

VOTING LIKE A DUCK: REFLECTING ON A YEAR OF LEGAL WRITING VOTING RIGHTS

Meredith Stange*

Over the years, in various legal writing forums, I have heard that legal writing professors should try to “look like ducks.” This means we should publish, teach doctrinal courses, and otherwise do everything we can to make ourselves look like the tenure-track, non-legal writing faculty. The theory is that the more we look like tenure-track faculty, the harder it will be to treat those of us who are not tenure track differently. This has always bothered me because it seems to minimize the work that legal writing professors do and makes it seem that in order to have value, we need to be something else. I have often said, “I’m not a duck, I’m a chicken!” Yet at the first faculty meeting of the Fall 2019-20 academic year, I “looked like a duck,” doing something I never thought I would do. I made a motion. It was nothing earth-shattering, just a routine motion to approve the minutes from the last faculty meeting of 2018. However, the opportunity for a legal writing professor to make even such a basic motion at a faculty meeting was decades in the making.

Fifteen years ago, when I first interviewed for the job of Legal Writing Instructor at Northern Illinois University College of Law, I met with the Dean as part of the interview process. During that conversation, the Dean repeated several times that this position would not lead to a tenure-track position. Having come from practice, I did not then know about the status issues that legal writing faculty face. As far as I was concerned, teaching Legal Writing was a dream job. I’d been an English major in college and, although I had enjoyed practice, I could feel that it was not what I wanted to do for the rest of my career. A job incorporating my legal knowledge and my love of writing seemed a perfect fit. I assured the Dean that I had no desire to do anything other than the Legal Writing job. Even months after I took the job, I still did not understand why the Dean had felt the need to stress this so strongly. Of course, as I became familiar with the “pink ghetto” in which I had ensconced myself, the purpose of the Dean’s admonitions became clear. Perhaps those admonitions are

* Legal Writing Program Director, Northern Illinois University College of Law.

also part of the reason that I have always suspected that even if I looked like a duck, I would never be treated as one.

When I first started teaching, Legal Writing Instructors were definitely chickens. We did not attend faculty meetings and the only committee we were permitted to serve on was the Legal Writing Committee, chaired by a tenure-track faculty member. The purpose of the committee's few meetings seemed to be to inform the chair what we were doing in the Legal Writing Department so the chair could, ostensibly, report to the faculty during faculty meetings.

In 2009, NIU Law hired a new Dean and during her first year in the position, the faculty voted to allow Legal Writing Instructors, as well as the non-voting clinical and library faculty members, to attend faculty meetings. Although this was an important step forward, it did not change much. We could watch decisions being discussed and occasionally chime in, but when it came time to make decisions, we had no real input because we could not vote. In fact, as often as not, our comments seemed to have little to no effect on the final decision. Numerous times, decisions about programs that we would have to implement passed over our objections.

Then, three years ago, the ABA came for our site visit. My colleague, Jeanna Hunter, and I each met with our incredible Legal Writing site representative, Jennifer Swezey. Jeanna, who has worked at NIU ten years longer than I have, was equally frustrated with our lack of voice on the faculty, even though we taught a required course that everyone agreed was valuable. Although I touched on the issue with our site representative, Jeanna focused more attention on it. Perhaps as a result of those discussions, the ABA site team recommended to our Associate Dean and our Interim Dean that NIU extend voting rights to the faculty who could not vote. Although such a change required a change to the college's regulations, our deans worked hard to bring the issue to a faculty vote and fully supported the change. I admit to being rather cynical about our chances, but I was happily proven wrong when the faculty voted to enfranchise the legal writing faculty for all but decisions on promotion, tenure, appointment, and amendments to our bylaws.

One year later, I can say that the old adage is true: Be careful what you wish for. I do not regret our enfranchisement and we certainly deserve it. However, with the authority to vote came a variety of different issues that I never expected. First and foremost, I experienced imposter syndrome. After fifteen years of sitting on the sidelines, having the authority to raise my hand and vote has taken some getting used to. I did not expect to feel as tentative about using my vote as I did. I am not a particularly tentative person, as those who know me can attest. But because I spent so many years without a vote,

it has taken time for me to feel that not only did I have a voice, but that I can and should use it. For most of last year, every time I raised my hand to vote, I felt I was committing an act of sedition. I did not expect this feeling not only because of my personality, but because I had spent years watching these meetings and arm-chair quarterbacking the faculty's decisions. The idea that I would feel nervous about exercising a right to vote I had both wanted and earned was anathema to me. But suddenly, as is often the case with arm-chair quarterbacks, my courage deserted me when given the chance to participate.

The next unexpected result of getting the vote was the emotional weight of having a say in how the sausage is made. The decisions that I vote on impact our school, our faculty, and our students. It is a great weight to bear and comes with a seriousness and gravity that I did not anticipate. When voting now, I know I can no longer absolve myself of responsibility for the decisions we make due to my lack of a vote.

Finally, having voting rights lulled me into a false sense of complacency about my role in the school. Even though voting rights make us look "like ducks," i.e. like the rest of the faculty, we are still chickens. Given our different status and lack of tenure protections, I do not always feel comfortable speaking my mind in faculty meetings, despite my right to vote. Further, the legal writing faculty tend to have interests that are aligned, and we often vote similarly. Although that alignment is largely coincidental due to the nature of our positions, I am aware of the risk of being perceived as a voting bloc. I still feel that the law school is the tenure-track faculty's house and we just get to stay there. I worry about over-staying our welcome.

Luckily, time is the great equalizer. Over the past year, the fact that the formerly non-voting members can vote has become fairly non-controversial. Issues arise occasionally, such as when we have to discuss who can and cannot vote on a certain topic, but overall the bumps have been fairly minimal. I have rediscovered my voice and voting no longer feels as alien to me. Talking with my legal writing colleagues, both inside and outside of my institution, reminds me that I am not an imposter and I have important knowledge to share. I have also received support from members of the tenure-track faculty who remind me my voice matters. So after a year of having what I longed for for so long, I am incredibly grateful for the many twists and turns over the years that made this possible. While I am still a proud legal writing chicken, I am getting more comfortable "looking like a duck" as well.