERMITTED IN THE EXAM ROOM. IF ANY STUDENT HAS A CELL PHONE, WATCH, OR ANY OTHER DEVICE, IT WILL BE CONFISCATED, AND YOU WILL NEED TO SEE THE ASSOCIATE DEAN TO RETRIEVE IT.

Examination Rules and Procedures, UNIVERSITY OF PITTSBURGH SCHOOL OF LAW, https://www.law.pitt.edu/sites/default/files/registrar/Exam_Rules_and_Procedures.pdf. (emphasis in original).

In 2013, Nicole Suissa, a Pennsylvania State University law student, was accused of using her cell phone to look up answers during her Evidence exam. In response, she filed a federal lawsuit against the school. See Joe Patrice, *Cheating Scandal Embroils Law School in Federal Lawsuit*, ABOVE THE LAW (Sept. 15, 2014, 5:28 PM), <https://abovethelaw.com/2014/09/cheating-scandal-embroils-law-school-in-federal-lawsuit/>.

¹⁹ Although we cannot be sure, we suspect checking the news is part of what students mean when they say they are using their phones to keep up with social media. See Elisa Shearer, *Social Media Outpaces Print Newspapers in the U.S. as a News Source*, PEW RES. CTR. (Dec. 10, 2018), <https://www.pewresearch.org/fact-tank/2018/12/10/social-media-outpaces-print-newspapers-in-the-u-s-as-a-news-source/>.

easy to get carried away when scrolling through apps, messaging friends and creating a habit of always checking your phone. So when I am studying or I have exams coming up I . . . lock away my phone in another room for days.”

Many students expressed a desire to reduce the time they spend on their cell phones and some worried they were missing out by spending so much time with their cell phones. Among the comments we received were the following:

“It bothers me how dependent I am on my phone but I have so many important things on it that I can’t seem to limit my use.”

“I’m trying my best to limit my cell phone use time, and do so especially in the presence of others. I would rather enjoy my time with those around me than be glued to the virtual world in my phone.”

“I use my phone more than I’d like. It has countless applicabilities, but I think, in making the world so interconnected, we have grown more distant from one another. I kind of wish there was a technological apocalypse, and we had to go back to the time before cell phones and the internet.”

“I honestly try my best to reduce the amount of time I use it, but unfortunately I have so many friends who contact me each day on the cell phone that I am forced to use it more than I would like to. However, as much as possible I try to [use] my cell phone only when necessary. I have watched videos on YouTube about young people my age in the 1990s [] and it makes me somewhat sad to see what our society is turning into, one that is so dependent on technology, such as cell phones, that we struggle to communicate with each other face to face.”

“I realize many people lack good social skills because they are so used to just texting or social media over actually talking with people in person.”

“Too many of my peers are addicted to their phones. I think this generation of lawyers needs to seriously work on face to face conversation skills.”

One student, however, insisted such concerns are overblown:

“I think that current students get a bad reputation for using their cell phones constantly and that we are ‘unable’ to have face to face communication anymore. I think this is certainly not true, as I and most of my friends would much rather prefer talking to one another and enjoying each other’s company in real life than over text, but sometimes that is the only option to stay connected.”

In terms of staying in touch with loved ones, friends, and employers, the respondents showed a marked difference in approaches. For loved ones, 312 (55.6%) primarily do so by text, 226 (40.3%) by phone, and twenty-three (4.1%)

by some other means (primarily FaceTime). For contacting friends, the numbers were: 514 (91.6%) by text, thirty-nine (7.0%) by phone, and eight (1.4%) by some other means (again, primarily FaceTime). For interacting with employers, the numbers were: 321 (76.3%) by e-mail, fifty-seven (13.5%) by text, forty-one (9.7%) by phone, and two (0.5%) by some other means.²⁰

We also asked students how they would contact a client if they needed to do so. Here, the answers were: 322 (57.4%) by e-mail, 212 (37.8%) by phone, fourteen (2.5%) by text, two (0.4%) by letter or fax, and eleven (2.0%) by other means, with most explaining they would choose either e-mail or the phone depending on the circumstances.

We suspect the differences in the answers to these four questions are largely due to the age of the person on the other end of the communication, the complexity of the information being conveyed, and the increased formality of employment-related communications.

Several students who said they would prefer to text with a client explained why. One wrote: “The clients I work with speak . . . Spanish. I am not fluent in Spanish so if I don’t have a translator, I sometimes text [them] because it is easier to translate a text.” Another said: “Texts memorialize correspondence for future reference and I often rely on them to confirm the content of past conversations, both personal and professional.” A third added: “It is extremely easy to use texting as a mean of communicating [with] clients [and] it is easier for them as well[.] [Also,] if [I’m] in class or at work it is easier for them to text [me] . . . [and it is] also more private. . . .”²¹

Although a recent observer has asserted that law students are uncomfortable speaking to clients by phone,²² most of our respondents disagreed. When we asked students how comfortable they would be if they had to call a client, 241 (43.0%) said “extremely comfortable,” 222 (39.6%) said “comfortable,” and seventy-six (13.55%) said “somewhat comfortable.” Only eighteen students (3.2%) said they would be “somewhat uncomfortable” and just four (0.7%) said they would be “very uncomfortable.” One student, however, did write: “[M]any of my fellow law students (especially those in their twenties) resort to texting as the primary communication tool. I think lawyers must be comfortable picking up the

²⁰ Students who were not working when they took the survey were told to skip the question regarding employers. As a result, 140 (25.0%) did so.

²¹ We assume by this last comment that the student is referring to the fact that texts cannot be overheard. Of course, texts present their own security risks. See, e.g., Steven Petrow, *Your Texts Are Not as Secure as You Think*, USA TODAY (Apr. 16, 2016), <https://www.usatoday.com/story/tech/columnist/2016/04/16/texting-texts-security-hacking/83118320/>.

²² See Frank H. Wu, *Pick Up the Phone, Please*, L.A. DAILY J., June 25, 2019, at 9.

In 1957, Dr. Herbert I. Harris of the Massachusetts Institute of Technology coined the phrase “telephone anxiety” to describe the fear some of his patients experienced when they had to speak on the phone. See Herbert I. Harris, *Telephone Anxiety*, 5 J. AM. PSYCHOANALYTICAL ASS’N 342 (1957). Today, the condition is a recognized medical malady, see, e.g., RONALD M. DOCTOR, ADA P. KAHN & CHRISTINE ADAMEC, *THE ENCYCLOPEDIA OF PHOBIAS, FEARS, AND ANXIETIES* 483-84 (3d ed. 2008), and has an extensive Wikipedia page. See *Telephone Phobia*, WIKIPEDIA: THE FREE ENCYCLOPEDIA (Feb. 28, 2020), https://en.wikipedia.org/wiki/Telephone_phobia.

phone and calling clients and those involved in the legal research process (e.g., government agencies).”

When we asked students who invented the telephone, nearly all—516 (92.0%)—got the right answer (Alexander Graham Bell).²³ However, twenty-seven (4.8%) voted for Thomas Edison, eight (1.4%) picked Nikola Tesla, one (0.2%) chose Bill Gates, and nine (1.6%) said they were “unsure” or failed to provide an answer.

One question we did not ask, but wish we had, concerns the use of cell phones for school-related purposes. Several students brought this up on their own:

“In order [to] function in law school (e.g., to register for classes on time when they open and not get wait-listed . . .) I MUST use a smartphone.”
[Emphasis in original.]

“I . . . do not think that students would do as well without [their cell phones] because we use it for literally everything. We check our school e-mail on our phone, look up assignments [], Google cases before class, text our friends about homework, etc.”

“I use my phone a little more than the average person my age because I spend about four hours of everyday commuting on the train. I spend that time scrolling through social media, or reading cases for class.”

“Our 1L section has a group chat on WhatsApp to help each other by sharing class info, reminding each other about upcoming assignments, etc.”

“I wouldn’t normally have my cell phone out during class, but with more professors requiring attendance and in class questions to be answered via apps, having our cell phones out during class has become a requirement.”

²³ The U.S. Supreme Court recognized Bell as the telephone’s inventor in *The Telephone Cases*, 126 U.S. 1, 533 (1888): “Other inventors may compete with him [Bell] for the ways of giving effect to the discovery, but the new art he has found will belong to him, and those claiming under him, during the life of his patent.”

Similarly, Martin Cooper, a Motorola engineer, “is universally acknowledged as the creator of the cellphone and the first person to make a cellphone call in public [on April 3, 1973].” ELIZABETH WOYKE, *THE SMARTPHONE: ANATOMY OF AN INDUSTRY 2* (2014). As Woyke further reports:

In contrast, there is no consensus on the smartphone’s origins. A number of people think it was born in 2007, when Apple cofounder Steve Jobs proudly showed off the first iPhone at the Macworld conference in San Francisco. But what many people forget or do not know is that phones with smartphone features had already been on sale for more than a decade.

“I am not a fan of school related communication methods that force me to use my phone.”

We also should have asked about cost. The University of Florida, for example, advises incoming law students to budget \$1,280 for “computer/cell phone.”²⁴ An anonymous female law student in Chicago recently blogged she spends \$88.24 a month (which works out to \$1,058.88 a year) on her cell phone, which she considers a bargain because: “I have unlimited data, and instead of paying for WiFi separately, I just use my personal hotspot when I need it.”²⁵ Nevertheless, the law student emergency fund at one of our schools classifies cell phones as “non-essential expenses” and therefore makes such bills ineligible for assistance.²⁶

IV. CONCLUSION

As noted at the outset of this article, cell phones have become ubiquitous on law school campuses. Indeed, such devices now often show up in law school exam questions²⁷ and a recent law school pro bono project involved soliciting used cell phones for domestic violence victims.²⁸ Thus, it is quite surprising that previous researchers have not conducted a study like ours.

Of course, our results are not scientific. Nevertheless, given the relatively large number of participants, we think our findings have more than a modicum of

²⁴ See *Financial Aid Letter - June 2018*, U. OF FLA. LEVIN C. OF L., <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/new-students/financial-aid-info>.

²⁵ *A Week in Chicago, IL, on a \$26,808 Income*, REFINERY29 (June 3, 2019, 1:50 PM), <https://www.refinery29.com/en-us/law-student-chicago-il-salary-money-diary>.

²⁶ See *Law Student Emergency Fund*, UIC JOHN MARSHALL L. SCH., <https://uofi.app.box.com/s/m4iwfbqd1v59qjq5htgmj4a5r621cl4d>.

²⁷ See, e.g., Emily Berman, *Counterterrorism & the Law Final Examination*, BROOKLYN LAW SCHOOL, <http://www.law.uh.edu/faculty/eberman/NSL/Fall2013CounterterrorismExamFINAL.pdf> (multiple choice questions thirteen and fourteen); S. David Mitchell, *Fall 2012 Advanced Torts Exam*, U. OF MO. SCHOOL OF LAW, [https://mulaw.missouri.edu/library/exams/mitchell/Advanced%20Torts%20-%20Final%20Exam%20\(Mitchell%20F'12\)%20-%20MU%20Exam%20Bank.pdf](https://mulaw.missouri.edu/library/exams/mitchell/Advanced%20Torts%20-%20Final%20Exam%20(Mitchell%20F'12)%20-%20MU%20Exam%20Bank.pdf) (first essay question); Henry H. Perritt, Jr., *Spring 2007 Property Exam*, IIT CHICAGO-KENT COLLEGE OF LAW (May 18, 2007), <http://blogs.kentlaw.iit.edu/perrittprop/exams/2007-spring-final-examination-exam-instructions-and-questions/> (second essay question). See also Stephen Wm. Smith, *Losing Track of the Tracking Device Statute*, CIS (Dec. 5, 2019), <http://cyberlaw.stanford.edu/blog/2019/12/losing-track-tracking-device-statute> (blog post by a Stanford University law professor that begins: “You, a first-year law student taking your Crim Pro exam, quickly scan the first question: ‘Can a cell phone be a tracking device?’”).

²⁸ See *Cell Phone Donation Project Tabling*, WAYNE ST. U. (Oct. 21, 2019), <https://events.wayne.edu/2019/10/21/cell-phone-donation-project-tabling-84024/> (“Occurring: Daily until October, 24th 2019 . . . Wayne Law’s Student Voluntary Pro Bono Program will be collecting used cellphones for refurbishment and resale or parts for recycling. All proceeds will benefit the National Coalition Against Domestic Violence.”).

validity.²⁹ At the very least, they provide some insight into the question: just what is that law student doing with his or her cell phone?³⁰

²⁹ Based on 561 surveys and a country-wide total of 112,879 J.D. students, see 509 Reports, *supra* note 9, our “margin of error” at the 95% confidence interval is 4.13%. See *Calculate Sample Size Margin of Error*, CHECKMARKET, <https://www.checkmarket.com/sample-size-calculator/>. As has been explained elsewhere, “An acceptable margin of error used by most survey researchers typically falls between 4% and 8% at the 95% confidence level.” *Margin of Error & Sample Size Calculator*, POLLFISH, <https://www.pollfish.com/margin-of-error-calculator/>.

³⁰ If the law student happens to be Kim Kardashian West, the answer is easy: trying to make money. See Chloe Melas, *Kim Kardashian West, Esq. in 2022? You Better Believe It*, CNN (June 29, 2019), <https://www.cnn.com/2019/06/28/entertainment/kim-kardashian-reading-the-law/index.html>. Just before announcing she had decided to become a lawyer, see *id.*, West extricated herself from a \$100 million patent lawsuit involving cell phone cases. See *Kim Kardashian, Urban Outfitters Sued for \$100 Million Over Patent-Protected Phone Case*, FASHION L. (Aug. 1, 2017), <https://www.thefashionlaw.com/home/kim-kardashian-urban-outfitters-sued-for-100-million-over-patent-protected-phone-case>. According to Snap Light’s complaint, many of West’s selfies featured infringing cases made by Lumee, one of its rivals. See First Amended Complaint at 2-3, Snap Light, LLC v. Kimsaprincess, Inc., No. 2:17-cv-05648, 2017 WL 7410546 (C.D. Cal. 2017) (filed Dec. 12, 2017); Stipulated Motion for Entry of an Order of Dismissal, Snap Light, LLC v. Kimsaprincess, Inc., No. 2:17-cv-05648, 2018 WL 1628870 (C.D. Cal. 2018) (filed Mar. 23, 2018).

Other law students also have gotten into trouble because of their cell phones. In 2010, for example, Rutgers University-Camden law student Christopher J. Bruner rear-ended another vehicle. See *State v. Bruner*, No. A-3064-11T1, 2013 WL 764636, at *1 (N.J. Super. Ct. App. Div.), *certification denied*, 76 A.3d 533 (N.J. 2013). According to Bruner, he had become distracted while trying to retrieve his cell phone, which had dropped on the floor. *Id.* at *2. The trial court, however, decided that Bruner had been drunk at the time of the accident. See *id.*

In 2012, University of Virginia law student Megan M. Kayo was arrested for assault and battery after she threw her cell phone at a police officer who was trying to help her while she was intoxicated. See *UVA Kid Allegedly Uses Her Phone to Communicate with Cops*, ABOVE THE L. (Aug. 28, 2012, updated Sept. 5, 2013), <https://abovethelaw.com/2012/08/law-student-of-the-day-uva-kid-allegedly-uses-her-phone-to-communicate-with-cops/>. In 2013, the charges against Kayo were expunged. *Id.*

In 2014, Caleb Salmon, a law student at the University of Tulsa, filed a *pro se* complaint against various companies alleging they had made telemarketing calls to his cell phone in violation of the Telephone Consumer Protection Act. See *Salmon v. CRST Expedited, Inc.*, No. 14-CV-265-CVE-TLW, 2016 WL 5956014, at *1 (N.D. Okla.), *report and recommendation adopted*, 2016 WL 3945362 (N.D. Okla. 2016), *aff’d sub nom* *Salmon v. Nutra Pharma Corp.*, 687 F. App’x 713 (10th Cir. 2017); 47 U.S.C. § 227 (2012). After his lawsuit was dismissed as baseless, one of the defendants moved for Rule 11 sanctions. See *Salmon*, 2016 WL 5956014, at *2. A magistrate judge recommended that Salmon be ordered to pay \$3,000 and, as a further punishment, “be directed to offer, in writing, to speak to law students at The University of Tulsa College of Law about the ramifications and seriousness of his misconduct and how it could have been avoided.” *Id.* at *5-6. The district court approved the magistrate judge’s recommendations, which were upheld on appeal. See *Salmon*, 687 F. App’x at 714.

In 2015, Emory University law student Jennifer M. Rosenbaum was arrested for murder and had her cell phone seized as evidence. See *In Ex-Emory Law Student’s Murder Trial, Georgia’s High Court Tosses Cell Phone Evidence*, YAHOO! FINANCE (Mar. 10, 2019), <https://finance.yahoo.com/news/ex-emory-law-students-murder-024144426.html>. In *State v. Rosenbaum*, 826 S.E.2d 18 (Ga. 2019), the Georgia Supreme Court decided the government had waited too long to get a warrant and, as a result, could not use any of the phone’s contents, which included emails and text messages from the day of the murder. Even without the phone, a jury found Rosenbaum and her husband guilty of killing their two-year-old foster daughter. See *Joshua Sharpe, Couple Convicted of Foster Child’s Death*, ATLANTA J.-CONST., Aug. 2, 2019, at A1.

For a case in which a lawyer had his license suspended for six months for using his cell phone to send sexually inappropriate text messages to a University of Akron law student (identified only as “Ms. C.”) who was working for him as a law clerk, see *Lake Cty. Bar Ass’n v. Mismas*, 11 N.E.3d 1180 (Ohio 2014), *reinstatement granted*, 48 N.E.3d 565 (Ohio 2015).