

HELP WANTED: AN EMPIRICAL STUDY OF LRW HIRING

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This article considers the hiring of legal research and writing—“LRW”—professors from an empirical perspective. It addresses two main questions: First, which qualities do law schools look for when hiring a LRW professor? Second, who is getting hired into the top-ranked legal writing programs? To answer these questions, I collected information—including law school attended, judicial clerkship experience, years of practice experience, years of teaching experience, and local versus non-local hire—on the 61 professors hired into the top-ranked legal writing programs from 2010 through 2017. I also studied the thirty-seven legal writing job openings posted to the Legal Writing Institute’s email listserv during the 2018-19 hiring cycle.

The article reviews those findings and uses them to identify best practices for law schools hiring a new LRW professor. I then highlight several law schools whose job listings reflect high standards and ample resources devoted to legal writing, as well as a few schools that appear to be falling short. Finally, I call on all law schools with full-time faculty teaching legal writing to adopt high standards and devote to legal writing the resources necessary to build an outstanding program.

Introduction

Legal Research and Writing is often called the most important course a student will take in law school.¹ Indeed, multiple studies have shown that a student’s performance in her first-year legal research and writing course is “the strongest predictor of law school success.”²

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¹ Ilhyung Lee, *The Rookie Season*, 39 SANTA CLARA L. REV. 473, 494 (1999) (noting “that legal research and writing is the single most important course in today’s law school”); James B. Levy, *Escape to Alcatraz: What Self-Guided Museum Tours Can Show Us about Teaching Legal Research*, 44 N.Y. L. SCH. L. REV. 387, 396 (2001) (“‘Law school faculties, practicing attorneys and judges generally agree’ that legal research and writing are among the most important skills taught in law school.”) (footnote omitted)).

² Leah M. Christensen, *The Power of Skills: An Empirical Study of*

Recognizing the importance of legal research and writing, most law schools now employ full-time faculty to teach their first-year legal writing courses.³ Adjunct-based legal writing programs, once common, exist today only at a small number of schools.⁴

When a law school decides to hire full-time faculty to teach legal writing, or when a law school that already employs full-time faculty needs to hire a new professor, certain questions arise: What should schools look for in a candidate for an open legal writing position? How are the qualifications for teaching legal writing similar to, and how are they different from, the qualifications for other law faculty positions?

This article attempts to answer those questions by looking at what is actually happening on the ground. I studied legal research and writing—“LRW”—hiring in two ways. First, I looked at who is actually getting hired into the legal writing programs ranked by U.S. News & World Report. Second, I looked at what law schools across the country are offering when they hire. In addition to presenting the results of my study, this article identifies some best practices that all law schools should follow when hiring legal writing professors.

Lawyering Skills Grades as the Strongest Predictor of Law School Success (Or in Other Words, It's Time for Legal Education to Get Serious About Integrating Skills Training Throughout the Law School Curriculum If We Care About How Our Students Learn), 83 ST. JOHN'S L. REV. 785, 797 (2009) (footnote omitted); see also Jessica L. Clark, *Grades Matter; Legal Writing Grades Matter Most*, 32 MISS. C. L. REV. 375, 413 (2014) (presenting data that shows a “strong correlative relationship between performance in legal writing and non-legal-writing courses”).

³ ASS'N OF LEGAL WRITING DIRS. & LEGAL WRITING INST., ALWD/LWI ANNUAL LEGAL WRITING SURVEY: REPORT OF THE 2017-2018 INSTITUTIONAL SURVEY 9 (2017-2018),

<https://www.lwionline.org/sites/default/files/Final%20ALWD%20LWI%202017-18%20Institutional%20Survey%20Report.pdf> [hereinafter ALWD/LWI 2017-2018 SURVEY] (reporting that 69% of responding law schools staff their first-year LRW courses with full-time faculty).

⁴ *Id.* (reporting that just five out of 144 responding schools use exclusively adjunct faculty to teach legal writing in the first year). An additional 33 schools reported that they use a “hybrid” staffing model, meaning that some or all of those schools employ one or more adjunct legal writing professors. *Id.*

I. Study Methodology

A. Part One: Professors Hired Into the Ranked Programs, 2010-17

Prior to conducting the research for this article, I applied for and received approval of the study from the University of North Carolina's Office of Human Research Ethics/Institutional Review Board (IRB). The IRB approved the project with certain required measures for data security, which I complied with throughout my research.

For Part One of the study, I collected information on professors hired to teach legal writing in the programs ranked by U.S. News & World Report in its 2019 rankings, which were released in March 2018.⁵ Included in the study are professors hired between 2010 and 2017 to teach legal writing in the twenty-nine legal writing programs ranked by U.S. News in 2019⁶ and still teaching legal writing at those schools as of 2018.

⁵ U.S. NEWS & WORLD REP. ACADEMIC INSIGHTS, <https://ai.usnews.com/ai#metric-trend> (subscription required) (last visited December 9, 2019). The twenty-nine programs were, in order of ranking: 1. UNLV, 2. Stetson, 3. Oregon, 4. Seattle, 5. Arizona State, 6. John Marshall (Chicago), 7. Denver, 8. Georgetown, 9. Suffolk, 10. Mercer, 11. Marquette, 12(tie). Drexel, 12(tie). North Carolina, 12(tie). Wake Forest, 15. Washburn, 16. Texas Tech, 17(tie). Chicago-Kent, 17(tie). Drake, 17(tie). Indiana-McKinney, 17(tie). Michigan, 17(tie). Temple, 22(tie). Arkansas-Little Rock, 22(tie). Duquesne, 22(tie). Ohio State, 25(tie). South Texas, 25(tie). Arizona, 27(tie). Brooklyn, 27(tie). Northwestern, 27(tie). Wyoming. *Id.* Twenty-six of these twenty-nine schools hired new professors during the relevant time period (2010-17). Three—Temple, Drake, and Chicago-Kent—did not.

⁶ In the 2020 rankings that U.S. News released in March 2019, a new system was used to rank legal writing programs and other specialty areas. U.S. News described the changes as follows:

This year for the first time, law school faculty members who teach in each specialty area rated the other law schools in that specialty area on a 5-point scale. Those schools with the highest average scores among those raters who rated them appear in the rankings and are ranked in descending order based on their average peer score they received in that specialty area. In all the previous law school specialty rankings, the law school raters chose their top 15 in a specialty area. This new methodology produced a significantly larger number of schools that were ranked in each specialty area – in some cases five or six times more.

U.S. News' law school specialty rankings, including those for legal writing, are based on "peer assessments by law school faculty who teach in that specialty area."⁷ These rankings of legal writing programs are closely watched in the legal writing community. Every year when the rankings come out, the ranked programs proudly announce their positions on their law schools' websites.⁸

Instead of studying all 202 ABA-accredited law schools,⁹ I chose for several reasons to study only the ranked legal writing programs. First, I agree with those who have argued that legal writing, like all other required first-year law school courses, should be taught by full-time faculty.¹⁰

Robert Morse, Kenneth Hines & Elizabeth Martin, *Methodology: 2020 Best Law School Rankings*, U.S. NEWS & WORLD REP. (Mar. 28, 2019, 2:04 PM), <https://www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology>. Since my survey is based on the 2019 rankings, it makes sense to refer to "ranked programs." In the new rankings, however, 163 legal writing programs are ranked. *See id.*

⁷ Morse et al., *supra* note 6.

⁸ *See, e.g.,* *Lawyering Skills Program, Ranked #8 in the Nation, Best in the Midwest for Legal Writing*, UIC J. MARSHALL L. SCH., <https://www.jmls.edu/academics/lawyering-skills/> (last visited July 16, 2019); Univ. of Arkansas-Little Rock William H. Bowen Sch. of Law, *Bowen's Legal Writing Program Ranked 8th in U.S.*, U. ARK. LITTLE ROCK (Mar. 27, 2014), <https://ualr.edu/law/2014/03/27/bowens-legal-writing-program-ranked-8th-in-u-s/>; *U.S. News Rankings: UNLV Boyd School of Law Best in Nation for Legal Writing*, UNLV, <https://www.unlv.edu/news/release/us-news-rankings-unlv-boyd-school-law-best-nation-legal-writing>; *A Top-10 Program for Over 10 Years: Preparing Students for Practice*, UNIV. OF OR. SCH. OF LAW, <https://law.uoregon.edu/explore/LRW-rank> (last visited July 16, 2019).

⁹ For a list of ABA-Approved Law Schools, see *ABA-Approved Law Schools*, ABA, https://www.americanbar.org/groups/legal_education/resources/aba_approved_lawschools/ (last visited May 25, 2019).

¹⁰ *See* Clark, *supra* note 2, at 415 (arguing that law schools should not "minimize legal writing courses" by "using adjunct professors over regular faculty"); Laurie Magid, *Awarding Fair Grades in a Process-Oriented Legal Research and Writing Course*, 43 WAYNE L. REV. 1657, 1658-59 (1997) (discussing the "great progress" made in legal writing programs, including full-time faculty replacing student teachers and adjunct professors); J. Christopher Rideout & Jill J. Ramsfield, *Legal Writing: A Revised View*, 69 WASH. L. REV. 35, 87-88 (2014) (arguing that "[e]stablishing a sound pedagogy is next to impossible" under, in part, an adjunct model).

Second, the unfortunate truth is that even among law schools where legal writing is taught by full-time faculty, not all schools take legal writing as seriously as they should. As discussed in Part II.B., some law schools appear to be uninterested in conducting national searches for legal writing faculty, or in enticing strong candidates to apply by offering competitive salaries and security of position.

For the study, I collected the following information on professors hired into the ranked legal writing programs between 2010 and 2017:

- Gender
- Year hired
- Law school where the person was hired
- Whether the person was from the local area
- Law school attended
- Judicial clerkship experience
- Years of legal practice experience
- Years of teaching experience
- Years since law school graduation

This part of the study involved two steps. First, for each school, I had to figure out whom the school had hired to teach legal writing since 2010. This was fairly straightforward. Most schools have a page on their website that lists the legal writing faculty.

For a few schools, it was difficult to determine from the websites who the legal writing faculty members are or when they started. In such cases, I either emailed the program director (if it has one), emailed someone who teaches at the school, or talked to someone from the school at the Legal Writing Institute's biennial conference at Marquette Law School in July 2018. Ultimately, I was able to get this information—the names of the professors hired to teach legal writing since 2010, and still working there as of summer 2018—for one hundred percent of the schools I studied.

One question that arose was whether to include legal writing directors in the study. I decided not to because the skills and experience schools look for in a director are different from the skills and experience schools seek in a professor.¹¹

¹¹ SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, SOURCEBOOK ON LEGAL WRITING PROGRAMS 129 (Eric B. Easton ed., 2d ed. 2006) [hereinafter SOURCEBOOK] (“The job [of director] requires not just expertise in the subject matter, but also leadership, supervisory skills, and a vision of how a quality program works.”) (footnote omitted)). If a person was hired in 2010 or later as a professor and subsequently became the director of the program, I would have included that person in my study. However, there are not any people who fit that description at the schools I studied.

The next step was to collect the information listed above for each professor hired since 2010. For most professors in the study, I was able to obtain this information from their online biographies or resumes. For the rest of the professors, I gathered what I could online and then sent them an email requesting whatever information was not available online.

There are 61 professors in the study. For 39 of the professors, I was able to gather the information I wanted from their online biographies or resumes. I emailed the other 22 professors, and all 22 responded. As explained below, certain challenges arose regarding both how to collect the data and how to classify certain professors.

1. Year Hired

As noted above, I studied professors hired into the ranked legal writing programs between the 2010-11 and 2017-18 academic years. I was interested in the year the person started working at the school. If someone was offered and accepted a position in 2009, with a Fall (or Summer) 2010 start date, that person would count as a 2010 hire.

I chose those years because I was interested in the current hiring practices and outcomes in the ranked programs. I was not interested in hiring practices during the “bad old days” of capped contracts and mostly adjunct-based programs.¹² I also thought that by going back to 2010, I would capture enough professors in the study that I could draw some meaningful conclusions about the people getting these jobs. I applied the 2019 rankings to hiring done between 2010 and 2017. This was for the sake of simplicity and to use a constant data set.

I included all professors who started working at one of the law schools in the study between 2010 and 2017. Along the way, I learned of a few professors hired to start in Fall 2018, and I chose to include them in the study as well.

¹² See Jan M. Levine, *Leveling the Hill of Sisyphus: Becoming a Professor of Legal Writing*, 26 FLA. ST. U. L. REV. 1067, 1075 (1999) (“Until recently, few legal writing professors stayed in the field for very long. Many schools simply limited the time one could remain in service.”). Of course, some professors hired into such programs continued teaching legal writing for years. Many of them became accomplished scholars and leaders in the field. I do not mean to suggest that there is nothing to be learned from studying legal writing professors hired in the 1980s and 90s, or even earlier.

2. Local Hire or Not

This was straightforward for nearly everyone in the study. However, there were some judgment calls to be made. Some professors in the study were lateral hires from other law schools in the same state. In such cases, I looked at whether the two schools are in the same metropolitan area. One person I corresponded with lateralled from a law school in one state to a law school in a neighboring state but did not relocate to do so because she had been commuting across state lines. I classified her as a local hire.

Also, several professors in the study relocated for visitor positions and were subsequently hired onto that same law school's faculty. Since I did not include visitors in my study, one could argue that technically such professors did not relocate when they started as faculty members. However, that is elevating form over substance, and I ultimately classified such professors as non-local.

3. Top 20 J.D.

Using the 2019 U.S. News rankings, I noted whether the professor had received his or her law degree from a school ranked in the Top 20. U.S. News' law school rankings have come under heavy criticism over the years.¹³ However, they are closely watched by, and influential among, American law schools,¹⁴ and they are frequently used in

¹³ See, e.g., Darren Bush & Jessica Peterson, *Jukin' the Stats: The Gaming of Law School Rankings and How to Stop It*, 45 CONN. L. REV. 1235, 1241 (2013) ("USNWR rankings are notoriously flawed and highly criticized by students, scholars, law professors, and law school deans."); Brent E. Newton, *The Ninety-Five Theses: Systemic Reforms of American Legal Education and Licensure*, 64 S.C. L. REV. 55, 7877-78 (2012) ("It is nearly universally accepted that the *U.S. News & World Report* ranking system has had several pernicious effects on American legal education . . ."); David A. Thomas, *The Law School Rankings Are Harmful Deceptions: A Response To Those Who Praise the Rankings and Suggestions For a Better Approach to Evaluating Law Schools*, 40 HOUS. L. REV. 419, 422 (2003) ("The magazine does not publish all the relevant data, does not describe all the measures it takes to ensure the accuracy of the data, and does not describe its methodology in enough detail to enable anyone to actually check the results or to isolate and identify the influence of individual factors on the rankings.").

¹⁴ See Karen Sloan, *Latest US News Law School Ranking Offers Few Surprises*, LAW.COM (Mar. 12, 2019, 1:00 AM), <https://www.law.com/2019/03/12/latest-u-s-news-law-school-ranking-offers-few-surprises/> (calling the U.S. News law school rankings "closely

articles about law professors' credentials.¹⁵ I will use them here, and leave it to others to argue about their merits.

My goal in collecting this information was to see how many of the professors in the study received their law degrees from an "elite" law school. Clearly, there is an element of arbitrariness to limiting the definition of "elite" to the Top 20 schools, and I do not mean to suggest that the school ranked twentieth in a particular year is "elite" while the school ranked twenty-first is not, especially since they may well switch places in the next year's rankings. Nevertheless, one must draw the line somewhere, and previous articles on this topic have used the U.S. News Top 20 in this manner.¹⁶

4. Judicial Clerkships

This was simply a binary question of whether the person had ever worked as a law clerk to a judge. I did not differentiate between term clerks and career clerks, level of court, or state courts versus federal.

5. Years of Practice Experience

In determining a professor's years of practice experience, I occasionally had to make judgment calls about what counts as "practicing law." A few professors in the study worked for courts in jobs with "attorney" in the title (e.g., "staff attorney"). I did not count these jobs as legal practice because they typically do not involve the representation of clients. The same is true of positions like reference attorney for Westlaw or Lexis.

watched"); *Law School Rankings*, TOPLAWSCHOOLS, <http://www.top-law-schools.com/rankings.html> (last visited July 16, 2019) ("Despite many critics, the *US News* law school rankings remain the most well known and influential of all law school rankings.").

¹⁵ See, e.g., Susan P. Liemer & Hollee S. Temple, *Did Your Legal Writing Professor Go to Harvard?: The Credentials of Legal Writing Faculty at Hiring Time*, 46 U. LOUISVILLE L. REV. 383, 418 n.216 (2008); Richard E. Redding, "Where Did You Go to Law School?" *Gatekeeping for the Professoriate and Its Implications for Legal Education*, 53 J. LEGAL EDUC. 594, 598 (2003).

¹⁶ Liemer & Temple, *supra* note 15, at 418; Mitchell Nathanson, *Taking the Road Less Traveled: Why Practical Scholarship Makes Sense for the Legal Writing Professor*, 11 LEGAL WRITING 329, 337 (2005).

6. Years of Teaching Experience

My goal with this category was to capture prior experience teaching legal writing. I defined this broadly. I counted teaching as an adjunct or visiting professor. I counted teaching upper-level courses with a significant legal writing component, such as Advanced Appellate Advocacy. Several professors in the study had worked at other law schools, and their resumes listed numerous “courses taught.” If at least one of those courses was a legal writing course, I counted the person’s years at that school as years of teaching experience.

Because I chose to count adjunct work, it is possible for someone to be six years out of law school and have five years of practice experience and three years of teaching experience. Similarly, if the years do not “add up”—the person has been out of law school for ten years but only practiced for five and taught for two—that does not mean the person was not working the other years. It just means that he or she was not working at a job that fits into one of the three categories I studied: judicial clerkships, teaching legal writing, and practicing law.

7. Years Since Graduation

This was simply a question of arithmetic: at the time the person started teaching at his/her current school, how many years had it been since his/her graduation from law school?

8. Parameters of the Study

My study only includes professors hired into the ranked programs since 2010 and still working there. A professor who was hired in 2012 and left in 2015 would not be included. I did not look at anything the professors in the study did prior to law school. There may be relevant credentials or experience there: for example, experience teaching at the undergraduate level, an undergraduate degree from an elite institution, or an advanced degree other than a J.D. I do not mean to suggest that these things don’t matter or that schools don’t consider them in hiring legal writing professors (they probably do), but those are other topics for another day. Finally, the study is a snapshot in the sense that it only looks at programs ranked by U.S. News in one particular year—the 2019 rankings that came out in March 2018—and only looks at professors hired into those programs between 2010 and 2017.

B. Part Two: Job Postings for the 2018-19 Hiring Cycle

For Part Two of the study, I collected all of the job postings sent to the Legal Writing Institute email listserv during the 2018-19 hiring cycle.¹⁷ Consistent with Part One of the study, I included only postings for full-time professors and excluded postings for adjuncts, visitors, and directors.

Unlike in Part One, I included all law schools with openings, as opposed to limiting the study to schools with ranked legal writing programs. Limiting this portion of the study to the twenty-nine programs that appeared in the 2019 rankings would have left me with too little data: those twenty-nine schools combined to produce just seven job postings during the 2018-19 hiring cycle. In describing the results of Part Two, I will identify certain job postings that reflect the values and practices I endorse in this paper, and certain others that fall short.

The Legal Writing Institute uses a standard disclosure form for legal writing job announcements posted on its listserv.¹⁸ Not every law school uses the form when posting an open position, but most do, and even those that do not tend to provide the same basic information about the open position. The LWI form contains four categories of information. First, the form asks whether the position is tenure-track, may lead to long-term contracts, may lead only to short-term contracts, or has an upper limit on the number of years for which the professor may be appointed. Second, it asks whether the professor hired will be permitted to vote in faculty meetings. Third, the form asks for the salary range that the school anticipates paying.¹⁹ Finally,

¹⁷ “The Legal Writing Institute (LWI) is a nonprofit organization dedicated to improving legal communication by supporting the development of teaching and scholarly resources and establishing forums to discuss the study, teaching, and practice of professional legal writing.” *About LWI*, LEGAL WRITING INST., <https://www.lwionline.org/about> (last visited July 30, 2019).

¹⁸ *Employment Listings*, LEGAL WRITING INST., <https://www.lwionline.org/resources/employment-listings> (last visited July 30, 2019) (follow “job disclosure form” hyperlink).

¹⁹ *Id.* For full-time, non-ad adjunct positions, the ranges are less than \$50,000; \$50,000-\$59,999; \$60,000-\$69,000; \$70,000-\$79,999; \$80,000-\$89,999; \$90,000-\$99,999; \$100,000-\$109,999; \$110,000-\$119,999; and over \$120,000.

the form asks for the number of students enrolled in each semester of the course or courses that the professor will teach.

Under each category, the form contains space for the school to provide additional information. For example, underneath the first category, schools often state whether the position complies with ABA Standard 405(c).²⁰ Beneath the second category, schools often explain that legal writing professors are permitted to vote on some matters but not others.

I used the LWI disclosure form to study and compare the positions advertised during the 2018-19 hiring cycle. If a school did not use the form but still provided the same information, I included that information. For purposes of computing averages, I reduced ranges to a specific number. For example, in the salary section, if a school checked the box for \$80,000-\$89,999, I used \$85,000 for that school. If a school checked the boxes for 36-40 students per semester and 41-45 students,²¹ I used 40.5.

Finally, I counted each law school only once, even if it advertised multiple openings.

²⁰ Standard 405(c) states:

A law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory perquisites reasonably similar to those provided other full-time faculty members. A law school may require these faculty members to meet standards and obligations reasonably similar to those required of other full-time faculty members. However, this Standard does not preclude a limited number of fixed, short-term appointments in a clinical program predominantly staffed by full-time faculty members, or in an experimental program of limited duration.

AM. BAR ASS'N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2018-2019 Standard 405(c), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2018-2019ABASStandardsforApprovalofLawSchools/2018-2019-aba-standards-chapter4.pdf [hereinafter Standard 405(c)].

²¹ It is fairly common for schools to check multiple boxes in a section.

II. Study Results

A. Part One: Who Got Hired, 2010-17

1. Gender

Legal writing is a “pink ghetto.”²² Professors Susan P. Liemer and Hollee S. Temple trace this phenomenon back to the creation of large numbers of legal writing jobs in the 1980s:

[A]t the same time law schools needed to provide labor-intensive legal writing instruction to a lot more students, many more women were graduating from law schools and entering the legal job market. Large numbers of non-tenure-line legal writing positions were created in the 1980s and women entered these positions at “very high rates.”²³

The numbers have fluctuated over time, but there have always been many more women than men teaching legal writing at U.S. law schools.²⁴

The results of my study are consistent with previous studies. In my study, 23, or 37.7%, of the professors hired were male, while 38, or 62.3%, were female. Whatever the reason for this, it is not because

²² Liemer & Temple, *supra* note 15, at 415 (footnote omitted).

²³ *Id.* (footnotes omitted).

²⁴ ASS’N OF LEGAL WRITING DIRS. & LEGAL WRITING INST., REPORT OF THE ANNUAL LEGAL WRITING SURVEY 2015, 69, [https://www.alwd.org/images/resources/2015%20Survey%20Report%20\(AY%202014-2015\).pdf](https://www.alwd.org/images/resources/2015%20Survey%20Report%20(AY%202014-2015).pdf) [hereinafter ALWD/LWI 2015 SURVEY] (stating that in the 2014-15 academic year, 72% of full-time LRW faculty were female and 28% were male);

ASS’N OF LEGAL WRITING DIRS. & LEGAL WRITING INST., REPORT OF THE ANNUAL LEGAL WRITING SURVEY 2010 iii (2010), <https://www.lwionline.org/sites/default/files/2010-Survey-Report.pdf> [hereinafter ALWD/LWI 2010 SURVEY] (noting that out of 978 full-time faculty teaching legal research and writing in 2009-10, 697, or 71%, were female, and 281, or 29%, were male); ASS’N OF LEGAL WRITING DIRS. & LEGAL WRITING INST., 2003 SURVEY RESULTS 43 (2003), [https://www.alwd.org/images/resources/2003%20Survey%20Report%20\(AY%202002-2003\).pdf](https://www.alwd.org/images/resources/2003%20Survey%20Report%20(AY%202002-2003).pdf) [hereinafter ALWD/LWI 2003 SURVEY] (reporting grand totals of 426 female LRW professors, or 65%, and 231 males, or 35%).

the field is predominantly female to begin with, although that is true, and the ranked programs often hire professors with prior teaching experience, which is also true. Of the fourteen entry-level hires—people with no prior experience teaching legal writing—in my sample, eleven are women and just three are men.²⁵

2. Local Hire or Not

In March of 2017, Jason Yackee, a Professor of Law at the University of Wisconsin-Madison, posted on a widely read blog a series of comments in opposition to equal pay for legal writing professors.²⁶ Among Professor Yackee's arguments for paying legal

²⁵ The reasons why the field of legal writing is predominantly female, and the effects of that reality on the salaries, status, and job security of legal writing professors, are important topics on which others have written at length. *See, e.g.*, Jan M. Levine & Kathryn M. Stanchi, *Women, Writing & Wages: Breaking the Last Taboo*, 7 WM. & MARY J. WOMEN & L. 551, 580 (2001); Liemer & Temple, *supra* note 15, at 428-29; Kathryn M. Stanchi, *Who Next, The Janitors? A Socio-Feminist Critique of the Status Hierarchy of Law Professors*, 73 UMKC L. REV. 467, 478 (2005). But they are beyond the scope of this article.

²⁶ Jason Yackee, Comments to 'Full Citizenship Project For All Law Faculty' Launched To Correct Gender Disparities Among Law Profs, TAXPROF BLOG (Mar. 11, 2017, 12:26:21 AM; Mar. 9, 2017, 4:59:26 PM), https://taxprof.typepad.com/taxprof_blog/2017/03/full-citizenship-project-for-all-law-faculty-launched-to-correct-gender-disparities-among-lawprofs.html#morehttps://taxprof.typepad.com/taxprof_blog/2017/03/full-citizenship-project-for-all-law-faculty-launched-to-correct-gender-disparities-among-lawprofs.html#more.

writing professors less than podium professors,²⁷ he speculated that “most LRW faculty are recruited from the local legal market.”²⁸

My study shows that Professor Yackee’s statement is not true of the ranked legal writing programs. Of the 61 professors hired into the ranked programs between 2010 and 2017, 37 (61%) relocated for the job, while 24 (39%) were local hires.

In fairness to Professor Yackee, if one were to look at LRW hiring at all 202 ABA-accredited law schools, one may well find that a majority of the professors were hired from the local practice community. That is because, as discussed in Sections II.B and IV

²⁷ There is no generally accepted term for full-time law faculty who teach first-year courses other than legal writing and/or upper-level courses like Federal Courts, Evidence, Copyright, and Federal Income Tax. Older articles often referred to such professors as “tenure-track.” See Jo Anne Durako, *Dismantling Hierarchies: Occupational Segregation of Legal Writing Faculty in Law Schools: Separate and Unequal*, 73 UMKC L. REV. 253, 254 (2005); Lee, *supra* note 1, at 492; Philip N. Meyer, *Confessions of a Legal Writing Instructor*, 46 J. LEGAL EDUC. 27, 40 (1996). This no longer makes sense now that many clinical and legal writing faculty have, or are eligible for, tenure. See ALWD/LWI 2017-2018 SURVEY, *supra* note 3, at viii, xi, 1111 (noting that “51 responders (out of 182) indicated that their school employs LRW Faculty with the status of Tenured or Tenure-track with Traditional Tenure,” and 16 other schools stated that they offer LRW professors “programmatically tenure,” defined as “[t]enure that is achieved through a separate track/using different standards than traditional tenure awarded to doctrinal faculty”). Other articles use the adjective “doctrinal” to describe such professors. See, e.g., Kathryn M. Stanchi & Jan M. Levine, *Gender and Legal Writing: Law Schools’ Dirty Little Secrets*, 16 BERKELEY WOMEN’S L.J. 3, 6 (2001). But as Professor Harold Anthony Lloyd has explained, this is highly misleading because legal writing classes are quite clearly “doctrinal.” Harold Anthony Lloyd, *Why Legal Writing Is “Doctrinal” and More Importantly Profound*, 19 NEV. L.J. 719729, 729-30 (2019). More recently, these professors have been called “podium faculty.” See, e.g., Nancy B. Rapoport, *Changing the Modal Law School: Rethinking U.S. Legal Education in (Most) Schools*, 116 PENN ST. L. REV. 1119, 1136-37 (2012); Kristen K. Tiscione & Amy Vorenberg, *Podia and Pens: Dismantling the Two-Track System for Legal Research and Writing Faculty*, 31 COLUM. J. GENDER & L. 47, 51 (2015). The phrase “podium faculty” is just as inaccurate as the other options—such professors do not, to my knowledge, stand on podiums like orchestra conductors—but at least its inaccuracy is harmless. Therefore, I use “podium faculty” in this article.

²⁸ See Yackee, *supra* note 26.

below, many law schools do not offer legal writing professors a package of compensation, benefits, status, and job security sufficient to entice a strong candidate to relocate for the position.

Furthermore, my data show that whether legal writing professors are hired locally or nationally depends to some extent on the location of the law school doing the hiring. Of the schools in my study that hired new LRW professors in the relevant time period, five are located in one of the five largest legal markets in the United States.²⁹ At those schools, twelve of the fifteen professors hired (80%) were local hires. This is likely because in those markets, there are many well-qualified applicants already living nearby, including some who are teaching at other law schools. Not surprisingly, law schools in large legal markets often hire locally for podium positions as well.³⁰

Meanwhile, at the law schools not located in those large cities—and the vast majority of U.S. law schools are not located in New York,

²⁹ Katelyn Polantz, *The NLJ 500: Which 5 Cities Have the Most Lawyers?*, LAW.COM (June 28, 2017, 9:44 PM), <https://www.law.com//nationallawjournal/almID/1202791850104/?tokenvalue=834030F8-818B-4A1C-BD19-706159B68467><https://www.law.com//nationallawjournal/almID/1202791850104/?tokenvalue=834030F8-818B-4A1C-BD19-706159B68467> (listing New York, Washington, D.C., Chicago, Los Angeles, and Boston as the five largest legal markets in the U.S.).

³⁰ For example, at Fordham University School of Law in New York City, at least eleven podium professors were already working in New York City at the time they joined the Fordham faculty. *See Fordham School of Law Faculty Bios*, FORDHAM U. THE JESUIT U. OF N.Y., https://www.fordham.edu/info/20668/faculty_bios (last visited May 26, 2019) (list of referenced faculty on file with author). At St. John's, at least nine podium professors were local hires. *See Full-time Faculty*, ST. JOHN'S U. SCH. OF L., <https://www.stjohns.edu/law/faculty/full-time-faculty> (last visited July 22, 2019) (list of referenced faculty on file with author). Local podium faculty hires are common in Washington, D.C. as well. On George Washington's faculty, there are currently at least seventeen podium professors who were hired from the D.C. market. *See Full-Time Faculty*, GW L. FACULTY, <https://www.law.gwu.edu/full-time-faculty> (last visited July 22, 2019) (list of referenced faculty on file with author). At American University Washington College of Law, there are at least twenty-four such professors. *See Our Faculty*, AM. U. WASH. C. OF L., <https://www.wcl.american.edu/community/faculty/?sts=103,108> (last visited July 22, 2019) (list of referenced faculty on file with author). All of these numbers include only podium professors whose faculty biographies or online curricula vitae clearly indicate that they were local hires; the actual numbers are almost certainly higher.

Washington, Chicago, Los Angeles, or Boston—a substantial majority of the professors hired—34 out of 46, or 74%—were non-local hires who relocated to take the positions.

In sum, a law school following the best practices outlined in this article, which include designing jobs that a strong candidate might relocate to fill, will likely hire a majority of its legal writing professors from outside the city where the school is located.³¹

3. Top 20 J.D.

With respect to where legal writing professors went to law school, my data are consistent with other studies when it comes to two main findings. First, legal writing professors, like other law faculty, disproportionately come from elite law schools.³² Second, legal writing professors are less likely than podium professors to have a law degree from an elite law school.³³ One way to describe this state of affairs is that LRW faculty hiring is elitist, but not as elitist as podium faculty hiring.

In my study, 26 of the professors hired (42.6%) have law degrees from Top 20 schools, and the other 35 (57.4%) do not. Thus, over forty percent of the professors in my study came from a group of law schools comprising just under ten percent—9.9, to be exact—of the 202 ABA-accredited U.S. law schools. The 42.6% figure is somewhat higher than the figure from Professors Liemer and Temple's 2008 study of the legal writing professoriate, which was not limited to the ranked programs. In that study, only 28% of the professors surveyed had law degrees from Top 20 schools.³⁴ More research would be

³¹ Of course local attorneys can make great legal writing professors.

³² See Tracey E. George & Albert H. Yoon, *The Labor Market for New Law Professors*, 11 J. EMPIRICAL LEGAL STUD. 1, 31-32 (2014) (finding that during the 2007-08 hiring cycle, graduates of the Tier 1 law schools accounted for 82% of all tenure-track hires, and that graduates of Harvard, Yale, or Stanford accounted for 46 percent); Redding, *supra* note 15, at 599-600 (finding that of the 443 new law teachers hired between 1996 and 2000, 33% graduated from either Harvard or Yale, 66.2% graduated from a Top-12 law school, and 86.2% graduated from a Top-25 law school).

³³ See Liemer & Temple, *supra* note 15, at 418 (noting that in the authors' survey of legal writing professors, 121 of 428 respondents, or 28%, received their law degrees from a Top 20 school).

³⁴ *Id.*

needed to confirm this finding, but these data at least suggest that the ranked legal writing programs are more likely than other programs to hire professors with law degrees from highly ranked schools. As discussed below with respect to prior teaching experience, the ranked legal writing programs can afford to be more selective in hiring.

Even with 42.6% of their professors having law degrees from Top 20 schools, the ranked legal writing programs are not nearly as elitist in their hiring as law schools hiring podium faculty. Studies consistently show that substantial majorities of podium professors have law degrees from just a small handful of elite law schools, and that a huge proportion of these professors—as many as 46%—graduated from one of three schools: Harvard, Yale, or Stanford.³⁵

The statistics in this section could be used to argue, as some have in the past,³⁶ that it makes sense to treat legal writing professors and podium professors differently when it comes to salary, status, and job security because legal writing professors are hired with inferior credentials. However, many commentators have argued that the rampant elitism in podium faculty hiring is regrettable.³⁷ Moreover,

³⁵ See George & Yoon, *supra* note 32, at 31-32; Redding, *supra* note 15, at 600.

³⁶ See Liemer & Temple, *supra* note 15, at 388 (“[Q]uite often, legal writing professors hear that upgrades cannot be made for them because, after all, they were not hired with the same credentials as the tenure-line faculty” (footnote omitted)).

³⁷ See, e.g., Olufunmilayo B. Arewa, Andrew P. Morriss & William D. Henderson, *Enduring Hierarchies In American Legal Education*, 89 IND. L.J. 941, 942-43 (2014) (“The legal academy places considerable—and, we believe, overly great—weight on institutional prestige in everything from article placement decisions . . . to hiring, promotion, and tenure.” (footnote omitted)); Bruce D. Fisher & Paul Bowen, *The Law School Compensation Systems at Three Top Quartile State Law Schools: Factors Correlating With Law Professors’ Salaries and Suggestions*, 19 N. ILL. U. L. REV. 671, 689-90 (1999) (“Certainly excellence in some form, be it academic, professional, or scholarly publishing, is necessary for a professor, but . . . thought should be given to broadening the background of persons who teach succeeding generations of lawyers.”); Redding, *supra* note 15, at 607 (noting that “diversity of educational backgrounds provides greater diversity of thought and approaches to pedagogy, scholarship, and activism”); Eric Segall & Adam Feldman, *The Elite Teaching the Elite: Who Gets Hired by the Top Law Schools?* (Nov. 6, 2018) (unpublished Georgia State University College of Law, Legal Studies Research Paper No. 2018-26), <https://ssrn.com/abstract=3279878> or <http://dx.doi.org/10.2139/ssrn.3279878> (“By limiting their hiring to the most elite schools . . . [the top 25 ranked] schools limit the range of

as Professors Liemer and Temple have argued, even if this disparity did justify different treatment, it would not justify treating legal writing professors who did attend elite law schools differently from their podium faculty colleagues.³⁸

4. Judicial Clerkships

In my study, 31 of the professors hired (50.8%) had worked as judicial clerks, and 30 (49.2%) had not. In this respect, professors hired into the ranked legal writing programs are similar to podium and clinical faculty. In his study of tenure-track hiring between 1996 and 2000, Richard E. Redding found that 57% of the professors hired had worked as judicial clerks.³⁹

One interesting issue arose unexpectedly in connection with this question: whether clerking for a judge counts as practicing law. Experience working as a law clerk for a federal- or state-court judge may be a relevant qualification in LRW hiring, but clerking for a judge is not practicing law.⁴⁰

pedagogical choices they adopt and provide for their students . . . [T]he obsessive focus by elite schools on where law professor applicants received their degree should be seriously re-examined.”).

³⁸ See Liemer & Temple, *supra* note 15, at 420 (noting that 36% of the legal writing professors in their survey held a J.D. or other advanced degree from a top twenty law school but only 17% of them had tenure-line jobs, and asking: “Why were the other 19% not hired into tenure-line positions?”).

³⁹ Redding, *supra* note 15, at 601; see also Nathanson, *supra* note 16, at 351 (“[A]lthough legal writing professors and doctrinal professors were roughly equally likely to have had clerkship experience (38% versus 34%), the type of clerkship experience differed. Doctrinal professors were more likely to have had a federal clerkship than a state court clerkship and were likewise more likely to have had a United States Supreme Court or intermediate appellate clerkship as opposed to a district court clerkship.” (footnote omitted)).

⁴⁰ See MD. CODE ANN., BUS. OCC. & PROF. § 10-101(h)(1) (West 2010) (“Practice law’ means to engage in any of the following activities: (i) giving legal advice; (ii) representing another person before a unit of the State government or of a political subdivision; or (iii) performing any other service that the Court of Appeals defines as practicing law.”); TENN CODE ANN. § 23-3-101 (West 2012) (“Practice of law’ means the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any court, commissioner, referee

In conducting my survey, I was surprised that several respondents included years spent clerking when describing their practice experience. I do not think these professors actually believe that law clerks are engaged in the practice of law, nor am I aware of any authority supporting such a belief. Rather, they are probably using the phrase “legal practice experience” interchangeably with “legal experience,” which could be defined broadly enough to include experience as a judicial clerk.

5. Years of Practice Experience

“Historically, practical experience has been viewed within the legal academy as a negative when assessing faculty candidates.”⁴¹ Not everyone thinks this is good. In October 2018, some legal academics took to Twitter to debate whether law schools should diversify their faculties by hiring more conservative professors. In response, Professor Christopher Sprigman, a Professor of Law at NYU, wrote the following:

We don't need more conservatives on elite law school faculties. We need more lawyers. By which I mean people who have actually practiced law. . . . That means actual lawyering, with clients, contracts, documents, deadlines, senior partners, judges, and all the other things about being a lawyer that can be great and terrible and often in the same day. It would be a step ahead if the faculties teaching law students actually understood what most of their students will be doing with their careers. As someone who spent a dozen years working as an actual lawyer before becoming an academic, I can tell you firsthand that we could do a better job of this.⁴²

or any body, board, committee or commission constituted by law or having authority to settle controversies, or the soliciting of clients directly or indirectly to provide such services.”); *Crawford v. Cent. Mortg. Co.*, 744 S.E.2d 538, 541 (S.C. 2013) (“The generally understood definition of the practice of law ‘embraces the preparation of pleadings, and other papers incident to actions and special proceedings, and the management of such actions and proceedings on behalf of clients before judges and courts.’”).

⁴¹ Nathanson, *supra* note 16, at 351 (footnote omitted).

⁴² Christopher Sprigman (@CJSprigman), TWITTER (Oct. 26, 2018, 6:35 AM), (copy on file with author); *see also* Seth P. Waxman, *Rebuilding Bridges: The Bar, The Bench, and the Academy*, 150 U. PA. L. REV. 1905, 1912

If Professor Sprigman is right that law schools should hire more experienced attorneys, then legal practice experience is surely even more important for law professors hired to teach practice skills like legal research and writing. Not surprisingly, then, in LRW hiring, prior experience as a practicing attorney is generally considered a requirement for the job.⁴³ As the ABA Sourcebook on Legal Writing Programs⁴⁴ states, a professor teaching legal writing should have “sufficient experience as a practicing attorney to develop a well-rounded view of the legal profession and the settings in which legal writing occurs.”⁴⁵

In my study, 57 of the 61 professors hired, or 93.4%, had prior experience as practicing attorneys at the time they were hired. There was a broad range in the number of years of practice experience, with four professors having just one year of practice experience, and three professors having practiced law for over twenty years. The professors with legal practice experience had an average of 6.83 years of such experience. Because some professors in the study had several decades of practice experience, it is probably more informative to look at the median amount of practice experience, which was five years. There appears to be something of a “sweet spot” around four-to-six years, with nineteen professors having exactly four, five, or six years of legal practice experience at the time they were hired.

Whether one looks at the mean, the median, or the most common numbers of years of experience, the takeaway is the same: legal writing professors hired into the ranked programs have substantial experience as practicing attorneys. Moreover, legal practice is generally not viewed as merely a way-station on the journey to a career in academia—a place to cool one’s heels for a year or two while waiting for the right faculty job to open up. This stands in stark

(2002) (“Premier law schools . . . need to make affirmative efforts to hire gifted people who have been successful in practice, public and private.”).

⁴³ See Liemer & Temple, *supra* note 15, at 424 (noting that law practice experience is “generally expected for those teaching practice skills”).

⁴⁴ *The Sourcebook on Legal Writing Programs* is published by the Communication Skills Committee of the ABA Section of Legal Education and Admissions to the Bar. SOURCEBOOK, *supra* note 11, at xiii. The goal of the book is “to set out the ‘parameters and common features’ that define successful programs for teaching legal writing skills in law school and to ‘help improve the quality of legal writing programs across the country.’” *Id.*

⁴⁵ SOURCEBOOK, *supra* note 11, at 81.

contrast to the profiles of podium faculty hires. As the *New York Times* reported in November 2011, “One 2010 study of hiring at top-tier law schools since 2000 found that the median amount of practical experience was one year, and that nearly half of faculty members had never practiced law for a single day.”⁴⁶ Similarly, a 2005 study by Professor Mitchell Nathanson found that among legal writing and “doctrinal” faculty who had law firm experience, the legal writing professors had an average of 7.4 years of such experience, while the doctrinal professors averaged 3.53 years.⁴⁷ As a result, on most law school faculties, legal writing professors “are the relative experts on the issues that confront the practicing attorney.”⁴⁸

Finally, while legal practice experience is almost always required of professors hired to teach legal writing, my results also show that schools are occasionally willing to make exceptions. With only four professors in the study lacking legal practice experience, it is hard to say anything about what might justify an exception to the legal practice “requirement.” However, it is worth noting that of the four professors without legal practice experience, all four had several years of experience teaching legal writing.

6. Years of Teaching Experience

The ranked programs show a clear preference for hiring candidates with prior experience teaching legal writing. In my study, 47 of the 61 professors hired, or 77%, had taught legal writing before, while just 14 (23%) had not. The 47 professors with prior teaching experience had an average of 6.05 years of such experience, with a median of five years.

There are at least two factors at play here. First, many of the schools with ranked legal writing programs offer legal writing professors competitive salaries and security of position.⁴⁹ As a result,

⁴⁶ David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES, Nov. 20, 2011, at 1, 22.

⁴⁷ See Nathanson, *supra* note 16, at 337.

⁴⁸ *Id.* at 339-40.

⁴⁹ See, e.g., Posting of Mary Beth Beazley, Professor of Law, UNLV William S. Boyd Sch. of Law, dircon-bounces@lists.washlaw.edu on behalf of Mary Beth Beazley marybeth.beazley@unlv.edu, to lrwprof-1@iupui.edu, *UNLV is hiring (Cross-posted)* (July 9, 2018, 1:59 PM) (copy on file with author) (advertising a tenure-track position with a salary range of \$100,000 to “over \$120,000”); Posting of Amanda Harmon Cooley, Professor of Law, S. Tex. Coll. of Law Hous., acooley@stcl.edu, to lrwprof-1@iupui.edu, *South Texas*

whenever these schools have openings, they probably receive numerous applications from extraordinarily qualified candidates.

Second, there are many reasons why a school might prefer a candidate with prior teaching experience over a candidate with none. Teaching legal writing is not for everyone, and schools would rather not hire someone who is going to decide after a year or two that they don't like it and return to legal practice. As with most other jobs, a person with years of experience doing it is likely to be better at it than someone with no experience. And hiring a new professor with experience allows incumbent professors to learn about successful practices used in other programs, including assignment creation, teaching innovations, and course design.

7. Years Since Graduation

The 61 professors hired by the twenty-nine ranked schools were, on average, 12.2 years out of law school. However, as noted above, many of those professors are on their second or third teaching job, so one would expect them to be several years out of law school. To get a better sense of how much post-law-school work experience legal writing professors have, it makes sense to focus on entry-level hires: people with no prior experience teaching legal writing. This greatly reduces the sample size, as only fourteen professors in the study were entry-level hires. Those professors were, on average, 7.28 years out of law school when they started at their current schools. This finding is consistent with findings from Professor Nathanson's study: "[l]egal writing professors take on average 33% longer [than podium faculty] to secure their initial law teaching positions (8.04 years versus 5.42 years)."⁵⁰ Thus, legal writing professors gain many years of relevant experience before transitioning into what is essentially a second career in academia.

College of Law Houston, acooley@stcl.edu, to *Faculty Positions Announcement* (July 23, 2018, 3:16 PM) (copy on file with author) (advertising a tenure-track position with a salary range of \$90,000-\$109,999).

⁵⁰ Nathanson, *supra* note 16, at 338.

B. Part Two: Job Postings, 2018-19

During the 2018-19 hiring cycle, thirty-seven law schools posted openings for legal writing professors.⁵¹ Twenty-nine schools advertised one open position, while each of the other eight had at least two openings.⁵²

1. Type of Position

The following eight schools advertised openings for tenure-track jobs teaching legal writing: Akron, Arizona State, Arkansas, Belmont, Louisville, South Texas, Southern, and UNLV.

Two more schools, Albany and Georgetown, offered the possibility of tenure. Albany's listing stated that "[t]he positions will be long-term contract track or tenure-track depending on interest and experience of candidates."⁵³ Similarly, Georgetown's listing stated that "the position leads to a 7-year, presumptively renewable appointment with potential for moving to tenure track."⁵⁴

Consistent with the latest ALWD/LWI survey results,⁵⁵ these results show that tenure-track legal writing jobs are increasingly common. Because three of the ten schools listed above advertised multiple openings, there were a total of thirteen tenure-track legal writing openings during the 2018-19 cycle.

⁵¹ The following schools advertised openings: Albany, Akron, Arizona State, Arkansas, Ave Maria, Baylor, Belmont, Boston University, Brooklyn, Buffalo, Capital, Cincinnati, Dayton, Duke, Emory, Elon, Georgetown, Georgia State, Hofstra, Louisville, Loyola (California), Michigan, Missouri-Kansas City, Northwestern, Pepperdine, Rutgers, San Francisco, Santa Clara, South Texas, Southern, St. John's, St. Mary's, Texas, UCLA, UConn, UMass-Dartmouth, and UNLV.

⁵² The following schools advertised multiple openings: Albany, Belmont, Elon, Loyola (California), Rutgers, South Texas, St. Mary's, and UMass-Dartmouth.

⁵³ Posting of Jenean Taranto, Professor of Law, Albany Law Sch., jtara@albanylaw.edu, to lrwprof-1@iupui.edu, *Albany Law Job Posting* (Sept. 5, 2018, 11:39 AM) (copy on file with author).

⁵⁴ Posting of Jessica Lynn Wherry, Assoc. Professor of Law, Legal Practice, Georgetown Univ. Law Ctr., dircon-bounces@lists.washlaw.edu on behalf of Jessica.Wherry@law.georgetown.edu, to lrwprof-1@iupui.edu, *Position Announcement: Georgetown University Law Center* (Oct. 31, 2018, 1:01 PM) (copy on file with author).

⁵⁵ ALWD/LWI 2017-2018 SURVEY, *supra* note 3, at viii, xi, 11.

In addition to the ten schools offering tenure, fourteen schools offered long-term contracts. Thus, a solid majority—twenty-four out of thirty-seven schools, or 64.9%—of schools with openings for Fall 2019 offered at least long-term contracts of five years or more.

Two of the schools that offered long-term contracts but not tenure—Loyola (California) and Rutgers—specified in their listings that the positions advertised complied with ABA Standard 405(c).⁵⁶ It is likely that several of the other long-term-contract jobs comply with Standard 405(c) even though the job posting did not say so. Because 405(c) compliance is not a separate category on the LWI disclosure form, the annual ALWD/LWI survey of legal writing professors probably provides a more accurate measure of how many schools offer Standard 405(c) protection to legal writing faculty. According to the most recent survey, 55 schools offer Standard 405(c) protection to legal writing faculty who teach first-year students.⁵⁷

Only eleven schools offered short-term contracts, and the listings for Ave Maria⁵⁸ and Boston University⁵⁹ checked the boxes for both long-term contracts and short-term contracts.

⁵⁶ Posting of Robert Brain, Loyola Law Sch., L.A., dircon-bounces@lists.washlaw.edu on behalf of bob.brain@ll.edu, to lrwprof-l@iupui.edu, *Loyola Law School, Los Angeles is hiring!* (July 26, 2018, 2:28 PM) (copy on file with author); Posting of Ruth Anne Robbins, Distinguished Clinical Professor, Rutgers Law Sch., dircon-bounces@lists.washlaw.edu on behalf of Ruth Anne Robbins ruthanne@camden.rutgers.edu, to lrwprof-l@iupui.edu, *Rutgers Law-Camden campus job posting* (Nov. 19, 2018, 11:00 AM) (copy on file with author).

⁵⁷ ALWD/LWI 2017-2018 SURVEY, *supra* note 3, at 11.

⁵⁸ Posting of Eric Fleetham, Dir. & Assist. Professor of Research, Writing & Advocacy, Ave Maria Sch. of Law, ecfleetham@avemarialaw.edu, to lrwprof-l@iupui.edu, *Hiring Announcement* (June 25, 2019, 2:04 PM) (copy on file with author).

⁵⁹ Posting of Robert Volk, Dir., Legal Writing & Appellate Advocacy Program, Bos. Univ. Sch. of Law, dircon-bounces@lists.washlaw.edu on behalf of Robert Volk r Volk@bu.edu, to lrwprof-l@iupui.edu, *Position Announcement at Boston University School of Law* (Nov. 27, 2018, 10:40 AM) (copy on file with author).

2. Voting Rights

At most schools where legal writing is taught by full-time faculty, those faculty members vote in faculty meetings.⁶⁰ In my study, four of the schools with openings declined to state whether the professor(s) hired will vote in faculty meetings. Of the other thirty-three schools, twenty-six (79%) offered voting rights while only seven (21%) did not.

While most full-time legal writing professors have voting rights, those rights are often limited.⁶¹ Of the twenty-six schools in my study that offered voting rights, seventeen included additional language limiting those rights. These policies generally prohibit legal writing faculty from voting on the hiring, promotion, and tenure of podium faculty. Thus, legal writing faculty generally vote on curricular matters and other issues of law school policy but are often prohibited from voting on at least some personnel matters.

3. Salary

Of the thirty-seven schools with openings, thirty-three provided salary information in their postings and four did not. Among the schools that did provide a salary or salary range, the average salary offered was \$85,820. The highest listed salaries were offered by Baylor (“over \$120,000”),⁶² Brooklyn (\$120,000),⁶³ St. John’s

⁶⁰ ALWD/LWI 2017-2018 SURVEY, *supra* note 3, at 79.

⁶¹ *Id.* (showing 59 affirmative responses under “full voting rights” and 122 affirmative responses for voting rights with exceptions). Note that respondents were permitted to check multiple boxes, for example, if some LRW professors at the school have full voting rights while others only vote on certain matters.

⁶² Posting of Scott Fraley, Lecturer & Dir. of the Legal Writing Program, Baylor Law, dircon-bounces@lists.washlaw.edu on behalf of Scott Fraley Scott_Fraley@baylor.edu, to lrwprof-1@iupui.edu, *Baylor Legal Writing Position (Corrected Post)* (March 1, 2019, 1:27 PM) (copy on file with author).

⁶³ Posting of Heidi K. Brown, Dir. of the Legal Writing Program & Assoc. Professor of Law, Brooklyn Law Sch., heidi.brown@brooklaw.edu, to lrwprof-1@iupui.edu, *Exciting Changes at Brooklyn Law School; Position Announcement* (Nov. 19, 2018, 12:36 PM) (copy on file with author).

(\$110,000-\$119,999),⁶⁴ Southern (\$100,000-\$119,999),⁶⁵ and Georgetown (\$100,000-\$119,999).⁶⁶

Overall, the job postings from the 2018-19 cycle show that many law schools in large cities now offer six-figure salaries to legal writing professors. In addition to the schools mentioned above, UNLV (“typical new hire [makes] \$105k”),⁶⁷ South Texas (\$90,000-\$109,999),⁶⁸ Arizona State (\$70,000-\$109,999),⁶⁹ and Santa Clara (\$90,000-\$119,999)⁷⁰ all offered salaries or salary ranges stretching above \$100,000.⁷¹ Two law schools in Los Angeles, Loyola and UCLA, and the University of Texas at Austin, were not far behind: those three schools advertised a salary range of \$90,000-\$99,999.⁷²

⁶⁴ Posting of Robin Boyle Laisure, Professor of Legal Writing, St. John’s Univ. Sch. of Law, boyler@stjohns.edu, to lrwprof-l@iupui.edu, *St. John’s University Legal Writing Position Announcement (Cross-Posted)* (Mar. 2, 2019, 10:14 AM) (copy on file with author).

⁶⁵ Posting of Gail Stephenson, Louisiana Outside Counsel A.A. Lenoir Endowed Professor, Dir. of Legal Analysis & Writing, & Professor of Law, Southern Univ. Law Ctr., gstephenson@sulc.edu, to lrwprof-l@iupui.edu, *Great news from Southern, and job ad* (Dec. 7, 2018, 10:20 AM) (copy on file with author).

⁶⁶ Posting of Jessica Lynn Wherry, *supra* note 54.

⁶⁷ Posting of Mary Beth Beazley, *supra* note 49.

⁶⁸ Posting of Amanda Harmon Cooley, *supra* note 49.

⁶⁹ Posting of Susan M. Chesler, Clinical Professor of Law, Sandra Day O’Connor Coll. of Law, Ariz. State Univ., dircon-bounces@lists.washlaw.edu on behalf of susan.chesler@asu.edu, to lrwprof-l@iupui.edu, *Job Announcement at Sandra Day O’Connor College of Law, Arizona State University* (Aug. 15, 2018, 11:45 AM) (copy on file with author).

⁷⁰ Posting of Michael W. Flynn, Assoc. Dean for Academic Affairs & Assoc. Clinical Professor of Law, Santa Clara Univ. Sch. of Law, mwflynn@scu.edu, to lrwprof-l@iupui.edu, *Santa Clara Law is hiring!* (Feb. 12, 2019, 4:41 PM) (copy on file with author).

⁷¹ Santa Clara is located in Santa Clara, California (population 116,468), but it is adjacent to San Jose, which has a population of over one million.

⁷² Posting of Robert Brain, *supra* note 56; Posting of Kamela S. Bridges, Director, The David J. Beck Ctr. for Legal Research, Writing, & Appellate Advocacy, The Univ. of Tex. at Austin Sch. of Law, KBridges@law.utexas.edu, to lrwprof-l@iupui.edu, *Texas Law is hiring* (Apr. 17, 2019, 12:31 PM) (copy on file with author); Posting of Julie Cramer, Lecturer In Law, UCLA Sch. of Law, cramer@law.ucla.edu, to the lrwprof-l@iupui.edu, *LRW Teaching Position at UCLA School of Law* (May 7, 2019, 3:15 PM) (copy on file with author).

At the other end of the spectrum, the lowest salaries were offered by Ave Maria (\$50,000-\$60,000),⁷³ Buffalo (\$60,000-\$62,000),⁷⁴ Dayton (\$60,000-\$64,999),⁷⁵ Hofstra (\$60,000-\$69,999),⁷⁶ Georgia State (\$60,000-\$69,000),⁷⁷ and St. Mary's (\$65,000).⁷⁸

For a more complete picture of current salaries for legal writing professors, it is helpful to compare my data with the results of the most recent ALWD/LWI survey. The survey asks about "entry-level LRW Faculty" salaries only, and it breaks down the results as follows:

<u>Status</u>	<u>Mean (average) salary</u>
Tenured/Tenure-track (traditional)	\$95,664
Tenured/Tenure-track (programmatic)	\$95,571
405(c) or 405(c) track	\$73,667
Full-time, Short-term	\$69,083
Full-time, Long-term, non-405(c)	\$72,350 ⁷⁹

The average entry-level salary across all five categories was \$76,447.⁸⁰

⁷³ Posting of Eric Fleetham, *supra* note 58.

⁷⁴ Posting of Bernadette Gargano, Vice Dean of Student Affairs & Legal Skills Faculty, Univ. at Buffalo Sch. of Law, gargano@buffalo.edu, to lrwprof-l@iupui.edu, *Hiring Announcement – University at Buffalo School of Law* (May 13, 2019, 12:40 PM) (copy on file with author).

⁷⁵ Posting of Julie E. Zink, Professor of Lawyering Skills & Coordinator, Legal Profession Program, Univ. of Dayton Sch. of Law, dircon-bounces@lists.washlaw.edu on behalf of jzink1@udayton.edu, to lrwprof-l@iupui.edu, *Dayton Law Hiring Announcement* (Feb. 28, 2019, 10:53 AM) (copy on file with author).

⁷⁶ Posting of Amy R. Stein, Professor of Legal Writing & Assistant Dean for Legal Writing & Adjunct Instruction, Hofstra Univ. Maurice A. Deane Sch. of Law, Amy.R.Stein@hofstra.edu, to lrwprof-l@iupui.edu, *Position Announcement Maurice A. Deane School of Law at Hofstra University* (Nov. 26, 2018, 1:18 PM) (copy on file with author).

⁷⁷ Posting of Margaret Hughes Vath, Director, Lawyering: Foundations Program, Ga. State Univ. Coll. of Law, mvath@gsu.edu, to lrwprof-l@iupui.edu, *LWI Georgia State University College of Law Hiring Announcement* (Apr. 16, 2019, 12:45 PM) (copy on file with author).

⁷⁸ Posting of Afton Cavanaugh, Law Success Instructor, St. Mary's Univ. Sch. of Law, acavanaugh1@stmarystx.edu, to lrwprof-l@iupui.edu, *Employment Opportunity: Law Success Instructors at St. Mary's University* (May 23, 2019, 10:27 PM) (copy on file with author).

⁷⁹ ALWD/LWI 2017-2018 SURVEY, *supra* note 3, at 138.

⁸⁰ To compute this average, I took into account how many survey respondents provided information regarding each type of position instead of just taking the average of the five average salaries listed above. For example, 30 schools provided salary information for 405(c) or 405(c) track professors,

My survey data looks at job postings from the 2018-19 academic year, whereas the most recent ALWD/LWI survey data are from 2017-18. In addition, my data comes from the thirty-seven schools that posted openings for Fall 2019. In the ALWD/LWI survey, no more than 88 schools provided salary information, and the number is probably lower because schools had the option of providing data for multiple categories.⁸¹ So in both cases, there are a lot of law schools not captured in the data set.

Nevertheless, the available data suggest that the average entry-level salary, as shown in the ALWD/LWI survey, is around \$76,500. The overall average salary for new hires—including new hires with prior teaching experience—as shown by my survey results, is \$85,820. Not surprisingly, professors with prior teaching experience earn more than professors without. Professors with tenure earn more than professors on the 405(c) track, and professors on the 405(c) track earn more than other contract professors.

4. Student Load

Of the thirty-seven schools with openings, thirty-three provided information on the student load and four did not. At the schools that did provide information, the average number of students to be taught by the new professor per semester was 40.47, with a median of 39.5. These figures are surprisingly high given that the annual ALWD/LWI survey consistently shows an average student load in the low-to-mid thirties. For example, the most recent survey, from 2017-18, broke down the averages by faculty status, as follows:

<u>Status</u>	<u>Avg. No. of Students</u>
Tenured/Tenure-track (traditional)	32.4
Tenured/Tenure-track (programmatic)	33.4
405(c) or 405(c) track	35.8
Full-time, Short-term	35.7
Full-time, Long-term, non-405(c)	34.8 ⁸²

while only seven provided data for professors with programmatic tenure or tenure-track. Thus, simply averaging the five numbers, without giving appropriate weight to the number of schools that responded to each category, would produce a misleading figure.

⁸¹ ALWD/LWI 2017-18 SURVEY, *supra* note 3, at 138.

⁸² ALWD/LWI 2017-2018 ANNUAL SURVEY, *supra* note 3, at 91.

The 2016-17 survey similarly showed averages ranging from 29.4 to 37.5.⁸³

There are several possible explanations for this discrepancy. First, it may be a result of how the question is asked. The LWI Disclosure Form, which I used for my survey, states “The number of students enrolled in each semester of the courses taught by the legal research & writing professor will be,” and schools may check one or more of the following boxes: 30 or fewer, 31-35, 36-40, 41-45, 46-50, 51-55, 56-60, or more than 60.⁸⁴ The ALWD/LWI survey asks: “For LRW faculty with the following status(es) who teach LRW Courses and do not have additional administrative duties, what is the average number of students per academic term (e.g., semester, trimester, quarter) the faculty member will have in LRW Courses?”⁸⁵ ALWD/LWI survey respondents provide a number instead of checking boxes.⁸⁶

Second, the numbers in my study may be higher because several schools with student loads well above the national average happened to have job openings during the 2018-19 cycle.

Third, it is at least possible, though not likely, that my results reflect a trend toward larger student loads—a trend not yet reflected in ALWD/LWI survey data. However, this is unlikely because the ALWD/LWI survey has shown a clear trend toward smaller, not larger, student loads.⁸⁷

⁸³ ASS'N OF LEGAL WRITING DIRS. & LEGAL WRITING INST., ALWD/LWI ANNUAL LEGAL WRITING SURVEY: REPORT OF THE 2016-2017 SURVEY 90, <https://www.lwionline.org/sites/default/files/Report-of-the-2016-2017-Survey.pdf>.

⁸⁴ Legal Research & Writing Faculty Teaching Position Job Posting Disclosure Form for the LRWPROF-L Listserv (available at <https://www.lwionline.org/resources/employment-listings>).

⁸⁵ ALWD/LWI 2017-2018 SURVEY, *supra* note 3, at 91.

⁸⁶ *Id.*

⁸⁷ As noted above, the most recent data show that the average student load ranges from 32.4 to 35.8, depending on the status of the professor. *See supra* note 83 and accompanying text. This represents a significant decrease since 2010. In 2010, “LRW faculty members each taught an average of 40.83 entry-level students” in the fall semester, and 39.70 in the spring. 2010 ALWD/LWI Survey, *supra* note 24, at ix. Going back even farther, “[i]n the 2002-03 academic year, the ‘average’ LRW faculty member taught 44 entry-level students” 2003 ALWD/LWI Survey, *supra* note 24, at v (summarizing results of Question 82).

III. Best Practices For LRW Hiring

In his blog comments (discussed in Section II.A. above), Professor Yackee of Wisconsin wrote that the “attributes, skills, and interests” that law schools look for when hiring “tenure-track faculty”⁸⁸ are “relatively rare,” whereas the “attributes, skills, and interests” that schools look for in legal writing professors are “more common.”⁸⁹ Fortunately, the results of my study show that, in general, law schools reject this “anyone can do it” approach to LRW hiring. Instead, law schools with legal writing openings scour the country to find candidates with years of high-level legal practice experience,⁹⁰ strong educational credentials,⁹¹ and, in many cases, years of teaching

⁸⁸ Presumably Professor Yackee is referring to podium faculty and not tenure-track legal writing professors, of which there are many. See ALWD/LWI 2017-2018 SURVEY, *supra* note 3, at viii, ix, xi, 11 (reporting that 51 schools employ tenured or tenure-track legal writing professors, while an additional sixteen schools offer programmatic tenure).

⁸⁹ See Caron, *supra* note 26.

⁹⁰ See Posting of Heidi K. Brown, *supra* note 63 (“Applicants must have a J.D. and at least three years of practice experience in any subject matter area.”); Posting of Jeremy Mullem, Clinical Professor of Law & Dir. Legal Writing, Duke Univ. Law Sch., mullem@law.duke.edu, to lrwprof-l@iupui.edu, *Position Announcement*, lrwprof-l@iupui.edu (Sept. 26, 2018, 9:53 AM) (on file with author) (“Candidates must have superior academic records and at least four years of experience in practice (which may include clerking).”); Posting of Rachel Jay Smith, Professor of Practice, Univ. Cincinnati Coll. Law, rachel.smith@uc.edu, to lrwprof-l@iupui.edu, *Job Announcement for Assistant Professor of Practice at the University of Cincinnati*, lrwprof-l@iupui.edu (Mar. 28, 2019, 3:13 PM) (on file with author) (listing “substantial legal-practice experience” as one of the “Required Qualifications”); Posting of Jenean Taranto, *supra* note 53 (“Applicants must have . . . at least five years of experience in law practice”); Posting of Margaret Hughes Vath, *supra* note 77 (“Candidates with several years of legal practice experience are preferred.”).

⁹¹ See Posting of Michelle Falkoff, Dir. of Commc’n & Legal Reasoning, Northwestern Univ. Sch. Law, dircon-bounces@lists.washlaw.edu on behalf of michelle.falkoff@northwestern.edu, to lrwprof-l@iupui.edu, *Northwestern Pritzker CLR Job Posting* lrwprof-l@iupui.edu (Nov. 5, 2018, 5:42 PM) (on file with author) (“We seek applications from candidates with excellent academic records”); Posting of Jessica Lynn Wherry, *supra* note 54 (“Candidates must have superior academic records”).

experience.⁹² In addition, schools look for “attributes, skills, and interests” not captured, or captured only indirectly, by my study: excellent research, reasoning, writing, and analysis skills;⁹³ previous publication of legal scholarship;⁹⁴ and a demonstrated interest in, and potential for excellence in, teaching practice skills to law students and producing scholarship.⁹⁵

⁹² See Posting of Ted Becker, Dir. Legal Practice Program, Univ. Mich. Law Sch., dircon-bounces@lists.washlaw.edu on behalf of tbecker@umich.edu, to lrwprof-l@iupui.edu, *Position Announcement: University of Michigan Law School* (Oct. 15, 2018, 7:45 PM) (on file with author) (“Prior teaching experience is preferred.”); Posting of Shaun B. Spencer, Assoc. Professor, Assoc. Dean Acad. Affairs, & Dir. Legal Skills, Univ. of Mass. Sch. of Law, dircon-bounces@lists.washlaw.edu on behalf of sspencer1@umassd.edu, to lrwprof-l@iupui.edu, *UMass Law Is Hiring for Fall 2019*, lrwprof-l@iupui.edu (Feb. 27, 2019, 8:20 AM) (on file with author) (“Applicants must have . . . previous experience teaching legal writing.”); Posting of Amy R. Stein, *supra* note 76 (“Hofstra is particularly interested in applicants with previous experience teaching legal writing . . .”).

⁹³ See Posting of Michelle Falkoff, *supra* note 91 (seeking applications from candidates with “outstanding writing and editing skills”); Posting of Amy R. Stein, *supra* note 76 (“Applicants must have a J.D. degree and have demonstrated excellence in legal research, writing, analysis, and oral communication . . .”).

⁹⁴ See Posting of Mary Beth Beazley, *supra* note 49 (requiring that applicants submit “cites or links to published works”); Posting of JoAnne Mae Sweeny, Professor of Law, Brandeis Sch. Law, Univ. Louisville, joanne.sweeny@louisville.edu, to lrwprof-l@iupui.edu, *University of Louisville Is Hiring—Up to TWO Positions*, lrwprof-l@iupui.edu (July 25, 2019, 4:04 PM, 2018) (on file with author) (“Applicants should have . . . a record of scholarship . . .”).

⁹⁵ See Posting of Halle Hara, Professor & Dir. Acad. Success, Capital Univ. Law Sch., hhara@law.capital.edu, to lrwprof-l@iupui.edu, *Employment Opportunity: Professor of Legal Writing at Capital University Law School* (May 23, 2019, 4:09 PM) (on file with author) (“Applicants also must have strong interpersonal skills and be able to work both independently and collegially as part of a team.”); Posting of Amanda Harmon, *e.g.*, Cooley, *supra* note 49 (“We seek candidates with outstanding academic records who are committed to both excellence in teaching and sustained scholarly achievement.”); Posting of Barbara Hoffman, Assistant Clinical Professor of Law, Rutgers Law Sch., barbara.hoffman@rutgers.edu, to lrwprof-l@iupui.edu, *Amended Job Posting, Assistant Clinical Professor of Law, Practice Program, Newark Campus*, lrwprof-l@iupui.edu (Nov. 8, 2018, 11:36 AM) (on file with author) (stating that candidates must demonstrate “potential to be . . . a productive scholar” and that “prior scholarship will be considered”).

As discussed above, the ranked legal writing programs in particular excel at finding accomplished, experienced, and well-qualified legal writing professors. Law schools looking to hire a new legal writing professor should follow the lead of these ranked programs. These include the following practices:

1. Conduct a national search.

Law schools search and hire nationally for podium faculty positions, and legal writing hiring should be no different.⁹⁶ Posting the position on the websites of national organizations like the Legal Writing Institute,⁹⁷ while certainly a good idea, does not make a search national. Neither does interviewing legal writing candidates at the Association of American Law Schools' annual Faculty Recruitment Conference,⁹⁸ although again, that may be part of the process. As noted in Section II.A.2, a true national search requires the law school to offer a package of compensation, benefits, status, and job security sufficient to entice a strong candidate to relocate for the position.

Of course, there will be some local hires, just as there will be with podium faculty hiring. My data suggest that local hiring will be more common at law schools located in the biggest legal markets.⁹⁹ There is nothing inherently wrong with hiring a professor from the local practice community or hiring someone currently teaching legal writing at another school in the area.¹⁰⁰ However, if a school finds itself hiring one local candidate after another for legal writing while rarely hiring local candidates for podium positions, the school should take a hard look at why that is happening.

⁹⁶ See Liemer & Temple, *supra* note 15, at 427 (arguing that law schools should “structure and compensate legal writing jobs so as to make them employment opportunities for which families will move, as families often do for doctrinal tenure-line employment”).

⁹⁷ Legal Writing Inst., *Employment Listings*, LWI, <https://www.lwionline.org/resources/employment-listings> (last visited July 30, 2019).

⁹⁸ See Ass'n of Am. Law Schs., *Faculty Recruitment Conference*, AALS, <https://www.aals.org/services/recruitment/conference/> (last visited December 9, 2019).

⁹⁹ See *supra* notes 29-30 and accompanying text.

¹⁰⁰ I was a local hire when I entered this field in 2010.

2. Offer a competitive salary.

As explained in Section II.B.3 above, the average salary range for new hires appears to be from \$76,500 to \$85,820. The ALWD/LWI survey shows that, not surprisingly, salaries are higher for higher-status jobs—tenure-track or 405(c)-track. My data also suggest that salaries are higher—often dramatically so—in the largest legal markets.

Based on all of this information, any salary below \$70,000—or below \$90,000 in a large market—is too low and sends the wrong message about how the school values its legal writing program. Surely no law school would state publicly that it is trying to build a below-average legal writing program. And while a school that offers low salaries may occasionally luck into an outstanding hire, in the long run it will be difficult, if not impossible, to build an excellent legal writing program while paying low salaries.¹⁰¹

In addition, my data suggest that very soon, law schools in big cities will have to offer legal writing professors six-figure salaries if they want to conduct a true national search and attract strong candidates. Schools in large cities—and even those in smaller-but-expensive cities—would do well to take note of this trend and reevaluate the salaries they offer to legal writing professors.

3. Have high standards.

The ABA's *Sourcebook on Legal Writing Programs* states that [i]n a first-year legal writing curriculum, the ideal full-time professor should have the following qualifications and characteristics: sufficient experience as a practicing attorney to develop a well-rounded view of the legal profession and the settings in which legal writing occurs; demonstrated excellence in legal analysis, research, and writing, as well as other skills

¹⁰¹ Again, schools must consider the message they are sending when they advertise a legal writing job with a low salary. Is the school offering a low salary because it knows it will likely hire a woman for the position, and it knows it can get away with paying women less than men, as law schools have for years? See Liemer & Temple, *supra* note 15, at 415 (“Large numbers of non-tenure-line legal writing positions were created in the 1980s and women entered these positions ‘at very high rates.’ Law schools simply took advantage of the situation, ignoring the undercurrent of gender discrimination.”).

required by the curriculum, such as interviewing, counseling, negotiation, and advocacy; an interest in pedagogy and learning theory; and a communication style well-suited to both classes and individual conferences with first-year law students.¹⁰²

These are minimum qualifications, and law schools would do well to consider other factors. With more schools offering tenure to legal writing faculty,¹⁰³ many schools consider scholarship potential when evaluating candidates. A new legal writing hire may eventually become a committee chair or legal writing director, so leadership skills are an important consideration at many schools.

Whether a candidate has sufficient legal practice experience is a fairly straightforward question and can be determined from the candidate's resume. A candidate's communication style and interest in pedagogy are much more subjective. A thorough interviewing and vetting process is necessary to determine whether a candidate possesses these attributes.

To determine whether a candidate has demonstrated excellence in legal analysis, research, and writing, schools must undertake a thorough review of the candidate's professional record, going all the way back to law school.¹⁰⁴ As discussed above, a person does not have to have a law degree from an elite school to be a successful law professor. Indeed, a majority of the professors in my study earned their degrees from schools outside the U.S. News & World Report Top 20. However, if a candidate attended an elite law school and did well there, surely that is some evidence that the candidate has excellent legal analysis, research, and writing skills.

There are other ways to evaluate a candidate's skills. The most obvious is to look at where the candidate has worked since law school, what she did there, and how well she did it. This requires talking to people who have worked closely with the candidate. Schools should consider contacting not only the candidate's listed references, all of whom can be expected to rave about the candidate, but also other

¹⁰² *Sourcebook*, *supra* note 11, at 81 (internal citations and bullet points omitted).

¹⁰³ *See supra* note 27.

¹⁰⁴ *See* Posting of Ted Becker, *supra* note 92 (requiring a law school transcript as part of the application); Posting of Kamela S. Bridges, *supra* note 72 (same); Posting of Scott Fraley, *supra* note 62 (same).

attorneys who have worked with the candidate, to get a candid assessment of the candidate's skills.¹⁰⁵

Given the importance of writing to the job of a legal writing professor, schools must also do a thorough assessment of the candidate's writing skills. This involves more than just reading the candidate's writing sample. A writing sample from a law firm context was most likely reviewed, and perhaps partially written, by people other than the candidate. Schools should try to obtain other writing that the candidate has done, including any publications in bar journals or law reviews.¹⁰⁶ In addition, cover letters often reveal a lot about a candidate's writing ability.¹⁰⁷

Finally, schools should try to determine how the candidate would perform as a legal writing professor. Candidates could be asked to teach a mock class in addition to a traditional job talk. My own school requires candidates to provide written feedback on a hypothetical student paper as part of the hiring process.

4. Find candidates who are knowledgeable and passionate about the practice of law.

At the end of the day, our job as legal writing professors is to teach students skills they will use as practicing attorneys. Indeed, many law schools have given their first-year legal writing courses names like

¹⁰⁵ This need not be a scorched-earth investigation akin to an FBI background check, and in many situations a simple reference check is probably sufficient. However, if a candidate is currently teaching at another law school, the school considering the candidate may get valuable information from talking to multiple colleagues of the candidate as opposed to just one colleague hand-picked by the candidate to say nice things about her. Similarly, if a candidate spent several years at a law firm, it makes sense to talk to more than just one person at that firm who worked closely with the candidate. At the same time, schools must proceed cautiously and remember that candidates sometimes do not want their current employers to know that they have applied for different jobs.

¹⁰⁶ At the same time, schools should be mindful that attorneys who are successful in large firms or other settings where long hours are the norm simply may not have had time to publish anything during their practice careers.

¹⁰⁷ As a member of a hiring committee, I once read a cover letter in which the candidate described herself as a proud "alumni" of our law school. Another candidate told me in an email that I had "peaked" her interest in teaching. Mistakes and typos happen and should not be disqualifying, but neither of these candidates received an interview.

“Legal Practice”¹⁰⁸ or “Lawyering Skills.”¹⁰⁹ It would be strange for a course named Legal Practice to be taught by someone who had never done that, or for Lawyering Skills to be taught by someone who had not demonstrated that he or she has excellent lawyering skills.

Part of the job of a legal writing professor is to get students to engage with “cases” that may have nothing to do with the area they want to practice in and generally aren’t even real.¹¹⁰ This is challenging to say the least, and it helps if the professor herself is enthusiastic about the hypothetical, and about solving legal problems for and communicating with clients more generally. If we do our jobs well, students should leave our courses not only with certain skills but with excitement about the work they’ll be doing as practicing attorneys.

Moreover, some of the best scholarship produced by legal writing professors draws on the authors’ practice experience and is intended to be read by (among other audiences) practicing attorneys.¹¹¹

¹⁰⁸ See, e.g., *1L Legal Practice Program*, UCONN SCH. L., <https://www.law.uconn.edu/academics/clinics-experiential-learning/1l-legal-practice-program> (last visited June 26, 2019); *First Year Research and Writing Program*, GEORGETOWN L., <https://www.law.georgetown.edu/academics/courses-areas-study/legal-writing-and-student-scholarship/first-year-research-and-writing-program/> (last visited June 26, 2019) (describing “[t]he first year Legal Practice: Writing and Analysis course”); *Legal Practice Program: An Immediate Engagement in Developing Professional Skills*, MICH. LAW, <https://www.law.umich.edu/aboutus/faculty/Pages/LegalPracticeProgram.aspx> (last visited June 26, 2019).

¹⁰⁹ See, e.g., *Lawyering Skills Class*, BOS. U. SCH. L., <https://www.bu.edu/law/current-students/jd-student-resources/legal-writing-appellate-advocacy-programs/first-year-writing-program/> (last visited June 26, 2019); *Research & Writing Skills Program*, UMKC SCH. L., <https://law.umkc.edu/academics/other-practical-skills/research-writing-skills-program/> (last visited June 26, 2019) (“The Lawyering Skills Program consists of a two-semester, first-year course entitled Lawyering Skills I & II . . .”).

¹¹⁰ This describes most of the assignments that students work on in legal writing courses.

¹¹¹ See, e.g., Abigail L. Perdue, *Finding Your Muse: Seeking Sources of Scholarly Inspiration*, 26 PERSPS.: TEACHING LEGAL RES. & WRITING 44, 47 (2018) (“[M]y current book project arose from my development of a seminar inspired by my past law practice and prior scholarship.”); Susie Salmon,

Professor Nathanson argues that “more articles focused on legal practice are needed to fully prepare the modern law student for the issues he or she will likely face as a practicing lawyer.”¹¹² He believes that because legal writing professors have, “on average, the most significant amount of practical experience,” legal writing professors should focus on such practical scholarship.¹¹³

Of course, when it comes to hiring, there is something of a paradox because the ideal candidate is enthusiastic about the practice of law but, by virtue of his or her candidacy, does not want to continue practicing law full-time. Interviews are thus useful in determining what the candidate did as a practicing attorney and how he or she would draw on that experience as a professor.

5. Follow the ABA’s guidelines on student load—or explain why you don’t.

The ABA Sourcebook states that “[t]he temptation to overload faculty with even more students should be avoided” because it “further compromises student learning and the teachers’ morale and commitment to instruction.”¹¹⁴ To prevent such overload, the Sourcebook contains specific and well-supported guidelines regarding student load. For programs with tenured or tenure-track professors, “each professor in a required first-year legal writing course should have no more than 30 to 35 students.”¹¹⁵ This student load is necessary “to allow adequate time to prepare for class, develop assignments, critique and grade papers, hold individual conferences, and answer student questions.”¹¹⁶ The Sourcebook continues, “Greater student loads are likely to inhibit professional development and scholarship, cause faculty ‘burn-out,’ and generally preclude achieving course goals.”¹¹⁷

Shedding the Uniform: Beyond a ‘Uniform System of Citation’ to a More Efficient Fit, 99 MARQ. L. REV. 763 (2016); Shaun B. Spencer & Adam Feldman, *Words Count: The Empirical Relationship Between Brief Writing and Summary Judgment Success*, 22 LEGAL WRITING 61 (2018); KATRINA LEE, *THE LEGAL CAREER: KNOWING THE BUSINESS, THRIVING IN PRACTICE* x-xii (2017).

¹¹² Nathanson, *supra* note 16, at 354-55.

¹¹³ *Id.* at 355.

¹¹⁴ SOURCEBOOK, *supra* note 11, at 100.

¹¹⁵ *Id.* at 89.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

For clinical or contract-track professors with job security and a role in faculty governance, “[e]ach contract professor should have no more than 30 to 45 students per semester.”¹¹⁸ The Sourcebook continues:

Smaller numbers are better, permitting the professor to devote more time to each student, to produce scholarship, and to engage in service. Loads of more than 35 legal writing students become counterproductive, especially if highly desirable features such as individual student conferences and multiple revisions with feedback are an integral part of the curriculum. A student load higher than 45 legal writing students per semester effectively precludes a professor from producing scholarship, teaching other courses, and engaging in service.¹¹⁹

Finally, for full-time professors on short-term contracts, the Sourcebook recommends a student load of 35 to 45 students.¹²⁰

Law schools should follow the guidelines in the ABA Sourcebook when designing their legal writing programs. However, we should not automatically assume that any school that asks legal writing professors to teach more than 45 students in a semester is “doing it wrong.” There may be unique features of a particular school’s program that justify giving the professors more students. For example, the Sourcebook states that “using library staff to teach research could permit greater student loads per writing professor.”¹²¹ Some schools use teaching assistants for things like citation instruction¹²² and even commenting on student papers.¹²³ Such programs make it possible for the professor to handle more students.

¹¹⁸ *Id.* at 95.

¹¹⁹ *Id.* (internal citations omitted).

¹²⁰ *Id.* at 100.

¹²¹ *Id.* at 95.

¹²² See Patricia Grande Montana, *A Contemporary Model for Using Teaching Assistants in Legal Writing Programs*, 42 MITCHELL-HAMLIN L. REV. 185, 189 (2016) (“[L]aw schools use teaching assistants largely to instruct on citation.”).

¹²³ See *The Lawyering Program*, CORNELL L. SCH., <https://www.lawschool.cornell.edu/academics/lawyeringprogram/index.cfm> (last visited June 29, 2019) (“Students’ work is extensively critiqued (by the professor and teaching assistants)”); *Legal Writing and Appellate*

One must also consider the relative rigor of the course: the number of credits, the number of class meetings, the number of mandatory student conferences, the number of assignments, and the number of drafts students write of each assignment. For example, if the professor is teaching a two-credit course that meets only once a week, he or she can handle more students than a professor teaching in a rigorous three- or four-credit program. Two-credit legal writing courses are not ideal for students,¹²⁴ but they are the reality at some law schools.

Another factor that undoubtedly plays a role in determining how many students a legal writing professor can reasonably be expected to teach is the student profile—that is, the collective abilities and other characteristics of the students she is teaching. What we teach and how we teach it depend to some extent on whom we are teaching. At elite schools, most students enter law school with good writing skills and the ability to master new skills quickly.¹²⁵ At many lower-ranked law schools, legal writing professors are expected to provide substantial instruction in basic grammar and composition.¹²⁶ In addition, teaching large populations of non-native English speakers presents unique challenges for legal writing professors.¹²⁷

Advocacy, U. FLA. LEVIN C. L., <https://www.law.ufl.edu/areas-of-study/experiential-learning/legal-writing> (last visited June 29, 2019) (“The Legal Skills Professors and teaching assistants provide each student with detailed written feedback and confer with each student individually about their work in the course.”); *Legal Research and Writing Program*, U. VA. SCH. L., <https://www.law.virginia.edu/academics/legal-research-and-writing-program> (last visited June 29, 2019) (“In addition to instruction and feedback from the Legal Research and Writing faculty, students receive detailed comments on multiple drafts from student teaching assistants.”).

¹²⁴ See SOURCEBOOK, *supra* note 11, at 78 (“[L]egal writing courses should be assigned at least the same number of credits as each of the other doctrinal first-year courses, and a strong argument can be made that legal writing courses should be assigned more.”).

¹²⁵ See Rapoport, *supra* note 27, at 1119 n.2 (“[S]tudents at the elite schools matriculate at law school having received a good education already. They probably could be left alone with some law books and some law review articles and do a decent job of teaching themselves.”).

¹²⁶ At the University of Miami School of Law, where I taught for seven years, legal writing professors were required to provide grammar instruction, and students took a quiz on grammar and citation skills in the fall semester.

¹²⁷ See Peter Nemerovski, *Practice Makes Proficient: Writing Classes for Struggling Students*, 24 PERSPS: TEACHING LEGAL RES. & WRITING 55, 58 (2016).

In sum, there may be exceptions that justify exceeding the ABA guidelines by a small number of students. However, there is simply no justification for asking a legal writing professor to teach 55 or more students in a semester. Such high student loads are unfair both to the professor, who will quickly become overwhelmed by her workload, and to her students, who will not get the individualized instruction that is so critical in legal writing courses.¹²⁸

When it comes to hiring, schools should either comply with the guidelines in the ABA Sourcebook or explain in the job posting why they do not. Simply checking a box indicating a student load of 56-60 students, without any explanation of what the school does to make such a load manageable, sends the wrong message about the job—that the workload is potentially crushing—and the course the professor will teach—that there will be insufficient time for individualized instruction.

6. Be a player in the lateral market.

As explained in Section II.A.6 above, the ranked programs show a clear preference for hiring professors with prior experience teaching legal writing. However, a legal writing program need not consist exclusively, or even mostly, of lateral hires to achieve excellence. Instead, schools should strive for a legal writing faculty that contains a mix of lateral and entry-level hires.

Programs consisting solely of entry-level hires are a bad idea for two reasons. First, such programs do not benefit from the perspectives of professors who have taught legal writing at other schools, learned from experienced professors at those schools, and observed there things that work well and things that don't. Second, hiring only professors with no prior experience teaching legal writing sends a bad message about the program: that this position is merely an entry-level job in which professors gain teaching experience before moving on to better programs.

¹²⁸ See Rideout & Ramsfield, *supra* note 10, at 79-80 ("Teaching writing has always worked best one-to-one. In that context, student and teacher can discover the means for working on the paper together; the student can actually write; and the teacher can be a direct, personal resource for the student. . . . [O]ne-to-one experiences can be increased both by lowering student-teacher ratios and by using other one-to-one experiences such as writing conferences, oral presentations, and oral arguments.").

To be a player in the lateral market, schools should offer tenure or, at a minimum, ABA Standard 405(c) status. As noted above, Standard 405(c) states that law schools should give clinical faculty members “a form of security of position reasonably similar to tenure.”¹²⁹ The ABA has expanded on this, stating that a “form of security of position reasonably similar to tenure includes a separate tenure track or a program of renewable long-term contracts.”¹³⁰ According to the ABA, “long-term contract” means “at least a five-year contract that is presumptively renewable or other arrangement sufficient to ensure academic freedom.”¹³¹

As noted above, at least 67 law schools currently offer tenure to legal writing faculty,¹³² and at least 62 schools offer ABA Standard 405(c) status.¹³³ (There may be some overlap between these two categories because a school may have some professors on tenure-track and some on a 405(c) track.) With so many law schools offering job security and status to legal writing faculty, it is highly unlikely that a strong lateral candidate would accept a job at a school that does not.

7. Don't wait to hire until too late in the cycle.

To the extent possible, legal writing hiring should follow the same timeline as podium faculty hiring. The best way to hire the strongest possible candidate is to create an attractive position and begin taking applications over the summer. This is exactly what several of the ranked programs did during the 2018-19 hiring cycle. UNLV posted its opening for the fall of 2019 on July 9, 2018.¹³⁴ South Texas posted its opening on July 23, 2018.¹³⁵ Arizona State posted its opening on August 15, 2018.¹³⁶

¹²⁹ Standard 405(c), *supra* note 20.

¹³⁰ *Id.* Interpretation 405-6.

¹³¹ *Id.* at 30.

¹³² ALWD/LWI 2017-2018 SURVEY, *supra* note 3, at viii, xi, 11.

¹³³ Announcement from Linda Berger, President, for the Legal Writing Institute Board of Directors, Best Practices for 405(c) Faculty, Policy Statement, LWI (n.d.), <https://clea.wildapricot.org/resources/Documents/LWI%20Best%20Practices%20Announcement%20and%20Final%20Policy%20Statement.pdf> (“In the 2014 LWI-ALWD Survey, 62 programs reported faculty with 405(c) status, and 20 reported faculty on the ABA Standard 405(c) track.”).

¹³⁴ Posting of Mary Beth Beazley, *supra* note 49.

¹³⁵ Posting of Amanda Harmon Cooley, *supra* note 49.

¹³⁶ Posting of Susan M. Chesler, *supra* note 69.

Waiting until the spring semester to begin the process of hiring a legal writing professor is not a wise strategy. By that time many of the strongest candidates seeking legal writing jobs that year will have already accepted an offer. Furthermore, hiring in the spring may prevent a school from considering lateral candidates. The Association of American Law Schools' Statement of Good Practices regarding Recruitment of and Resignation by Full-Time Faculty Members states that "appointment offers for the following academic year that are made by the early spring are less likely to disrupt the educational program and more likely to provide faculty members with sufficient time to consider the offer and to provide adequate notice to their existing employers."¹³⁷

Of course, schools cannot always control when openings arise. However, when the need for a new legal writing professor arises in the spring or over the summer, schools have other options besides posting the opening and hoping for the best: they can hire a visiting professor for one year or ask the other professors in the program to teach a few more students for one year while the school conducts a national search for a new legal writing professor.¹³⁸

8. Pay attention to diversity.

The field of legal writing is not very racially diverse. According to survey data from 2015, 88.6% of all full-time LRW professors are white, 5.7% are African-American, 2.0% are Hispanic, and 2.8% are Asian-American.¹³⁹ Based on these numbers, the field of legal writing is slightly less diverse than the legal profession as a whole. According to data collected by the American Bar Association, 85% of the attorneys in the United States are white.¹⁴⁰

¹³⁷ Ass'n of Am. Law Schs., *AALS Handbook: Statement of Good Practices, Recruitment of and Resignation by Full-Time Faculty Members*, AALS, [https:// www.aals.org/about/handbook/good-practices/full-time-faculty/](https://www.aals.org/about/handbook/good-practices/full-time-faculty/) (last amended Feb. 25, 2019) [hereinafter *AALS Handbook*].

¹³⁸ If schools choose the latter option, they should of course pay additional compensation to all professors who are asked to teach more students than usual. This should not cost the school any extra money; rather, the school can use the money that it would have paid a new professor had they hired one for that year.

¹³⁹ ALWD/LWI 2015 SURVEY, *supra* note 24, at 69.

¹⁴⁰ *ABA National Lawyer Population Survey*, AM. BAR ASS'N (2018), <https://>

The field of legal writing is also less diverse than the legal academy as a whole. In 2013, the American Bar Association published data on “Law School Faculty & Staff by Ethnicity and Gender.”¹⁴¹ That study included 6,907 tenured or tenure-track professors at U.S. law schools.¹⁴² Of those professors, 19.8% identified as minorities.¹⁴³

There is no easy solution to the lack of diversity in the legal writing professoriate. In my experience serving on several hiring committees, simply posting the position in the usual places¹⁴⁴ will not result in a diverse applicant pool. Instead, law schools seeking diverse candidates should go out of their way to find them. Some of this is just a matter of “asking around”: contact the school’s current faculty members, including clinical and podium professors, and ask if there are any diverse attorneys in their professional networks who might make good legal writing professors. Schools could also reach out to affinity groups like the National Bar Association¹⁴⁵ or the Asian Pacific American Bar Association.

If a school is seeking to hire an experienced legal writing professor, there isn’t much the school can do because our field is not very diverse to begin with, and hiring a minority professor from another school will not increase diversity in the field. But schools

www.americanbar.org/content/dam/aba/administrative/market_research/National_Lawyer_Population_Demographics_2008-2018.authcheckdam.pdf.

¹⁴¹ Section of Legal Educ. & Admission to the Bar, *Statistics Archives*, AM. BAR ASS’N, https://www.americanbar.org/groups/legal_education/resources/statistics/statistics-archives/ (under “Longitudinal Charts” click “Law School Faculty & Staff by Ethnicity and Gender: Fall 2013”) (last visited June 27, 2019) [hereinafter *ABA 2013 Statistics*].

¹⁴² *Id.* As discussed elsewhere in this paper, that group almost certainly included some legal writing professors because legal writing professors at many law schools are eligible for tenure. *See supra* note 27. However, it is safe to assume that the vast majority of those 6,907 tenured or tenure-track professors are not legal writing professors.

¹⁴³ *ABA 2013 Statistics*, *supra* note 141.

¹⁴⁴ The usual places include the Legal Writing Institute’s email listserv, the “Employment Listings” section of LWI’s website (<https://www.lwionline.org/resources/employment-listings>), *supra* note 97, and the law school and/or university’s website for open jobs.

¹⁴⁵ “The National Bar Association was founded in 1925 and is the nation’s oldest and largest national network of predominantly African-American attorneys and judges.” NAT’L BAR ASS’N, <https://www.nationalbar.org/> (last visited October 10, 2019).

hiring entry-level professors have an obligation to seek out strong candidates from under-represented groups.

At the same time, law schools seeking to increase the diversity of their faculties should not rely exclusively, or even primarily, on their legal writing programs in doing so. This is especially true at the majority of U.S. law schools where legal writing professors do not have tenure. Hiring professors of color and placing them in lower-status jobs where they have little or no role in governance is not a good strategy for a more inclusive law school.

IV. Examples: Leading the Way, and Falling Short

As Professor Catherine Martin Christopher of Texas Tech recently put it, “increasing the status and pay of a legal writing faculty position will allow a law school to attract and retain better candidates.”¹⁴⁶ Further, “[t]enured and tenure-track legal writing positions will allow law schools to hire and keep the best possible faculty for this essential part of the curriculum.”¹⁴⁷

Many of the job postings I reviewed reflected a clear commitment to excellence in legal writing. Brooklyn Law School’s faculty recently voted to increase the number of credits allocated to the first-year legal writing course from four to seven and to raise the salary for legal writing faculty to \$120,000.¹⁴⁸ At Southern University, the tenure committee “recently voted to allow our writing professors with long-term, presumptively renewable contracts to apply for immediate tenure.”¹⁴⁹

At St. John’s, legal writing professors, like other law school faculty, “are able to hire research and teaching assistants, participate in faculty colloquia, receive support for academic travel, and are eligible for summer research grants and publication awards.”¹⁵⁰ The posting further stated that legal writing professors “participate in committees, hold administrative positions, and engage in other aspects of shared governance.”¹⁵¹

¹⁴⁶ Catherine Martin Christopher, *Putting Legal Writing on the Tenure Track: One School’s Experience*, 31 COLUM. J. GENDER & L. 65, 74 (2015).

¹⁴⁷ *Id.*

¹⁴⁸ Posting of Heidi K. Brown, *supra* note 63.

¹⁴⁹ Posting of Gail Stephenson, *supra* note 65.

¹⁵⁰ Posting of Robin Boyle, *supra* note 64.

¹⁵¹ *Id.*

Louisville's posting made clear that its legal writing professors have achieved full equality and citizenship: "The scholarship and service requirements for these positions are the same as for other tenure-track positions at the law school, as are salary and other benefits. Our Lawyering Skills teachers enjoy the same autonomy as other classroom teachers."¹⁵² Similarly, at UNLV, "professors who teach clinics or legal writing are hired on the traditional tenure track and have all of the privileges and scholarly expectations that are associated with tenure."¹⁵³

Among elite schools, Georgetown and Michigan continue to lead the way. In addition to a salary up to \$119,999, Georgetown offers, after initial short-term appointments, seven-year, presumptively renewable appointments "with potential for moving to tenure track."¹⁵⁴ Michigan also offers a path to a seven-year renewable contract.¹⁵⁵

There are of course many schools with strong commitments to legal writing that I have not discussed here because they did not have openings during the 2018-19 hiring cycle. For example,

[i]n the fall of 2013, the faculty of Texas Tech University School of Law voted overwhelmingly to convert the existing 405(c) legal writing faculty slots to tenure-track positions. All legal writing faculty at Texas Tech now have the same salary opportunities, the same voting rights, and the same tenure standards as the doctrinal faculty.¹⁵⁶

In addition, several schools hiring for Fall 2020 are offering attractive packages. Stetson advertised a tenure-track position with a salary range of \$100,000 to "over \$120,000."¹⁵⁷ Arkansas-Little Rock advertised an opening for a tenure-track position that pays \$90,000-\$99,999.¹⁵⁸ Seattle advertised two openings in its tenure-track legal

¹⁵² Posting of Joanne Mae Sweeny, *supra* note 94.

¹⁵³ Posting of Mary Beth Beazley, *supra* note 49.

¹⁵⁴ Posting of Jessica Lynn Wherry, *supra* note 54.

¹⁵⁵ Posting of Ted Becker, *supra* note 92.

¹⁵⁶ Christopher, *supra* note 146, at 74.

¹⁵⁷ Posting of Anne E. Mullins, Assoc. Professor, Stetson Univ. College of Law, dircon-bounces@lists.washlaw.edu on behalf of amullins@law.stetson.edu, lrwprof-l@iupui.edu, *Stetson Is Hiring!*, lrwprof-l@iupui.edu (July 24, 2019, 3:59 PM) (on file with author).

¹⁵⁸ Posting of Lindsey Gustafson, Professor of Law, Univ. Ark. at Little Rock William H. Bowen Sch. Law, lpgustafson@ualr.edu, to lrwprof-l@iupui.edu, *Come Be Our Colleague at Bowen!*, lrwprof-l@iupui.edu (Aug. 6, 2019, 3:02

writing program, with a salary range of \$90,000-\$119,999.¹⁵⁹ New Mexico advertised “one or more” tenure-track jobs paying \$70,000-\$119,999.¹⁶⁰ The University of California, Irvine advertised an opening for an ABA Standard 405(c) position with a salary range of \$160,000-\$185,000.¹⁶¹ The University of Pittsburgh advertised two openings for ABA Standard 405(c) positions, with a salary range of \$70,000-\$119,999 and a path to presumptively renewable long-term contracts.¹⁶² Bright spots abound.

However, the postings I studied also reveal that some law schools still do not take legal writing as seriously as they should. In April 2018, the University of California at Berkeley posted an opening for a Professor of Legal Writing.¹⁶³ The position advertised was not tenure-track, nor did the listing state that the position complies with ABA Standard 405(c).¹⁶⁴ The position advertised came with no faculty voting rights.¹⁶⁵ The posting stated that the professor hired would teach 51-55 students per semester, well above the guidelines in the

PM) (on file with author).

¹⁵⁹ Posting of Janet K.G. Dickson, Assoc. Professor of Lawyering Skills & Co-Director, Legal Writing Program, Seattle Univ. Sch. Law, dicksonj@seattleu.edu, to lrwprof-l@iupui.edu, *Seattle University Is Hiring*, lrwprof-l@iupui.edu (July 25, 2019, 11:46 AM) (on file with author).

¹⁶⁰ Posting of Steven K. Homer, Principal Lecturer & Director, Legal Analysis & Comm’n Program, Univ. N.M. Sch. Law, homer@law.unm.edu, to lrwprof-l@iupui.edu, *Position Announcement, University of New Mexico* (July 23, 2019, 11:46 AM) (on file with author).

¹⁶¹ Posting of Rachel Croskery-Roberts, Professor, UCI Law Sch., rcroskery@law.uci.edu, to lrwprof-l@iupui.edu, *Position Announcement at the University of California, Irvine School of Law*, lrwprof-l@iupui.edu (Oct. 9, 2019, 12:32 PM) (on file with author).

¹⁶² Posting of Ben Bratman, Professor of Legal Writing, Univ. Pittsburgh Sch. Law, beb9@pitt.edu, to lrwprof-l@iupui.edu, *Hiring Announcement—University of Pittsburgh School of Law*, lrwprof-l@iupui.edu (July 30, 2019, 10:23 AM) (on file with author).

¹⁶³ Posting of Sarah Laubach, Professor of Legal Writing, Univ. Cal. Berkeley Sch. Law, slaubach@law.berkeley.edu, to lrwprof-l@iupui.edu, *Job Posting: Professor of Legal Writing at UC Berkeley School of Law (Berkeley Law)*, lrwprof-l@iupui.edu (Apr. 25, 2018, 2:49 PM) (on file with author). Berkeley’s posting was for a job starting in the fall of 2018 and is therefore not included in Section II.B.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

ABA Sourcebook.¹⁶⁶ The salary range for the Berkeley job was \$60,000-69,999.¹⁶⁷ According to the website Sperling's Best Places, Berkeley, California, has a cost of living index of 287.5 (compared to the national average of 100), and the median home price is \$1,197,700.¹⁶⁸

The University of San Francisco posted a similar position in April 2019: short-term contracts, no faculty vote, and a salary of \$70,000-\$79,999.¹⁶⁹ (On the positive side, the USF job had a reasonable student load of 36-40 per semester.)¹⁷⁰ San Francisco's high cost of living is of course well documented, with a median home value above \$1.3 million and median monthly rent around \$4,500.¹⁷¹

Some job postings are just puzzling. On June 25, 2019, Ave Maria School of Law, located in Naples, Florida, posted an opening for an Assistant Professor of Research, Writing, and Advocacy.¹⁷² The job advertised came with no voting rights and paid \$50,000-\$59,999—the lowest advertised salary of any of the thirty-seven openings in the 2018-19 hiring cycle.¹⁷³ The position was not tenure-track, and there

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Berkeley, California*, SPERLING'S BEST PLACES, https://www.bestplaces.net/cost_of_living/city/california/berkeley (last visited December 9, 2019).

¹⁶⁹ Posting of Edith Ho, Dir. & Professor of Legal Writing, Univ. S.F. Sch. Law, hoe@usfca.edu, to lrwprof-l@iupui.edu, *University of San Francisco Legal Research, Writing, and Analysis Professor Position*, lrwprof-l@iupui.edu (Apr. 23, 2019, 7:50 PM) (on file with author).

¹⁷⁰ *Id.*

¹⁷¹ Shawn M. Carter, *91 Percent of San Francisco's Area Residents Think Their Cost of Living Is 'Somewhat' or 'Very' High*, CNBC MAKE IT (last updated Jan. 5, 2019, 1:52 AM EST), <https://www.cnbc.com/2019/01/25/91-percent-of-san-francisco-residents-think-the-cost-of-living-is-high.html>; Kathleen Elkins, *13 Facts About San Francisco That Will Make You Think Twice About Whether You Can Afford to Live There*, BUSINESS INSIDER (Sept. 14, 2015, 2:01 PM), <https://www.businessinsider.com/how-expensive-is-san-francisco-2015-9#the-median-home-price-in-the-san-francisco-metro-area-is-a-steep-841600-3> (internal citations omitted).

¹⁷² Posting of Eric Fleetham, *supra* note 58.

¹⁷³ *Id.* On October 7, 2019, the director of Ave Maria's legal writing program announced on the Legal Writing Institute's listserv that the law school's dean had approved immediate salary increases for legal writing faculty. Posting of Eric Fleetham, Dir. and Assistant Professor of Legal Analysis, Writing, & Research (LAWR), Ave Maria Sch. of Law, ecfleetham@avemarialaw.edu, to lrwprof-l@iupui.edu (Oct. 7, 2019) (on file with author).

was no indication in the listing that the position complies with ABA Standard 405(c).¹⁷⁴

Moreover, the section of the listing describing the desired qualifications stated that teaching experience, “especially in legal research and writing, is preferable.”¹⁷⁵ It is difficult to imagine an experienced LRW professor accepting such a low-paying, low-status job. Even if an experienced professor wanted to lateral to Ave Maria, this opening was posted so late in the hiring cycle—June 25, 2019—that making such a lateral move would violate the Association of American Law Schools’ Statement of Good Practices regarding Recruitment of and Resignation by Full-Time Faculty Members.¹⁷⁶

On the one hand, schools like Berkeley, USF, and Ave Maria are to be commended for hiring full-time faculty to teach legal writing. However, these job postings do not reflect a commitment to excellence in legal writing. They are unlikely to attract strong lateral candidates or to convince anyone to relocate for the position.

Job postings like Berkeley’s, USF’s, and Ave Maria’s are even more troubling in light of the historical treatment of women in the “pink ghetto” of legal writing.¹⁷⁷ In the 1980s, many law schools got away with hiring mostly women to teach legal writing and not paying them very much.¹⁷⁸ The sexist notion that teaching legal writing is a job for a woman with a high-earning spouse was unacceptable to begin with, and there is certainly no place for such thinking today.

The problem of law schools devoting insufficient resources to legal writing is not limited to California and Florida. Salary isn’t everything, but a school like Hofstra should probably think about what message it is sending by offering a salary of \$60,000-\$69,000 at the same time that two of its neighbors, Brooklyn (\$120,000) and St. John’s (\$110,000-\$119,999), are offering nearly twice that.¹⁷⁹

Conclusion

The field of legal writing has made tremendous progress in recent years. Most schools now employ full-time faculty to teach legal

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ AALS Handbook, *supra* note 137.

¹⁷⁷ See Liemer & Temple, *supra* note 15, at 415.

¹⁷⁸ *Id.*

¹⁷⁹ See Posting of Amy R. Stein, *supra* note 76.

writing, just as they do for other required first-year courses.¹⁸⁰ At most schools where legal writing is taught by full-time faculty, those jobs are either tenure track or comply with ABA Standard 405(c).¹⁸¹ Legal writing professors at most of these schools have voting rights.¹⁸² Salaries continue to rise, with many schools now paying six figures.¹⁸³

The goal of this article is not to convince the remaining holdouts that legal writing, like other first-year courses, should be taught by full-time faculty. Others have made that argument persuasively.¹⁸⁴ My point here is summarized well by a famous quotation usually attributed to Philip Dormer Stanhope, 4th Earl of Chesterfield, an eighteenth-century British statesman: “Whatever is worth doing at all is worth doing well.”¹⁸⁵ If it is worth having a legal writing program with full-time faculty, then it is also worth having a good one. To build excellent legal writing programs, law schools should follow the best practices outlined in this article. Schools should seek to emulate the ranked programs, and their hiring should reflect that.

By now, nearly everyone agrees that legal writing is important, and that the job of teaching legal writing is important. It is not a job to be given to a well-connected alumnus of your law school, the relative of a major donor, or someone you met on the train. Instead, law schools must conduct true national searches for candidates with high-level practice experience, demonstrated excellence in legal writing and analysis, and the many other skills and attributes discussed in this article that are essential to success as a legal writing professor.

In addition, building an excellent legal writing program requires a commitment from the law school’s administration and voting faculty. As discussed above, many schools simply need to spend more money on their writing programs. At some schools, policy changes are necessary to make their legal writing positions attractive to well-qualified applicants, including lateral candidates.

Fortunately, my study of LRW hiring shows that many law schools are already doing an excellent job when it comes to hiring. They are offering attractive packages of compensation, status, and security, and as a result, they are consistently hiring accomplished and highly qualified professors. The hope is that all law schools will follow this

¹⁸⁰ ALWD/LWI 2017-2018 SURVEY, *supra* note 3, at 9.

¹⁸¹ *Id.* at 11.

¹⁸² *Id.* at 79.

¹⁸³ *See supra* notes 62-72 and accompanying text.

¹⁸⁴ *See Clark, supra* note 2, at 415.

¹⁸⁵ 1 LORD CHESTERFIELD, LETTERS TO HIS SON ON THE ART OF BECOMING A MAN OF THE WORLD AND A GENTLEMAN 2 (M. Walter Dunne 1901).

lead. By following the best practices discussed in this article, your law school can build an outstanding legal writing program.