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Kristin B. Gerdy  
BYU Law, gerdyk@law.byu.edu

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# Continuing Development: A Snapshot of Legal Research and Writing Programs through the Lens of the 2002 LWI and ALWD Survey

*Kristin B. Gerdy\**

## I. INTRODUCTION

The annual Survey of Legal Writing Programs in the United States, sponsored by the Association of Legal Writing Directors and the Legal Writing Institute, has become a powerful tool for improvement and reflection of growth in the field of professional legal writing teaching. Legal writing program directors have used the survey to improve their programs, their status, and their salary.<sup>1</sup>

Beginning with early articles giving anecdotal accounts of individual legal writing programs and continuing through the sophisticated surveys of the early twenty-first century, these surveys present a picture of a vibrant and growing new professional field.<sup>2</sup> The formal survey began in the late 1980s as an attempt by the young Legal Writing Institute to clarify and quantify information

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\* Director of Rex E. Lee Advocacy Program, J. Reuben Clark Law School, Brigham Young University. B.A., J.D. *cum laude* Brigham Young University. I would like to thank Jo Anne Durako, who has diligently overseen the survey for the past four years and who has been a mentor and example to me throughout the last few years; I have been privileged to serve as her survey co-chair. Much of this article is based on the 2002 Survey Report, the organization and base text of which Professor Durako authored for earlier versions of the survey. This Article and the survey itself would not have been possible without the help of the 154 legal writing directors and administrators who completed the surveys included in the 2002 survey report and this Article. Thanks also go to Lance Long, a legal writing faculty member at BYU, who spent much of his summer working on the survey report, and to Lovisa Lyman and Jane H. Wise, whose suggestions and insights were invaluable. Finally, this Article and the survey would not have been possible without the expert technical assistance of James Cooper at Seattle University and the financial and moral support of the Legal Writing Institute and the Association of Legal Writing Directors.

<sup>1</sup> Association of Legal Writing Directors/Legal Writing Institute, 2002 Survey Results (conducted by Jo Anne Durako and Kristin Gerdy)(copy on file with Author and at [www.alwd.org](http://www.alwd.org)) [hereinafter 2002 Survey]. Question 100.

<sup>2</sup> Marjorie Dick Rombauer, *First-Year Legal Research and Writing: Then and Now*, 25 J. Leg. Educ. 538 (1973); Jill Ramsfield, *Legal Writing in the Twenty-First Century: The First Images*, 1 Leg. Writing 123 (1991); Jill Ramsfield, *Legal Writing in the Twenty-First Century: A Sharper Image*, 2 Leg. Writing 1 (1996). Jo Anne Durako, *A Snapshot of Legal Writing Programs at the Millennium*, 6 Leg. Writing 95 (2000); Association of Legal Writing Directors, 1997 Survey Results (conducted by Louis J. Sirico, Jr.); Association of Legal Writing Directors, 1998 Survey Results (conducted by Louis J. Sirico, Jr.); Association of Legal Writing Directors/Legal Writing Institute, 1999 Survey Results (conducted by Jo Anne Durako); Association of Legal Writing Directors/Legal Writing Institute, 2000 Survey Results (conducted by Jo Anne Durako) (copy on file with author) [hereinafter 2000 Survey]; Association of Legal Writing Directors/Legal Writing Institute, 2001 Survey Results (conducted by Jo Anne Durako) (copy on file with author) [hereinafter 2001 Survey].

about legal writing programs in law schools around the country.<sup>3</sup> In the early twenty-first century the now-annual survey continues to present an important picture of legal writing programs in the legal academy. This article attempts to summarize the findings of the 2002 survey and to highlight significant changes and trends in the operation of legal research and writing programs across the country.

## II. BACKGROUND ON THE 2002 SURVEY<sup>4</sup>

The 2002 Survey was conducted in early April 2002. Information about the survey, an online password, and a request for response was sent to each of the 186 schools in the solicited pool. Respondents logged in to a secure website on the Legal Writing Institute website to enter their data. A record 154 schools participated for an 83% response rate (up from 82% in 2001) thanks to the cooperation of legal writing program directors throughout the country. This marked the fourth straight year of increased response rates.<sup>5</sup>

### A. *Organization and Content of Survey Questions*

The 2002 Survey followed the organization and content of earlier surveys. The 100 questions were divided into eleven subject-oriented sections: 1) Submitter Profile; 2) Law School Information; 3) Staffing Model; 4) Curriculum; 5) Upper-Level Writing Courses; 6) Technology; 7) Directors; 8) Full-time LRW Faculty Members; 9) LRW Adjunct Faculty; 10) Teaching Assistants; and 11) Survey. Respondents were given a set of definitions to guide their answers and to help attain consistency in survey results.

The content of the 100 survey questions remained relatively unchanged from 2001; however, new questions about how directors and faculty spend their teaching time and how much time they

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<sup>3</sup> See Jill Ramsfield, *Legal Writing in the Twenty-First Century: A Sharper Image*, 2 *Leg. Writing* 1 (1996).

<sup>4</sup> 2002 Survey. The 2002 Survey report includes complete results from the 2002 survey as well as data from the 2001 survey to aid in comparison. When 2001 data was not available (generally due to technical problems with the 2001 survey data), data from the 2000 survey was provided for comparison. The 2002 Survey includes minor modifications of the 1999, 2000, and 2001 surveys conducted by Jo Anne Durako. Those surveys were built on earlier surveys conducted by Louis Sirico of Villanova Law School.

<sup>5</sup> In 1999 68% of solicited schools responded to the survey; in 2000 that number grew to 78% and to 82% in 2001.

spend in preparation were added in order to expand the picture of faculty workload.

### *B. 2002 Survey Respondents: Law School Information Submitter Profiles*

The 2002 survey includes information from the vast majority of American law schools, representing schools from every region of the country, all geographic settings, and all school sizes.<sup>6</sup> Slightly more than two-thirds (64%) of law schools responding to the 2002 survey were located in urban settings, with 18% set in suburban areas and 6% set in rural areas.<sup>7</sup> Slightly more private law schools than public law school are represented in the 2002 Survey data.<sup>8</sup>

More than half of the law schools included in the 2002 Survey had first year class sizes between 151 and 250 students.<sup>9</sup> Another quarter had first year classes larger than 300 students.<sup>10</sup>

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<sup>6</sup>The following 154 law schools responded to the 2002 Survey: Akron, Alabama, Univ., Albany, Union Univ., Appalachian, Arizona State, Arizona Univ., Arkansas, Fayetteville, Arkansas, Little Rock, Ave Maria, Baltimore Univ., Barry Univ., Orlando Law, Baylor, Boston College, Boston Univ., Brigham Young Univ., Brooklyn Law, California, Univ., Berkeley, California, Univ. Davis, California Western, Capital Univ., Case Western Reserve, Chapman Univ., Chicago Univ., Chicago-Kent, Illinois Institute, Cincinnati, Univ., Cleveland State, Colorado, Univ., Columbia Univ., Concord, Connecticut, Univ., Cooley, Thomas M. Law, Cornell, Dayton, Univ., DePaul, Denver, Univ., Detroit Mercy, Univ., District of Columbia Univ., Drake, Duke, Emory, Atlanta, Faulkner, Florida, Univ., Florida Costal, Florida State, Fordham, Franklin Pierce, George Mason, George Washington Univ., Georgetown, Georgia, Univ., Georgia State, Golden Gate Univ., Gonzaga, Hamline, Harvard, Hawaii, Hofstra, Houston, Howard, Illinois, Univ., Indiana Univ., Bloomington, Indiana Univ., Indianapolis, John Marshall, Lewis and Clark, Northwestern, Louisiana, Louisville, Univ., Louisville Brandeis, Loyola, Chicago, Loyola, L.A., Loyola, N.O., Maine, Univ., Marquette, Maryland, Univ., Massachusetts, McGeorge, Pacific, Univ., Memphis, Univ., Mercer, Michigan, Univ., Michigan State, Minnesota, Univ., Missouri-Columbia, Univ., Missouri-Kansas City, Montana, Univ., Nebraska, Univ., Nevada, LV (W. S. Boyd), New England, New Mexico, Univ., City Univ. of New York, New York Law, New York, State, Buffalo, North Carolina, Univ., North Carolina Central, North Dakota, Northern Illinois, Northern Kentucky, Northwestern, Nova Southeastern, Ohio State, Oklahoma City, Oklahoma Univ., Oregon, Univ., Pennsylvania, Univ., Pennsylvania State, Pepperdine, Pittsburgh, Quinnipiac, Richmond, Univ., Rutgers - Camden, Rutgers - Newark, San Diego, San Francisco, Santa Clara, Seattle, Seton Hall, South Carolina, Univ., South Dakota, Univ., South Texas, Southern California, Southern Illinois, Univ., Southwestern, St. John's, St. Louis, St. Mary's, St. Thomas (Mpls), Stanford, Stetson, Suffolk, Syracuse, Temple, Tennessee, Univ., Texas, Univ.(Austin), Texas Tech, Texas Wesleyan, Thomas Jefferson, Toledo, Touro, J.D. Fuchsberg, Tulsa, Univ., Utah, Univ., Valparaiso, Vanderbilt, Vermont, Villanova, Wake Forest, Washington, Univ.(Seattle), Washington Univ. (Mo), Wayne State, West Virginia, Western New England, Western State, Whittier, Widener, Harrisburg, Widener, Wilmington, William & Mary, William Mitchell, Willamette.

<sup>7</sup> Question 7.

<sup>8</sup> Question 8: 41% public and 59% private.

<sup>9</sup> Question 9: 21% class size of 151-200; 25% class size of 201-250.

The profile of respondents to the 2002 Survey shows that the average respondent was a white, female, legal writing director who has been out of law school for 18 years, who has been teaching for more than 11 years, and who has been directing her legal writing program for almost 7 years. The vast majority of survey respondents classified themselves as directors of the required legal writing programs at their law schools.<sup>11</sup> Other responses came from associate or assistant directors or from faculty members in directorless programs. Seventy-five percent of 2002 Survey respondents were women,<sup>12</sup> which was up three percent from 2001 figures.<sup>13</sup> Minorities comprised less than one percent of survey respondents, consistent with figures from 2001.<sup>14</sup> Respondents graduated from law school an average of 18 years ago, but as recently as 6 years ago and as long as 44 years ago.<sup>15</sup> The average respondent has been teaching in law school on a full-time basis for 11.38 years.<sup>16</sup> The least experienced respondent has only been teaching full-time for 1 year; while the most experienced has 32 years of full-time teaching experience. Respondents to the 2002 survey not only have significant years of law school teaching experience, but they also have considerable experience as writing directors at their present schools. The average director has directed the writing program at the present school for almost seven years.<sup>17</sup>

The remainder of this Article will describe the findings of the 2002 Survey and highlight changes in legal writing programs since the 2000 and 2001 surveys. Part III will examine trends in salaries for legal research and writing directors and faculty. Part IV will describe the variety of staffing models employed in law school writing programs and the status issues involving writing faculty. Parts V and VI will highlight curricular trends and common practices in legal writing programs. Part VII will summarize the average workload of legal writing directors and faculty as well as examine their role in law school governance, voting rights, and scholarship. Finally, Part IX will examine the role of gender on

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<sup>10</sup> Question 9: 23% class size of more than 300 students.

<sup>11</sup> Question 1: 120 of 154 responses.

<sup>12</sup> Question 2: 111 of 150 responses.

<sup>13</sup> Respondents to the 2001 survey included 72% female respondents.

<sup>14</sup> Question 2: 6 of 150 respondents identified themselves as a race other than "white."

<sup>15</sup> Question 3.

<sup>16</sup> Question 4.

<sup>17</sup> Question 5: average 6.82 years.

legal research and writing faculty and director salary, status, and other variables.

### III. SALARY DATA

#### A. Directors' Salaries

For the fourth consecutive year, salaries of legal writing directors in American law schools rose.<sup>18</sup> The average director salary in 2002 was \$82,010, up 4% from 2001.<sup>19</sup>

Directors on twelve-month contract terms averaged salaries of \$85,389, while directors with contract terms less than twelve months averaged \$79,563.<sup>20</sup>

Average directors' salaries increased in half of the eight geographic regions surveyed.<sup>21</sup> The largest percentage increase was in the Great Lakes and Upper Midwest region, which saw its average director salary rise to \$82,190 in 2002 from \$70,951 in 2001. In the New York City and Long Island region, the 2002 average director salary was \$121,167, up from \$114,050 in 2001. Mid-Atlantic region salaries rose to \$92,427 from \$85,118. Finally, the Northwest and Great Plains region's average salaries rose to \$69,100 from \$68,900; however that region still lags behind the national average with the lowest average salary in the country.

Four regions found their average director salary lower in 2002. The largest drop affected the Southeast region, falling to \$76,218 from \$79,708. The Northeast region fell to \$82,236 from \$84,116, while the Far West fell to \$80,924 from \$81,639. The smallest decrease was in the Southwest and South Central region, which saw its average director salary drop a mere \$64 from \$73,269 to \$73,205.

#### B. Legal Research and Writing Faculty Salaries

Full-time legal research and writing (hereinafter "LRW") faculty base salaries also rose in 2002 from an average low of \$46,741 to an average high of \$54,316, an almost 6% increase from the

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<sup>18</sup> Question 49.

<sup>19</sup> In 2001, the average director salary was \$79,209, up 4% from 2000. In 2000, it was \$75,806 up 7% from 1999, and in 1999 it was \$71,016 up 3% from 1998.

<sup>20</sup> Question 49.

<sup>21</sup> Question 6 by Question 49, chart and graphical depiction in 2002 Survey Report. Figure 1 illustrates the regional salary differences for the four years 1999-2002.

2001 average low of \$44,011 and a 2.5% increase from the 2001 average high of \$53,012.<sup>22</sup>

Average LRW faculty salaries went up in seven of the eight geographic regions in 2002. The largest increase came in the Mid-Atlantic region, and the only region seeing a decline in the Far West.<sup>23</sup>

### *C. Other Variables Related to Salaries*

As expected, salaries for directors and faculty increased as they have more years of experience. Factors such as length of time since graduation from law school, length of time teaching full-time in law school, and length of time at the present institution, all affected salary.

Geographic setting and institution type also influenced salaries. In 2002, salaries were higher for directors and LRW faculty in the suburbs than in urban or rural areas. This is a change from 2001 when salaries for directors and LRW faculty were higher in urban than in suburban or rural areas, but is consistent with trends from 2000 and earlier. In 2002, salaries were higher for directors at private law schools (\$84,605) than they were for directors at public law schools (\$78,379).<sup>24</sup>

The organization of the legal writing program and how it was staffed influenced salaries for both directors and faculty in 2002. Directors in programs with tenure-track teachers hired to teach LRW had the highest average directors' salaries (\$98,333). Average salaries were lower in adjunct-taught programs (\$93,789) and "complex hybrid"<sup>25</sup> programs (\$84,733).<sup>26</sup> Salaries were lowest in

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<sup>22</sup> Question 75.

<sup>23</sup> Question 6 by Question 75. Figure 2 illustrates the regional salary differences for the four years 1999-2002. New York City and Long Island 2002 average salary was \$59,500 with an average low of \$56,500 but no reports in 2002. Great Lakes and Up. Midwest average salary was \$51,666 with an average low of \$44,789 and a 2001 average low of \$39,500. Southwest and South Central average salary was \$51,423 with an average low of \$47,077 and a 2001 average low of \$45,326. Mid-Atlantic average salary was \$50,550 with an average low of \$45,850 and a 2001 average low of \$42,000. Far West average salary was \$50,509 with an average low of \$47,173 and a 2001 average low of \$48,894. Northeast average salary was \$50,025 with an average low of \$46,150 and a 2001 average low of \$45,500. Southeast average salary was \$47,696 with an average low of \$45,136 and a 2001 average low of \$42,429. No reports were submitted for the Northwest and Great Plains region in either 2001 or 2002.

<sup>24</sup> Question 8.

<sup>25</sup> Survey respondents were asked to classify their programs by one of the eight basic staffing models defined in Ralph Brill et al., *ABA Sourcebook On Legal Writing Programs*

programs with LRW faculty on contract (\$76,744). For LRW faculty, average current salaries were highest if the faculty were tenured or on tenure-track (\$65,639) and next highest in complex hybrid programs (\$51,079).<sup>27</sup>

Directors' average salaries were highest if they were tenured and their primary responsibility is LRW (\$106,506), and next highest if the directors' primary responsibility is not LRW (\$97,167).<sup>28</sup> Following behind were tenure-track directors if their primary responsibility is LRW (\$84,690) and clinical tenure or tenure-track directors (\$81,894). Non-tenure track directors earned the lowest salaries (\$70,541). LRW faculty average current salaries were highest when their director is tenured (\$47,182) or on tenure track (\$45,994) and lowest in programs where the director is on contract (\$43,329).<sup>29</sup>

The number of students LRW faculty members are expected to teach also appears to affect salary; however the affect seems to be inconsistent with the highest average salaries going to those who teach the largest and the smallest numbers of students.<sup>30</sup> Salaries tend to be higher when faculty members teach smaller classes. For example, the average salary for LRW faculty with responsibility for fewer than 25 students in 2002 was \$53,200. The average salary for faculty with responsibility for 25-29 students was \$51,625. However, the average salary for faculty with responsibility for 30-34 students was \$49,344, and for faculty with responsibility for 35-39 students was \$45,219. Faculty salaries begin to rise again when the student-faculty ratio goes above 40, yet the salaries never equal those of faculty with lower student loads until the class size exceeds 50. The highest paid group, at \$67,100, must teach between 75 and 80 students each semester. When the average faculty salary is divided by the number of students taught, the numbers become even more disturbing. A faculty member teaching 24 students per term would earn \$2,217 per student in 2002, while a faculty member teaching 40 students would earn

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(1997). Respondents unable to so classify their programs could designate it as a "complex hybrid" of the models. A follow-up question asked respondents selecting the "complex hybrid" option to indicate which elements of the standard models were included in their programs.

<sup>26</sup> Question 10 by Question 49.

<sup>27</sup> Question 10 by Question 75.

<sup>28</sup> Question 45 by Question 49.

<sup>29</sup> Question 45 by Question 75.

<sup>30</sup> Question 75 by Question 82a.



only \$1,144, and a faculty member teaching 80 students would earn a mere \$839 per student.

#### *D. Adjunct LRW Faculty and Teaching Assistant Salaries*

Unlike director and faculty salaries, the average salaries of adjunct faculty and teaching assistants in legal research and writing programs fell in 2002. LRW adjuncts earned an average of \$1,490 per credit hour in 2002, compared to \$1,745 in 2001.<sup>31</sup> Adjuncts compensated by term earned an average of \$3,452 in 2002, compared to \$4,407 in 2001.

In the 24 programs that pay their teaching assistants by term, those TAs earned an average of \$1,372, compared to the \$1,524 they earned in 2001.<sup>32</sup> In the 21 programs that pay their TAs an hourly wage, that wage fell to \$8.50 from the 2001 rate of \$8.65. The only TAs whose compensation increased in 2002 were those who received an offset against their law school tuition. That offset averaged \$2,043 in 2002, up from \$1,406 in 2001.

### **IV. STAFFING MODELS AND STATUS ISSUES**

#### *A. Director Types*

The overwhelming majority of American law schools have legal research and writing directors, persons with direct responsibility for the design, implementation, and supervision of the law school's writing program.<sup>33</sup> These directors hold a variety of faculty and administrative positions within the legal academy.<sup>34</sup> Twenty-one or 16% of the nation's legal writing directors are tenured faculty members whose primary responsibility is directing the legal writing program. Eighteen are untenured faculty members on a tenure track whose primary responsibility is directing the legal writing program. Eight are faculty members with clinical tenure or on clinical tenure track. Seven are faculty members or administrators whose primary responsibility is not the first-year legal writing program, and another three are administrators whose primary responsibility is directing the writing program.

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<sup>31</sup> Question 88: note that responses greater than \$20,000 were excluded.

<sup>32</sup> Question 98.

<sup>33</sup> Question 44: 130 schools have directors; 20 do not.

<sup>34</sup> Question 45.

Nearly half, 55, are faculty members not on a tenure track whose primary responsibility is directing the legal writing program.

In 2002, there were fewer tenured directors (21 vs. 22) but more tenure-track directors (18 vs. 16) responding than in 2001.<sup>35</sup> In addition, eight directors have clinical tenure or tenure-track status compared with nine in 2001. About 36% of those responding were tenured or tenure-track including clinical tenure status. However, 42% of the directors whose primary responsibility is LRW are not on tenure-track (55 of 130).

### *B. Assistant Directors*

Only 19 programs reported having assistant directors in 2002 (up from 18 in 2001 but down from 25 in 2000).<sup>36</sup> The average salary for an assistant director was \$54,176 compared with \$51,965 in 2000. (In 2001, the average of \$37,753 was based on only three responses.)

### *C. Staffing Models*

In 2002, most American legal writing programs used full-time, nontenure-track teachers (76 or 50%), a hybrid staffing model (41 or 27%), or adjuncts (21 or 16%).<sup>37</sup> LRW faculty in most programs are on short-term contracts with 65 on 1-year contracts, 19 on 2-year contracts, and 36 on contracts 3 years or longer.<sup>38</sup> Faculty in 17 programs have ABA Standard 405(c) status, up from only 7 in 2001. In 2002, seven programs used solely tenured or tenure-track teachers hired specifically to teach LRW, and another six programs used such teachers in hybrid programs.<sup>39</sup> A total of 20 programs reported using tenure or tenure track LRW faculty in some capacity, compared to only 8 in 1999 and 15 in 2001.

The overwhelming majority of those LRW faculties on contract have no limit<sup>40</sup> to the number of years they may teach (100 of 109 or 92% consistent with the 2001 numbers of 85 of 92).<sup>41</sup> The per-

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<sup>35</sup> Question 45.

<sup>36</sup> Question 46.

<sup>37</sup> Question 10.

<sup>38</sup> Question 65.

<sup>39</sup> Questions 10 & 11(a).

<sup>40</sup> Such limits are commonly referred to as "caps."

<sup>41</sup> Question 66.

centage of programs with caps has fallen steadily during the past 4 years, from a high of 22% in 1999, to 12% in 2000, to 8% in 2002. The average contract term in uncapped programs has increased to 1.21 years (from 1.19) for the first term, and has remained steady at approximately 1.5 years, 1.9 years, and 2.22 years for subsequent terms.<sup>42</sup>

#### *D. Legal Research and Writing Faculty Titles*

More than two-thirds of program directors have a form of “professor” in their official title (87 of 130).<sup>43</sup> “Director” is the next most common title (57 or 44%). Nine directors still have a title of “lecturer” or “senior lecturer.” These figures are remarkably consistent with those from 1999 through 2001. For LRW faculty, many have some form of “professor” in their official title (64 or 42%). This does show a marked increase from 37 in 1999, 58 in 2000, and 56 in 2001. Many LRW faculty members are “instructors” (36 or 25%), with “lecturer” the next most common title (17 or 11%).<sup>44</sup>

#### *E. Adjunct Faculty*

Adjunct faculty members teach legal research and writing in nearly half of the programs in American law schools.<sup>45</sup> These adjunct faculty members represent a wealth of legal practice and teaching experience. Thirty-three programs require that their adjuncts have a minimum number of years of legal practice experience to be hired. That requirement averages just below 3 years of experience, but reaches as high as 10 years.<sup>46</sup> Sixty-four programs, representing an average of 12.8 adjuncts each, report that the largest percentage of their adjunct faculty members has between six and ten years of teaching experience.<sup>47</sup>

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<sup>42</sup> Question 67.

<sup>43</sup> Question 48.

<sup>44</sup> Question 68.

<sup>45</sup> Question 86. 16 programs use adjunct faculty members exclusively; 17 use them “substantially” (to teach approximately 75% of their students); 10 use them “significantly” (to teach approximately 50% of their students); 15 use them “somewhat” (to teach approximately 25% of their students); 15 use them “rarely,” and 68 do not use adjuncts.

<sup>46</sup> Question 90: The average required experience is 2.87 years, with a minimum requirement of one year and a maximum requirement of 10 years.

<sup>47</sup> Question 91: The average number of adjuncts representing the given ranges of teaching experience are 0-2 years, 5.6 adjunct faculty members; 3-5 years, 5.05 adjunct

## V. CURRICULUM

### A. *Required Programs*

Virtually all writing programs extend over two semesters averaging 2.22 credit hours in the fall and 2.14 hours in the spring.<sup>48</sup> Thirty-four programs have a required component in the fall of the second year, averaging 2.12 credit hours. In the majority of programs, the number of credit hours awarded for the required program each semester equals the number of hours of weekly in-class teaching.<sup>49</sup> For the twenty programs where classroom hours exceeded credit hours for the course, the average excess was 1.18 hours of classroom instruction per week. For those 15 programs where credit exceeded weekly classroom hours, the deficit was an average of .93 hours each week.

#### 1. Grading Practices

Almost all LRW courses are graded (125 programs).<sup>50</sup> The majority of legal writing programs are graded in the same way as other first-year courses, using the same required curve, mean, or median.<sup>51</sup> Others are graded on curves or means specifically for LRW or on some other curve or mean.<sup>52</sup> The average curve or mean specifically for LRW courses reported by survey respondents (2.86) is slightly higher than the curve or mean reported for "all first-year courses" (2.71). Thus it appears that these "special" grading rules for LRW courses require higher grades for these courses than for others in the first-year curriculum. However, this conclusion may be flawed because the question did not ask respondents that selected a "special" curve or mean to indicate the required mean for their other first-year courses. Therefore, the difference in averages may be the result of disparate means at a vari-

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faculty members; 6-10 years, 5.89 adjunct faculty members; more than 10 years, 4.07 adjunct faculty members.

<sup>48</sup> Question 12.

<sup>49</sup> Question 14: 111 respondents indicated that the number of credits and the number of weekly class hours were equal.

<sup>50</sup> Question 15.

<sup>51</sup> Question 16: 87 of 146 respondents indicated that their legal writing program is graded the same as other first-year courses.

<sup>52</sup> *Id.* 25 respondents indicated a specific curve or mean for LRW, and 3 indicated some other curve or mean is used to grade the LRW course.

ety of schools rather than a result of “inflated” grading in LRW courses.

Within LRW courses there are differences in the way assignments are graded and the number of assignments that carry grades. Many programs grade at least some assignments anonymously (79), but 70 programs do not.<sup>53</sup> The majority of programs grade all or nearly all of the major writing assignments in the required course.<sup>54</sup> One-hundred-twenty-three programs require rewrites with 40 of those programs requiring rewrites on all assignments. Fifty-five programs grade all rewrites; 34 grade only the rewrites; 19 grade only the final drafts.<sup>55</sup>

## 2. Uniformity

The area of greatest uniformity within legal writing programs is citation system, with 137 programs (91%) using a uniform text.<sup>56</sup> Uniformity is also high for the number of major assignments (120 programs or 80%) and required textbooks (101 programs or 68%). Syllabus coverage, due dates, and lengths for most assignments are also fairly uniform within programs, although strict uniformity falls to just above 60% and general consistency rises to around 35%.<sup>57</sup> General consistency rather than uniformity is the trend in grading legal writing courses, with 59% favoring general consistency and only 37% requiring uniformity. Programs tend to vary the most in the uniformity of the number of minor assignments within their courses, with three-quarters of programs almost evenly splitting between uniformity and general consistency with a quarter of programs indicating variety between sections.<sup>58</sup> The greatest variety within programs is found in content of class lectures and exercises, where half of the programs indicate that such content varies across sections, only 34% strive to maintain general consistency across sections, and 16% strive for uniformity.

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<sup>53</sup> Question 17.

<sup>54</sup> Question 25: 106 programs indicate grading of between 76% and 100% of “major assignments.” The survey defines a “major assignment” as “one in which the final product is equal to or greater than 5 pages. Graded assignments do not include those evaluated with a check, check +, check – or similar method.”

<sup>55</sup> Question 23.

<sup>56</sup> Question 26.

<sup>57</sup> *Id.* Syllabus coverage was 61% uniform and 33% generally consistent. Due dates and lengths of major assignments were 62% uniform and 39% generally consistent.

<sup>58</sup> *Id.* 38% uniform; 36% generally consistent; 26% varies among sections.

### 3. Research Teaching

The vast majority of programs integrate research and writing instruction (117 programs).<sup>59</sup> At 65 schools, legal research is taught by LRW faculty. At 40 schools, it is taught by librarians. In 37 schools LRW faculty and librarians teach legal research in combination, and at 20 schools teaching assistants and other students are responsible for teaching research.

The types of research assignments, content coverage, and online database training offered to students in the required legal research and writing programs appear remarkably consistent regardless of whether the research in the program is taught in an integrated manner with the writing instruction or taught separately.<sup>60</sup> A slightly higher percentage of programs where research is taught separately include research exercises unrelated to writing assignments.<sup>61</sup>

The largest statistical difference between integrated and non-integrated research programs reflects the relationship between research and writing assignments. The approach favoring a combination of closed and open library research for writing assignments is much more common (97 of 117 or 83%) in integrated programs than it is in non-integrated programs (20 of 39 or 51%).<sup>62</sup> Writing assignments based exclusively on open library research is favored by more integrated programs than non-integrated programs, but the difference is not as great (28 of 117 or 24% of integrated programs vs. 7 of 39 or 18% of non-integrated programs). Similar percentages of integrated and non-integrated programs favor instruction using all closed universe research for writing assignments (14 of 117 or 12% of integrated programs vs. 5 of 39 or 13% of non-integrated programs).

Regardless of program design, approximately half of required programs cover legislative history and administrative law research, while half do not.<sup>63</sup> The majority of legal research and

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<sup>59</sup> Question 18.

<sup>60</sup> Question 19.

<sup>61</sup> *Id.* 85 of 117 (73%) for integrated programs vs. 33 of 39 (85%) for non-integrated programs.

<sup>62</sup> Because respondents were able to select multiple answers to this question, percentages exceed 100%.

<sup>63</sup> *Id.* 53 of 117 (45%) of integrated programs and 21 of 39 (54%) of non-integrated programs teach legislative history research. Sixty of 117 (51%) of integrated programs and 20 of 39 (51%) of non-integrated programs teach administrative law research.

writing programs (80%) expose their students to online database (WESTLAW/NexisLexis) training during the first semester, with 19% offering unlimited training during that semester. Almost two-thirds of programs offer unlimited training during the second semester.

#### **4. Assignments**

The most common writing assignments in legal research and writing programs are office memoranda (150), appellate briefs (126), pretrial briefs (76), and client letters (70). Increasingly programs are introducing less traditional assignments into their first year programs. Thirty-eight programs include drafting documents, up from 28 in 2000, and 32 programs include trial briefs in their first-year courses.

The most common oral exercises were appellate arguments (115), pretrial motion arguments (52), and in-class presentations (43).<sup>64</sup> Other programs include oral reports to senior partners (31, a doubling of 2000 survey responses), trial motion arguments (17), or other oral skills.

##### *B. Upper-level Courses*

Most law schools (89%) require that students satisfy an upper-level writing requirement, beyond the required program, in order to graduate.<sup>65</sup> In order to assist students in fulfilling this requirement, the majority of American law schools (119 of 150 or 79%) offer upper-level elective legal writing courses in addition to their first-year programs.<sup>66</sup> Only 13% (19 of 150) do not. At most law schools (39%), these courses are taught by a combination of LRW and non-LRW faculty members. Smaller groups of schools offer these courses taught exclusively by non-LRW faculty members (28%) or exclusively by LRW faculty members (12%).

The topics of upper-level writing courses vary widely from general survey courses in advanced legal writing, advanced research, and drafting to courses focusing on such specialized topics as judicial opinion writing, legislative drafting, transactional draft-

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<sup>64</sup> Question 20.

<sup>65</sup> Question 33. The majority schools (126 of 142) responding to this question have such a requirement. Only 16 do not.

<sup>66</sup> Question 32.

ing, and advanced appellate advocacy.<sup>67</sup> The majority of these courses are electives; however, a few schools do require them for graduation. The most common required course is in scholarly writing, with 55 schools reporting such a requirement.

Of necessity, advanced writing courses have limited enrollment and fairly small class size. The popularity of these elective courses is evidenced by survey data that shows greater demand than availability for every category of advanced writing course listed.<sup>68</sup> The greatest imbalances appear in courses in general writing skills and survey courses, drafting, and judicial opinion writing, where unavailability was noted in at least half of the programs offering the course.

In addition to courses in the upper-level writing curriculum, many upper-level doctrinal courses in the more than 90% of law schools include writing assignments.<sup>69</sup> Only eleven schools report that no doctrinal courses include a writing component. At those schools where doctrinal courses do include writing assignments, 3 report that all such courses include writing and 130 report that an average of 25% of upper-level doctrinal courses include writing assignments. These assignments vary from drafting (general, litigation, legislation, and transactional) to memoranda and briefs to client letters and judicial opinions, with scholarly papers being the most common.

Whether students receive training before they are required to produce scholarly papers varies greatly throughout law schools.<sup>70</sup> The most common training is given by faculty within the courses for which papers are written.<sup>71</sup> Other training is given in non-curricular workshops<sup>72</sup> and separate courses taught by both LRW and non-LRW faculty.<sup>73</sup> Unfortunately, students receive no training in more than a third of law schools.<sup>74</sup>

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<sup>67</sup> Questions 33 and 35.

<sup>68</sup> Question 36.

<sup>69</sup> Question 37.

<sup>70</sup> Question 34.

<sup>71</sup> *Id.* 55% or 84 of 154 programs.

<sup>72</sup> *Id.* 5% or 7 of 154 programs.

<sup>73</sup> *Id.* 8% or 13 of 154 programs.

<sup>74</sup> *Id.* 34% or 53 of 154 programs.



## VI. LEGAL RESEARCH AND WRITING COMMON PRACTICES

### A. Common Practices

The techniques, philosophies, and objectives of legal writing programs are as varied as the professionals who teach them; however, there are areas of common practice. Among these are commenting techniques, classroom teaching activities, technology, citation method, and support services for first-year students.

Individualized review and critique of student writing is arguably the most intensive and effective work that legal research and writing teachers do. The most common methods of commenting on papers during the 2001-02 academic year were comments on the paper itself (149), comments during conferences (124), comments at the end of the paper (123), general feedback addressed to the class (108), feedback memos addressed to individual students (84), and grading grids or score sheets (82).<sup>75</sup>

As a profession, legal writing teachers have put great emphasis on classroom teaching and pedagogy.<sup>76</sup> The most common teaching activities and the average amount of time spent in each activity were lecture (139 spending an average of 29%), questions and answers and class discussion (136 spending an average of 21%), group in-class exercises (131 spending an average of 13%), individual in-class exercises (106 spending an average of 10%), demonstrations (107 spending an average of 9%), and in-class writing (83 spending an average of 7%).<sup>77</sup>

More legal writing programs made use of technology in 2002. While the extent of its use varies greatly across programs, nearly

<sup>75</sup> Question 24.

<sup>76</sup> Legal research and writing faculty have published volumes about pedagogy and effective teaching. See e.g. Kristin B. Gerdy, *Teacher, Coach, Cheerleader, and Judge: Promoting Learning Through Learner-Centered Assessment*, 94 Law Libr. J. 59 (2002); Linda L. Berger, *A Reflective Rhetorical Model: The Legal Writing Teacher as Reader and Writer*, 6 J. Leg. Writing 57 (2000); Suzanne E. Rowe, *Legal Research, Legal Writing, and Legal Analysis: Putting Law School into Practice*, 29 Stetson L. Rev. 1193 (2000); Debra Harris & Susan D. Susman, *Toward a More Perfect Union: Using Lawyering Pedagogy To Enhance Legal Writing Courses*, 49 J. Leg. Educ. 185 (1999); Terri LeClercq, *Principle 4: Good Practice Gives Prompt Feedback*, 49 J. Leg. Educ. 418 (1999); Jo Anne Durako et al, *From Product to Process: Evolution of a Legal Writing Program*, 58 U. Pitt. L. Rev. 719 (1997); Mary Kate Kearney & Mary Beth Beazley, *Teaching Students How to "Think Like Lawyers": Integrating Socratic Method With the Writing Process*, 64 Temp. L. Rev. 885 (1991).

<sup>77</sup> Question 21. Figure 3 shows the division of teaching activities and converts the percentages to base 100.

80% have some technology component.<sup>78</sup> Program-wide web pages are used in 64 programs, up from 48 web pages reported in 2001. Class e-mail listservs were popular during the 2001-02 year with 122 programs using them. These listservs are effective in a legal writing course as shown by a 4.13 average satisfaction rating (out of a possible 5). Seventy-one programs had course web pages with a 3.68 average satisfaction rating. Sixty-eight programs made use of electronic "smart" classrooms with a 3.82 average satisfaction rating.

A final common practice among legal writing programs is the adoption of a citation system. As of the time of the survey, 59 programs planned to teach the *ALWD Citation Manual* only, while 60 programs planned to teach the Bluebook only, 13 planned to teach both methods, 5 planned to leave the choice to each teacher, and 10 planned to either teach a different system or were undecided which system they would teach for the 2002-03 academic year.<sup>79</sup>

During 2002 law schools offered a wide variety of services to help first-year students succeed. Thirty-six law schools employed a full-time or part-time writing specialist, 34 offered tutorials, 81 employed student teaching assistants to help students in need, and 110 schools offered academic support programs.<sup>80</sup> Thirty-one law schools have formal writing centers; while at 54 schools, university writing centers are available to law students in lieu of a specialized center within the law school.<sup>81</sup>

### B. Writing Specialists

Nearly one-quarter of American law schools employ legal writing specialists to assist students with writing. The status, training, gender, and job responsibilities of this group of professionals vary greatly. Only 20% (9 of 43) of writing specialists hold full-time positions.<sup>82</sup> Two are tenured, two are associate professors, and two more serve as associate directors of their legal writing

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<sup>78</sup> Question 42.

<sup>79</sup> Question 27.

<sup>80</sup> Question 28.

<sup>81</sup> Question 31.

<sup>82</sup> Question 28. The total number of writing specialists is difficult to calculate. No survey question specifically asks how many writing specialists are employed at each law school. This total represents the sum of male and female specialists represented in question 29 part j and k. This question was chosen to represent the total as it seemed to be the one most likely to solicit complete responses.

programs.<sup>83</sup> One-third (14 of 43) of legal writing specialists hold a J.D. degree.<sup>84</sup> Another 20% hold doctoral degrees in English (9 of 43), and nearly one-third hold other relevant advanced degrees (14 of 43). The gender division among legal writing specialists mirrors the division among directors and full-time faculty with 74% (32 of 43) females and 36% males.<sup>85</sup> These numbers do represent a significant change from 2000 when only 12% of the nation's legal writing specialists were male.

The primary job responsibility of legal writing specialists is holding individual student conferences. Nearly three-quarters of these specialists spend on average of 71% of their time preparing for and holding these conferences.<sup>86</sup> More than half provide workshops for students, taking up about one quarter of their time. Smaller percentages (12% each) are responsible for training LRW faculty, training law review and advanced moot court students, teaching upper-level courses, reviewing upper-level seminar papers, and publishing scholarly articles and books.

## VII. WORKLOAD

### A. *Directors' Workload*

Directors of legal research and writing programs do much more than attend to administrative tasks and teach a few classes. They are involved in nearly every aspect of the law schools in which they teach. In 2001-02, directors spent 30% of their time teaching in the required program, 22% on directorship duties, 13% teaching outside the required program, 9% on service, 8% on scholarship, 7% on academic support, and 11% on "other" activities including participating in important areas of law school governance.<sup>87</sup>

In the 2001-02 academic year, the "average" director taught 30 entry-level students 3 hours per week using 3 major and 4 minor assignments while reading 1,134 pages of student work and hold-

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<sup>83</sup> Question 29.

<sup>84</sup> *Id.* subparts (f)-(i)

<sup>85</sup> *Id.* subparts (j) and (k).

<sup>86</sup> Question 30.

<sup>87</sup> Question 53. Figure 4 shows the average distribution of directors' time and converts the percentages to base 100.

ing 36 hours of conferences during the fall semester.<sup>88</sup> The spring semester workload was similar. This compares with the prior year in which the “average” director taught 32 entry-level students 3 hours per week using 3 major and 4 minor assignments while reading 983 pages of student work and holding 38 hours of conferences—a slightly lighter workload than reported for the 2002 survey. In addition to their teaching time, directors spent an average of 41 hours preparing major research and writing assignments and 50 hours preparing for classes in the fall and comparable time in the spring.

Many directors have core job responsibilities or take on additional activities that are not primary components of the legal writing program but are often related in purpose and scope.<sup>89</sup> Most of this additional work is done without compensation.<sup>90</sup> Nearly two-thirds (96 of 130) have responsibility for first-year orientation. More than half (79 of 130) serve as faculty advisor to students. Nearly a quarter (30 of 130) coach in-house moot court teams; 30 coach outside moot court teams; and 9 coach outside negotiation and counseling teams. Directors in 28 schools are also responsible for the schools’ academic support. Fifteen directors serve as Law Review advisor, and 13 are responsible for overseeing the law school’s writing center.

### B. *Legal Research and Writing Faculty Members’ Workload*

In the 2001-02 academic year, the “average” LRW faculty member taught 43 entry-level students 4 hours per week using 3 major and 4 minor assignments while reading 1,589 pages of student work and holding 51 hours of conferences.<sup>91</sup> Again this past year, the average class load was within the maximum range recommended by the *ABA Sourcebook on Legal Writing Programs*.<sup>92</sup> This compares with the prior year in which the “average” LRW faculty member taught 46 entry-level students 6 hours per week using 3 major and 4 minor assignments while reading 1,410 pages of student work and holding 62 hours of conferences—a similar

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<sup>88</sup> Question 54.

<sup>89</sup> Question 58.

<sup>90</sup> Only one response for each category indicated that the director received additional compensation for the activity.

<sup>91</sup> Question 82.

<sup>92</sup> Brill, *supra* note 25.

workload. In addition to their classroom teaching, faculty spent an average of 32 hours preparing major research and writing assignments and 57 hours preparing for classes in the fall and comparable time in the spring.

### *C. Upper-level Teaching*

In addition to their responsibilities in the required legal writing program, directors and faculty widely teach upper-level courses at their law schools. More than half of the country's directors teach courses beyond the first-year program (77 or 59%).<sup>93</sup> In 2002, they taught an average of 1.46 upper level writing courses and 1.67 non-LRW courses.<sup>94</sup> More than a quarter (21 or 27%) of these directors receive additional compensation for their upper-level teaching, which shows a sizeable increase from 2001 when only 20% received additional compensation. Many LRW faculty also teach upper-level courses (85 or 75%), including upper-level LRW classes (38) and non-LRW courses (74).<sup>95</sup> These courses are taught both during the regular academic year (46) and during separate summer sessions (39).

### *D. Law School Governance*

The vast majority of directors participate in law school governance by serving on faculty committees as voting members (112 or 86%); only 10 serve as non-voting members.<sup>96</sup> For LRW faculty, those in 88 (77%) programs serve on faculty committees with 77 programs afforded voting (67%).<sup>97</sup> LRW director and faculty are widely represented on important law school committees including curriculum (97 schools), admissions (71 schools), library (45 schools), technology (43 schools), appointments (26 schools), and clerkships (26 schools). Predictably, LRW faculty are also well represented on Moot Court and LRW committees.

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<sup>93</sup> Question 55.

<sup>94</sup> Question 56.

<sup>95</sup> Question 85.

<sup>96</sup> Question 59.

<sup>97</sup> Question 83.

### *E. Voting Rights*

Voting rights of both legal writing directors and faculty have increased during the last four years. The majority of directors attend and vote at faculty meetings<sup>98</sup> with 13 non-tenure track directors voting on all matters (17%) and 31 more voting on all but hiring and promotion (41%).<sup>99</sup> Directors in 31 programs (41%) may attend faculty meetings but are not given a vote. Only one director (1%) reported that she may not attend faculty meetings. In 2000, fewer directors had voting rights. That year only eight non-tenure track directors could vote on all matters (11%);<sup>100</sup> 33 could vote on matters except hiring and promotions (44%). Directors in 30 programs (40%) were allowed to attend faculty meetings but could not vote. An additional four could not attend (5%).

Voting rights for full-time LRW faculty also increased during the first 3 years of the twenty-first century. In 2002, LRW faculty in 61 programs (53%) voting at faculty meetings with 25 (22%) of those programs afforded voting on all matters.<sup>101</sup> This shows a 10% increase from 2001 where faculty at only 42 schools (43%) were given a vote and a 12% increase from 2000 numbers. At 45 more programs (39%), LRW faculty attend, but do not vote, signaling a significant decrease from the 48% denied a vote in 2001. Only 10 schools (9%) report that LRW faculty do not attend faculty meetings, down 1% from 2001 and 2% from 1999.

### *F. Scholarship and Support*

For 46 or 35% of directors, there is an obligation to produce scholarship.<sup>102</sup> For 21 there is no obligation, but there is an expectation they will. This scholarship requirement is consistent with 2001 when 40 schools (35%) required scholarship and 24 had an expectation of scholarship. In 2002, 48 law schools' legal writing directors' scholarship was expected to be of the same quality and quantity as tenure-track faculty; however, at 7 law schools it was not. For LRW faculty, there is an obligation in 20 programs to

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<sup>98</sup> These voting rights are in addition to the 47 tenured and tenure-track directors, who are assumed to have full voting rights.

<sup>99</sup> Question 60.

<sup>100</sup> These numbers exclude 41 directors on tenure-track.

<sup>101</sup> Question 84.

<sup>102</sup> Question 62.

produce scholarship, and in 11 programs they are expected to produce scholarship, while 82 programs impose no such obligation or expectation.<sup>103</sup> Unlike the consistency in the scholarship expectation for directors, this is a significant increase from 2001 when only 12 law schools imposed a scholarship requirement on LRW faculty.

LRW faculty scholarship receives a varied level of financial support, both in the form of financial summer grants and research assistance. In 2002, 57 programs provide LRW faculty with summer grants averaging \$6,371, down from \$6,435 in 52 programs in 2001.<sup>104</sup> At nearly one-quarter of law schools the grants given to LRW faculty are less than the amount given to doctrinal faculty.<sup>105</sup> Forty-one schools do not provide summer research grants for LRW faculty.<sup>106</sup> More than half, or 79 programs, provide funding for research assistants, with 69 providing funding for all reasonable requests and 10 providing an average of \$920, down significantly from \$2,335 in 2001.<sup>107</sup> LRW faculty members receive no funding for research assistance at 31 schools.

#### *G. Legal Research and Writing Adjunct Faculty and Teaching Assistants' Workload*

Adjunct faculty teaching legal research and writing are responsible for an average of 19 students each semester in sections that average 17 students, both fairly consistent with 2001 figures.<sup>108</sup> In addition to teaching their courses, adjunct faculty in 11 programs are responsible for creating the majority of writing assignments for their classes.<sup>109</sup>

Legal writing teaching assistants are responsible for an average of 21 students each during the fall semester and 20 students each in the spring.<sup>110</sup> These loads are down slightly from 2001 when the average teaching assistant was assigned 23 students in

<sup>103</sup> Question 81.

<sup>104</sup> Question 76.

<sup>105</sup> Question 78.

<sup>106</sup> Question 76. In addition, 7 schools do not generally provide summer research support for any faculty.

<sup>107</sup> Question 80.

<sup>108</sup> Question 89.

<sup>109</sup> Question 92. In the majority of programs with adjunct faculty (39), the program director has primary responsibility for creating the assignments adjuncts use.

<sup>110</sup> Question 95.

the fall and 21 students in the spring. Before or during their TA service, teaching assistants receive an average of 13 hours of training each term.<sup>111</sup> Teaching assistants spend an average of 92 hours on TA duties during fall semester and an average of 87 hours during the spring semester.<sup>112</sup> While TA student loads are down from 2001, the average number of hours worked went up nearly 9 hours each semester from 84 in the fall and 76 in the spring. Twelve programs compensate their teaching assistants with course credit and grades.<sup>113</sup> Twenty-nine award teaching assistants an average of 1.93 credits for fall semester and 1.73 credits for spring. Twenty-four programs pay their teaching assistants by term (an average of \$1,372), and twenty-one pay their teaching assistants an hourly wage averaging \$8.50. Four programs compensate their teaching assistants with a tuition offset.

The vast majority of teaching assistants (76 of 85 programs) hold office hours during which they answer student questions.<sup>114</sup> Most teaching assistants offer advice and answer questions about legal research, legal writing in general, writing assignments before they are graded, citation format, and other law school matters such as exams.

## VIII. GENDER HIGHLIGHTS

Past disparities in the treatment of female and male legal writing directors and faculty have been well documented, and the 2002 Survey data add evidence to those findings.<sup>115</sup>

### A. *Salary Differences*

Consistent with earlier surveys, the 2002 Survey shows that female directors earn less than their male counterparts; however, the disparity between average salaries is decreasing. Female di-

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<sup>111</sup> Question 99.

<sup>112</sup> Question 96.

<sup>113</sup> Question 98.

<sup>114</sup> Question 97.

<sup>115</sup> See e.g. Jo Anne Durako, *Second-Class Citizens in the Pink Ghetto: Gender Bias in Legal Writing*, 50 J. Leg. Educ. 562 (2001); Jan M. Levine & Kathryn M. Stanchi, *Gender and Legal Writing: Law Schools' Dirty Little Secrets*, 16 Berkeley Women's L.J. 3 (2001); Jan M. Levine & Kathryn M. Stanchi, *Women, Writing & Wages: Breaking the Last Taboo*, 7 Wm. & Mary J. Women & L. 551 (2001); Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing Programs*, 70 Temp. L. Rev. 117 (1997).



rectors earn less than male directors when paid 12-month salaries (\$80,775 female; \$94,227 male). They also earn less when paid for shorter contract periods (typically nine or ten month academic contracts) (\$79,220 female; \$80,710 male). When all salaries are combined regardless of term, females earn an average salary of \$79,806 compared with an average male salary of \$87,790.<sup>116</sup>

Comparison with 2001 and 2000 combined averages<sup>117</sup> shows that the disparity between female and male salaries is decreasing.<sup>118</sup> The 2000 disparity of nearly \$16,000 shrunk to \$12,000 in 2001 and now stands at \$8000. The data indicates that while female salaries are rising, male salaries are not increasing significantly, which may indicate that male salaries are approaching a ceiling.<sup>119</sup>

Gender differences are also apparent in the range of salaries paid to legal writing directors and the percentage paid high-level salaries. Female directors have a wider range of salaries paid than male directors with a range of \$94,200 compared with \$89,600.<sup>120</sup> Fewer females than males earn more than \$100,000 (13 of 77 females, or 17% of females; 8 of 21 males, or 38% of males). However, the number of females earning more than \$100,000 has risen substantially since 2001 when only 6 of 68 (or 9%) earned such salaries compared with 9 of 25 (or 36%) in 2002.

The legal writing program director's gender not only affects her salary but also affects the salaries of the faculty she supervises. In programs headed by female directors, once again the salary range for LRW faculty was lower: the averages at the low end of the range were lower (\$44,605 low with female director; \$48,031 low with male director). The averages at the high end of the range were also lower (\$53,380 high with a female director, \$57,533 high with a male director).

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<sup>116</sup> 2002 Survey Appendix A, *supra* note 1.

<sup>117</sup> 2001: \$75,971 female; \$88,015 male; 2000: \$71,628 female and \$87,410 male.

<sup>118</sup> Figure 5 illustrates the differences in female and male directors' salaries for the years 2000, 2001, and 2002.

<sup>119</sup> This point was originally made by Jo Anne Durako during a panel presentation on gender issues in legal writing at the 2002 Legal Writing Institute in Knoxville, TN, June 1, 2002.

<sup>120</sup> \$46,800 to \$141,000 female; \$46,000 to \$135,600 males.

### *B. Status Differences*

Female directors are not only paid less than their male colleagues, they are also more likely to have lower status, less-prestigious titles, and a more limited role in law school governance.

In 2002, female directors were less often tenured than were male directors (15% of females; 23% of males). When tenured and tenure-track directors were combined, males just pass females (33% male; 32% female); however, significantly more female directors continue to find themselves on contract than do males (48% females; 32% males).

Despite their status, fewer females than males have “professor” in their official title (45% female; 57% male). More females have titles of “instructor” or “lecturer” than males (12% females; 5% males). About 35% of females have “director” as their official title compared with 29% of males.

The affect gender may play on directors’ role in law school governance is less clear. The vast majority of both male and female directors actively participate as voting members of law school committees (94% males; 85% females). All male directors involved on faculty committees participate as voting members, but 8% of responding female directors participated in a more limited manner as non-voting committee members. A 6% minority of both male and female directors is excluded from faculty committee service.

Slightly more than one-quarter of non-tenured male directors have a full vote in faculty meetings while only 13% of non-tenured female directors have such a right. The most common voting right held by non-tenured directors is a limited vote allowing the director to vote on all matters except for hiring, promotion, and tenure, with 40% of male directors and 45% of female directors having such a right. One-third of non-tenured male directors have no voting rights compared with 42% of non-tenured female directors.

### *C. Other Differences*

Fewer females teach courses beyond the required writing course than males (57% female; 80% male). While the gender comparison remains fairly consistent, the overall level of directors teaching upper-level courses has increased slightly from the 2001 data when 52% females and 76% male directors taught those classes. The one factor involving upper-level teaching that ap-

pears to be correlated with gender is a legal writing director's involvement in academic support. In 2002, more female directors taught academic support as their only upper level course than males (6% females; 3% males).

Finally, female directors were somewhat less often eligible for paid sabbaticals (35% female; 40% male), more often eligible for unpaid sabbaticals (10% female; 6% male), and were slightly less often eligible for other leave and reduced loads than were their male counterparts (45% female; 47% male).

## IX. CONCLUSION

The picture presented by the 2002 Survey is one of great variation and vibrancy. Legal writing programs around the country are involved in dynamic teaching and probing scholarship. They are as different as the law schools and faculty they represent, but they stand together to represent a quest for excellence.

For the profession as a whole, the results of the 2002 Survey show the field of legal research and writing is making great strides. These strides are largely attributable to the many directors, LRW faculty, deans, non-writing faculty, and others who have used the data provided by earlier surveys to improve the programs within their own schools. These improvements benefit all members of the legal academy and particularly the generations of law students to come. But while the improvements are encouraging, we cannot rest on these laurels. Areas of concern remain that must be addressed. While the general improvement in salaries is encouraging, the relatively small percentage of full-time LRW faculty with tenure or on tenure track is disappointing. Gender disparities are diminishing, but class size for all LRW faculty members remains too high. Voting rights and involvement in law school governance are not afforded to each and every professional legal writing teaching, and too many LRW faculty are not given the respect they deserve in their official law school titles. Legal writing faculty and others in the legal academy must now concentrate on these issues and aim to have new improvements reflected in future surveys.

## ILLUSTRATIONS

**Figure 1: Director Average Salary by Region**

Geography	2002	2001	2000	1999
New York City & Long Island	\$121,167	\$105,500	\$124,333	\$113,000
Mid Atlantic	\$92,427	\$86,735	\$ 87,036	\$77,375
Northeastern (excluding New York City and Long Island)	\$82,236	\$87,583	\$83,179	\$68,996
Great Lakes/Upper Midwest	\$82,190	\$72,850	\$71,552	\$62,621
Far West	\$80,924	\$78,693	\$71,609	\$74,000
Southeast	\$76,218	\$79,708	\$69,615	\$64,208
Southwest & South Central	\$73,205	\$72,271	\$68,746	\$69,608
Northwest & Great Plains	\$69,100	\$68,900	\$65,017	\$51,400

Question 6 by Question 49

**Figure 2: LRW Faculty Average Salary by Region**

Geography	2002	2001	2000	1999
New York City & Long Island	\$59,500	N/A	\$54,000	\$45,833
Great Lakes/Upper Midwest	\$51,666	\$39,500	\$36,857	\$34,976
Southwest & South Central	\$51,423	\$45,326	\$39,650	\$40,073
Mid Atlantic	\$50,550	\$42,000	\$42,500	\$45,125
Far West	\$50,509	\$48,894	\$41,583	\$39,833
Northeastern (excluding New York City and Long Island)	\$50,025	\$45,500	\$39,667	\$42,700
Southeast	\$47,696	\$42,429	\$39,778	\$37,700
Northwest & Great Plains	N/A	N/A	N/A	\$52,500

Question 6 by Question 75

Note: Average salary is computed by averaging the low and high base salary for each school.

**Figure 3: Distribution of Teaching Activities**

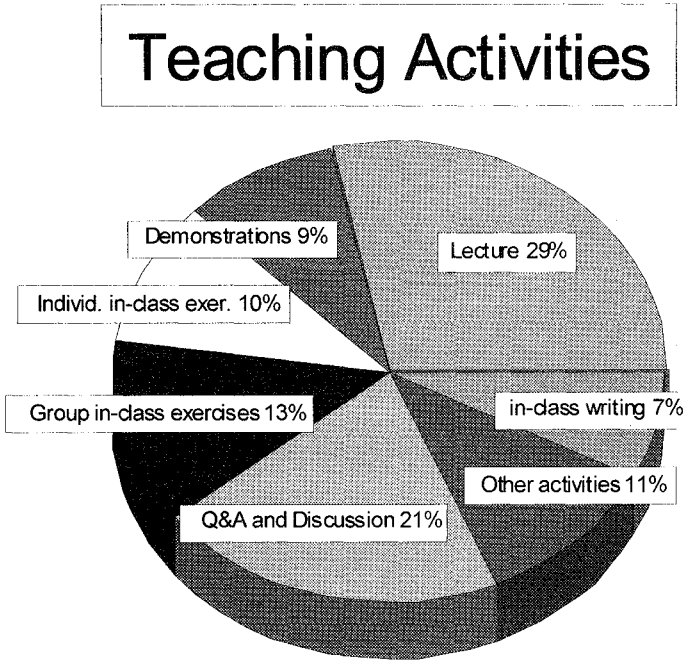
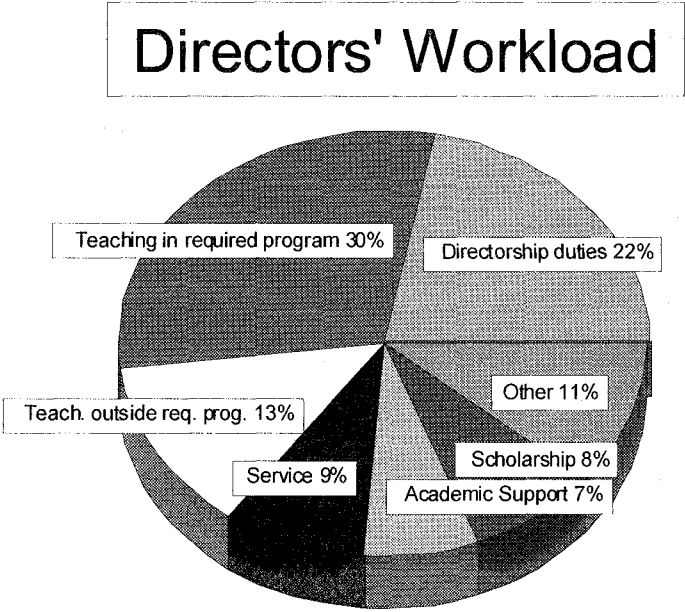


Figure 4: **Directors' Workload**



**Figure 5: Differences in Annual Salaries for Female and Male LRW Directors**

	Female Directors	Male Directors	
2002 Avg. Base salary*	\$79,806	91% of male avg.	\$87,790
2001 Avg. Base salary	\$75,971	86% of male avg.	\$88,015
2000 Avg. Base salary	\$71,628	82% of male avg.	\$87,210

\*Base salaries do not account for differences in contract length

	Female Directors	Male Directors	
2002 Avg. 12-month salary	\$80,775	86% of male avg.	\$94,227
2001 Avg. 12-month salary	\$77,163	84% of male avg.	\$91,615
2000 Avg. 12-month salary	\$73,171	86% of male avg.	\$84,817

	Female Directors	Male Directors	
2002 Avg. 9-month salary	\$79,220	98% of male avg.	\$80,710
2001 Avg. 9-month salary	\$75,086	89% of male avg.	\$84,115
2000 Avg. 9-month salary	\$70,480	77% of male avg.	\$91,182