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## Grappling with Online Work: Lessons from Cyberlaw

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## **A DATA-DRIVEN SNAPSHOT OF LABOR AND EMPLOYMENT LAW PROFESSORS**

RICHARD A. BALES\*

### ABSTRACT

This Article provides a data-driven snapshot of the law school faculty members who teach Labor and Employment Law. Among its findings are the following:

- The teaching of Labor Law is declining and the teaching of Employment Law is rising.
- Men dominate the teaching of Labor Law, but women have mostly narrowed the gap in Employment Law.
- The other courses taught by Labor and Employment Law faculty members are highly sex-segregated. For example, Employment Law faculty members who also teach Family Law or Property are overwhelmingly likely to be women, and Employment Law faculty members who also teach Constitutional Law, Civil Procedure, or Contracts are overwhelmingly likely to be men.
- Both Labor and Employment Law faculty members are more prevalent in top-tier law schools than in bottom-tier law schools; in the Great Lakes, Northeast, and Midsouth regions than in other regions of the country; and in large metropolitan areas than in rural areas.

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INTRODUCTION

In 2010, Professor (now Dean) Michael Moffitt published an empirical study of Alternative Dispute Resolution (“ADR”) professors.<sup>1</sup> Using primarily data from three different annual editions of the Association of American Law Schools (“AALS”) Directory of Law Teachers, Dean Moffitt charted the increase in ADR professors and ADR courses taught in the legal academy, an unsurprising finding given the simultaneous increase in the use of ADR in law practice.<sup>2</sup> Many of Dean Moffitt’s findings were more surprising, such as the gender disparity of ADR professors and the relatively small percentage of ADR faculty teaching multiple ADR courses.<sup>3</sup>

After reading Dean Moffitt’s article, I became convinced that a similar snapshot of Labor and Employment Law faculty would be useful. I expected it would confirm anecdotal observations that the teaching of traditional labor law (by which I mean the law governing unions) is being supplanted by the teaching of employment discrimination (Title VII,<sup>4</sup> the Age Discrimination in Employment Act,<sup>5</sup> the Americans with Disabilities Act,<sup>6</sup> etc.) and employment law (employment torts/contracts, pensions and benefits, wage and hour, workers’ compensation, etc.), just as employment law practice is largely supplanting labor law practice.<sup>7</sup> I wondered whether, like Dean Moffitt, I would find demographic or pedagogic surprises.

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1. Michael Moffitt, *Islands, Vitamins, Salt, Germs: Four Visions of the Future of ADR in Law Schools (and a Data-Driven Snapshot of the Field Today)*, 25 OHIO ST. J. ON DISP. RESOL. 25 (2010).

2. *Id.* at 27–33.

3. *Id.* at 35, 43.

4. 42 U.S.C. § 2000e-2 (2006).

5. 29 U.S.C. §§ 621–34 (2006).

6. 42 U.S.C. §§ 12101–12213 (2006).

7. Private-sector union density has fallen consistently from a high of 28.3% in 1954, GERALD MAYER, CONG. RESEARCH SERV., RL32553, UNION MEMBERSHIP TRENDS IN THE

After obtaining Dean Moffitt's permission to borrow his methodology,<sup>8</sup> I enlisted the aid of research assistants Andrew Wheeler and Jonathan Wilder to collect, code, and crunch the data. I presented our preliminary findings at the Fifth Annual Colloquium on Labor and Employment Law, jointly hosted by Saint Louis University School of Law and Washington University School of Law in September 2010. Participants in that Colloquium provided many new ideas. We incorporated many of those ideas into our research.

### I. METHODOLOGY

Our principal data source was the AALS Directory of Law Teachers—the 1998–99 edition,<sup>9</sup> the 2003–04 edition,<sup>10</sup> and the 2009–10 edition.<sup>11</sup> We also used, with considerable reluctance, the 2010 law school rankings by *U.S. News & World Report*.<sup>12</sup>

Using the AALS Directory, we started out by collecting a data sample of every faculty member who taught Labor Law or Employment Law in each of the respective years. Once we had a list of faculty members, we sorted the names alphabetically and went through the biography section of the Directory, looking at each individual's information. From there, we collected additional information about each individual faculty member—years teaching, subjects taught, law school, and gender. We collected this data using a simple yes/no format. For example, a faculty member who taught Torts received a "1" in the Torts column; a faculty member who did not teach Torts received a "0." When the data set was complete, we cross-referenced as much of the data as possible. This analysis gave rise to the study described below.

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UNITED STATES 23 (2004), to 11.9% in 2010, Economic News Release, Bureau of Labor Statistics, U.S. Dep't of Labor, Union Members Summary (Jan. 21, 2011), <http://www.bls.gov/news.release/pdf/union2.pdf>. Meanwhile, charges filed at the Equal Employment Opportunity Commission have consistently risen from just over 80,000 in 1997 to nearly 100,000 in 2010. *Charge Statistics FY 1997 Through FY 2010*, EEOC, <http://www.eeoc.gov/eeoc/statistics/enforcement/charges.cfm> (last visited Aug. 25, 2011).

8. E-mail from Michael Moffitt to Richard Bales (Sept. 9, 2009) (on file with author).

9. ASS'N OF AM. LAW SCH., THE AALS DIRECTORY OF LAW TEACHERS 1998–99 (1998) [hereinafter 1998–99 DIRECTORY].

10. ASS'N OF AM. LAW SCH., THE AALS DIRECTORY OF LAW TEACHERS 2003–2004 (2003) [hereinafter 2003–04 DIRECTORY].

11. ASS'N OF AM. LAW SCH., 2009–2010 DIRECTORY OF LAW TEACHERS (2009–10) [hereinafter 2009–10 DIRECTORY].

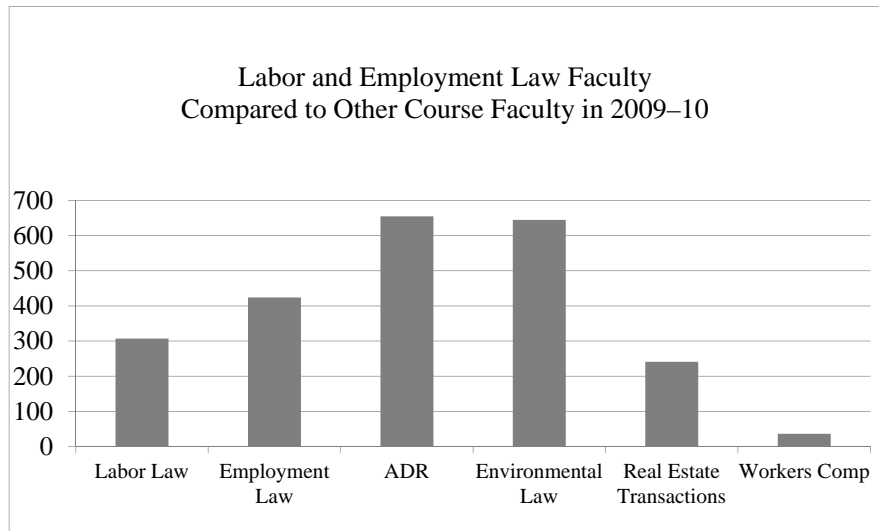
12. *Schools of Law: The Top 100 Schools*, U.S. NEWS & WORLD REP., May 2010, at 74, 74–75. For a sample of the scholarship critical of U.S. News's ranking methodology, see Moffitt, *supra* note 1, at 28 n.3.

## II. DATA-DRIVEN SNAPSHOT

### A. *Size and Growth of the Field*

As of 2009–10, 307 different faculty members identified themselves as teachers of Labor Law, while 424 different faculty members identified themselves as teachers of Employment Law.<sup>13</sup> The AALS Directory does not include information on whether professors are tenured or tenure-track, so we have no way of charting that information.

Chart 1



As Chart 1 shows, the number of Labor and Employment Law faculty members is about average compared to other popular elective courses. ADR and Environmental Law have a much higher number of faculty, each with over 600 members. Real Estate Transactions and Workers' Compensation, however, are on the low end of the spectrum, each with less than 300 faculty members. Labor and Employment Law faculty fall within the mid-range, each having between 300–500 faculty members.

The growth trends of Labor and Employment Law fields appear to be heading in opposite directions. As Charts 2 and 3 show, the number of Employment Law faculty has grown steadily over the last decade. The total number of Employment Law faculty has increased by over 100 faculty members, from 303 in 1998–99,<sup>14</sup> to 375 in 2003–04,<sup>15</sup> to 424 in 2009–10.<sup>16</sup>

13. See 2009–10 DIRECTORY, *supra* note 11, at 1603–07, 1680–83.

14. 1998–99 DIRECTORY, *supra* note 9, at 1111–14.

The number of Labor Law faculty, however, has decreased by about 30 in the same timeframe, from 338 in 1998–99,<sup>17</sup> to 317 in 2003–04,<sup>18</sup> to 307 in 2009–10.<sup>19</sup> A common theme throughout this Article is that the Employment Law field is growing while the Labor Law field is declining.

Chart 2

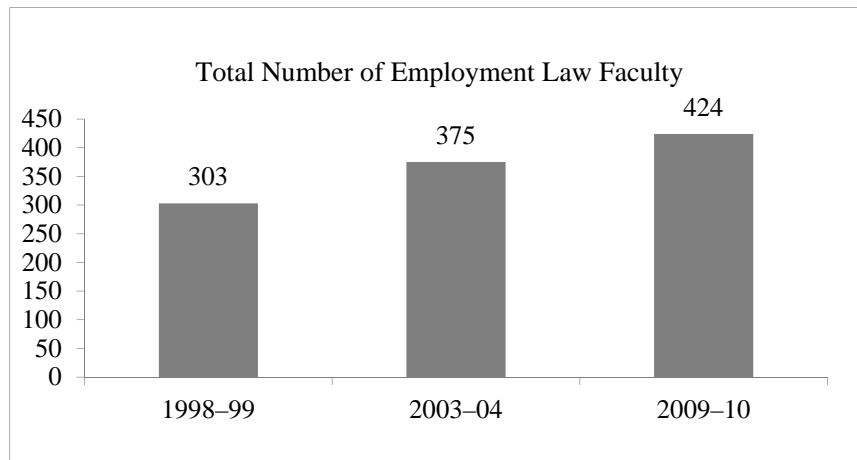
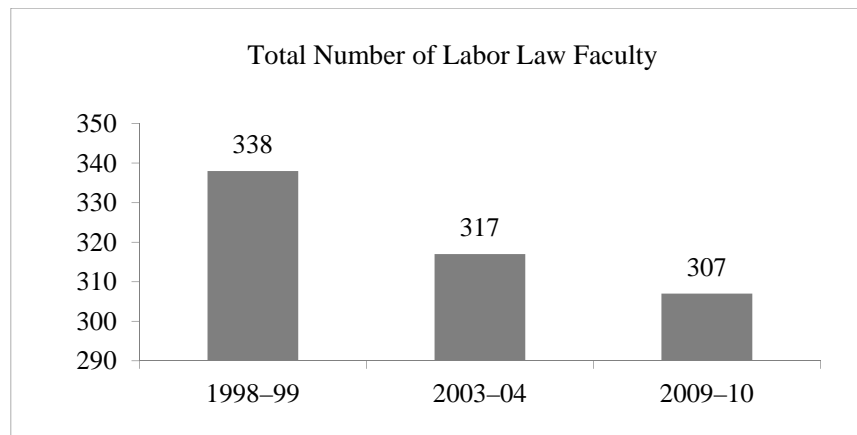


Chart 3



15. 2003–04 DIRECTORY, *supra* note 10, at 1286–89.  
 16. 2009–10 DIRECTORY, *supra* note 11, at 1603–07.  
 17. 1998–99 DIRECTORY, *supra* note 9, at 1170–73.  
 18. 2003–04 DIRECTORY, *supra* note 10, at 1349–52.  
 19. 2009–10 DIRECTORY, *supra* note 11, at 1680–83.

### B. *Gender and Sexual Orientation*

Although women comprise less than one-third of the faculty who teach Labor Law (29.3% in 2009–10<sup>20</sup>), they comprise nearly one-half of those who teach Employment Law (44.3% in 2009–10<sup>21</sup>). By comparison, women comprise approximately 35% of law faculties overall.<sup>22</sup> In the most recent Statistical Report on Law Faculty published by the AALS, which was based on data from the 2008–09 Directory of Law Teachers, 37.3% of all law school faculty members were female.<sup>23</sup> These statistics show that while the percentage of women teaching Labor Law falls well short of the overall percentage of women law faculty, the percentage of Employment Law faculty who are women is higher than that of the overall percentage of women law faculty.

The greater gender disparity in Labor Law than Employment Law probably can be explained largely by the fact that, as will be described in the next section, Employment Law professors on the whole have been hired much more recently than their Labor Law counterparts.<sup>24</sup> Many current Labor Law professors were hired decades ago when a significant majority of lawyers and law school graduates were men; many current Employment Law professors have been hired within the last decade at a time when women have caught up with or surpassed men as a percentage of law school graduates and are closing the gender gap in law practice.<sup>25</sup>

The gender balance in both Labor and Employment Law appears to be changing. Shown in Charts 4 and 5, the percentage of women teaching Labor Law decreased slightly from 1998–99 to 2003–04 by 0.5%, then increased 8.2% from 2003–04 to 2009–10. Likewise, the number of women faculty teaching Employment Law changed in a similar manner over the three years studied, first decreasing from 43.2% to 42.7%, and then increasing to 44.3%. Thus, recent hires in both Labor and Employment Law appear to be more gender-balanced.

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20. 2009–10 DIRECTORY, *supra* note 11, at 1680–83.

21. *Id.* at 1603–07.

22. See Minna J. Kotkin, *Of Authorship and Audacity: An Empirical Study of Gender Disparity and Privilege in the “Top Ten” Law Reviews*, 31 WOMEN’S RTS. L. REP. 385, 416 (2010). Specifically, 29.3% of full professors are women, 46.8% of associate professors are women, and 53.9% of assistant professors are women. *Id.*

23. Pati Abdullina, *2008–2009 AALS Statistical Report on Law Faculty*, ASS’N OF AM. LAW SCH., <http://aals.org/statistics/2009dlt/gender.html> (last visited Aug. 25, 2011).

24. See *infra* Part II.C.

25. See, e.g., STEPHANIE A. SCHARF & BARBARA M. FLOM, NAT’L ASS’N OF WOMEN LAWYERS & NAWL FOUND., REPORT OF THE FIFTH ANNUAL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS 1–2 (2010) (describing the increase of women law school graduates).

Chart 4

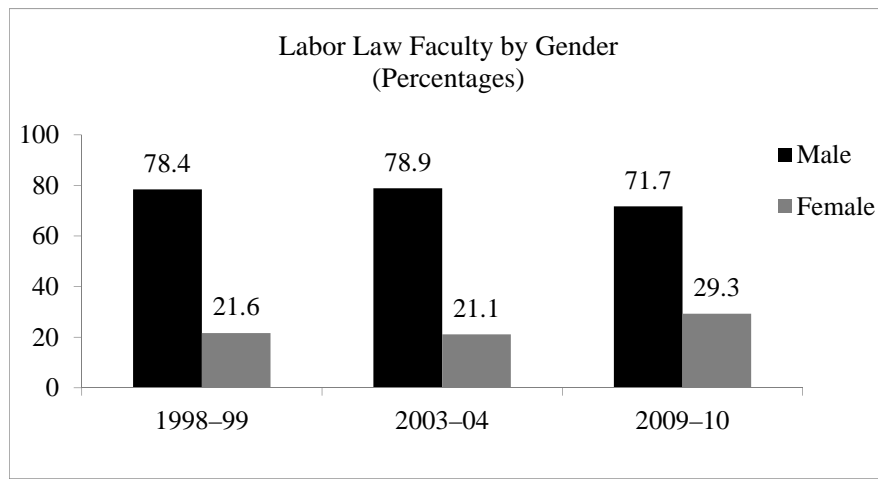
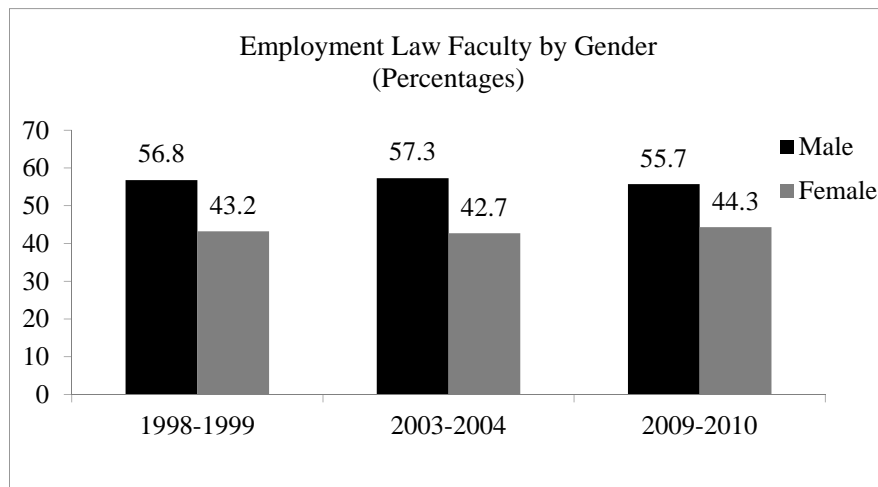


Chart 5



The percentage of gay/lesbian faculty seems generally to follow an upward trend, though the small sample size makes it difficult to say this with any degree of confidence. The percentage of gay/lesbian Labor Law faculty increased substantially from 1998-99 to 2003-04, but then fell slightly for gay professors and reverted back to 1998-99 levels for lesbian professors. The percentage of lesbian Employment Law faculty has increased steadily over the period studied, and the percentage of gay Employment Law faculty increased from 1998-99 to 2003-04, but then reverted almost back to 1998-99 levels in 2009-10. We are not sure what, if anything, to make of the fact that there are proportionally more gay than lesbian Labor Law professors, but proportionally more lesbian than gay Employment Law professors.



Chart 6

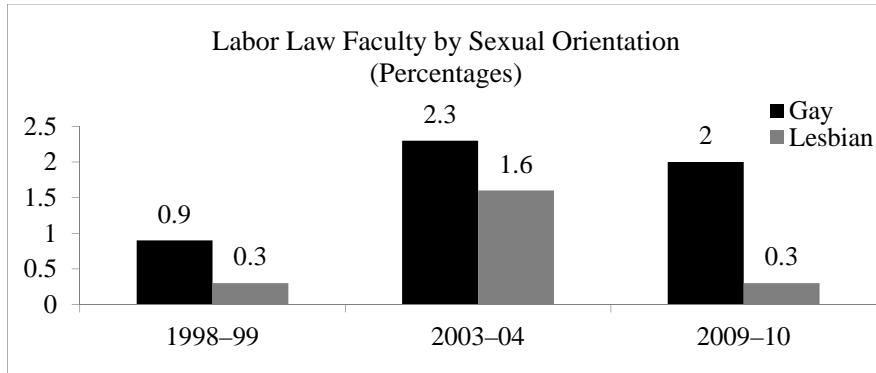
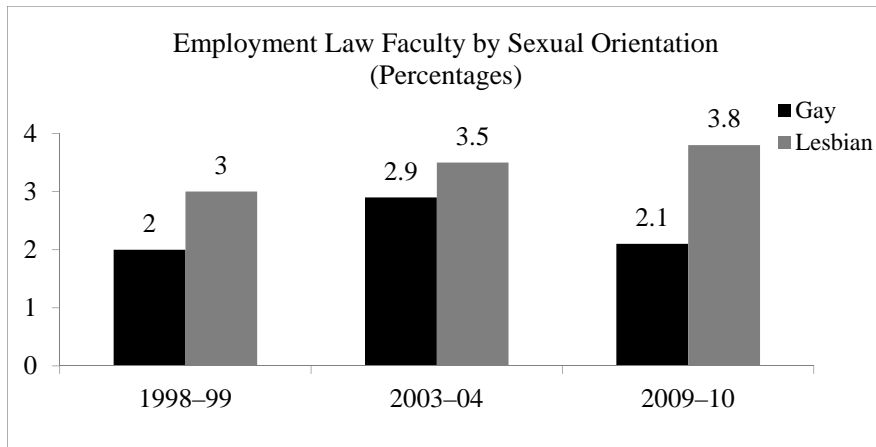


Chart 7



C. Experience

Labor Law faculty members tend to have been teaching much longer than Employment Law faculty. To clarify, this means that the largest bulk of Labor Law professors tend to have been teaching for over ten years, while the largest group of Employment Law faculty have been teaching for less than five years. The AALS Directory, when collecting data from law school faculty, does not ask faculty members to specify the exact number of years that they have been teaching. The AALS instead asks faculty members to designate whether they have been teaching “one to five years,” “six to ten years,” or “over ten years.”<sup>26</sup>

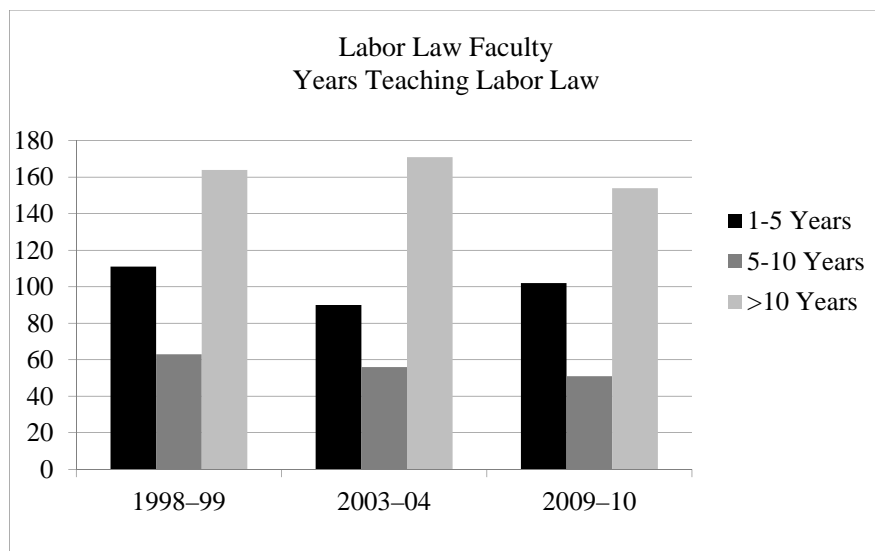
26. See, e.g., 2009-10 DIRECTORY, *supra* note 11, at 1603-06.

As Charts 8 and 9 demonstrate, nearly one-half of the Labor Law faculty in 2009–10 indicated they had been teaching for “over ten years.”<sup>27</sup> The same is true for the other years polled. In 1998–99, of the 338 Labor Law faculty members, roughly 49% indicated they had been teaching for “over ten years.”<sup>28</sup> This percentage was over 50% in 2003–04, as 171 of the 317 Labor Law faculty members indicated they had been teaching for “over ten years.”<sup>29</sup>

Chart 8



Chart 9

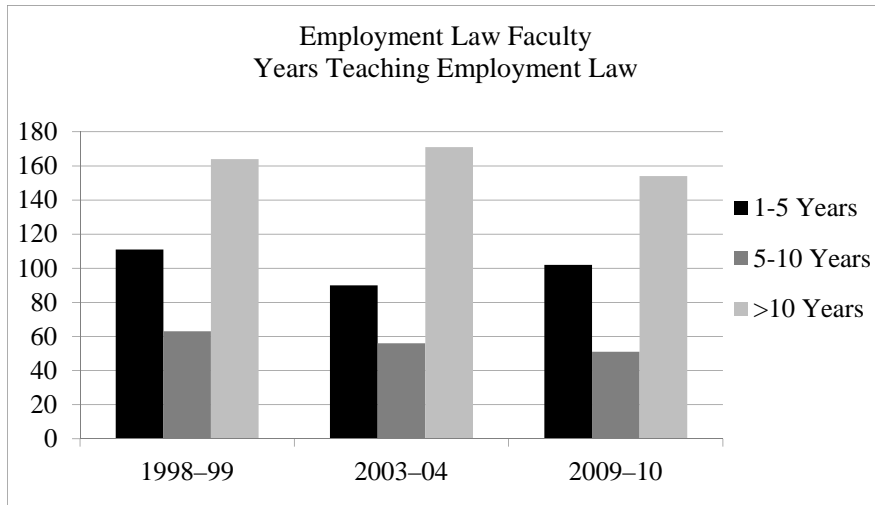


The opposite is true of Employment Law faculty. As demonstrated by Charts 10 and 11, over 40% of Employment Law faculty members in 2009–10 indicated they had been teaching “one to five years.”<sup>30</sup> This percentage was even higher in 1998–99, as roughly 50% of Employment Law faculty reported teaching between “one to five years,” and roughly 45% reported the same in 2003–04.<sup>31</sup>

Chart 10



Chart 11



30. 2009–10 DIRECTORY, *supra* note 11, at 1603–07.

31. 2003–04 DIRECTORY, *supra* note 10, at 1286–89; 1998–99 DIRECTORY, *supra* note 9, at 1111–14.

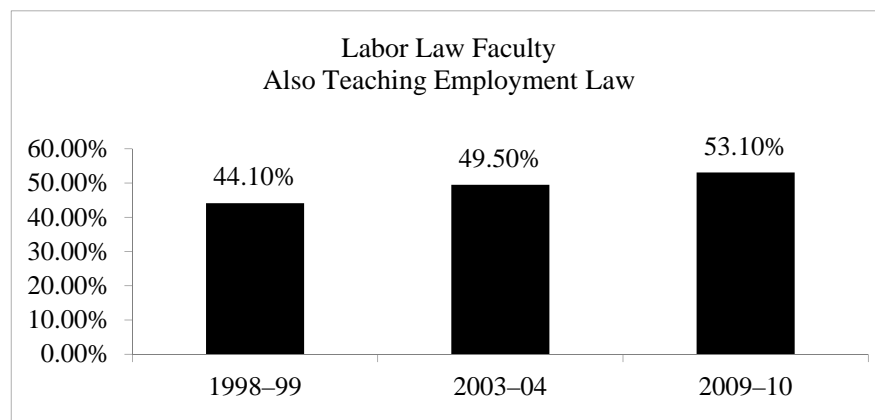
This data returns us to the recurring theme that the Employment Law area of academia is expanding while the Labor Law counterpart is fading. It appears that as teachers of Labor Law exit the academy, they are being replaced by teachers with a focus on Employment Law. This is consistent with data collected on individual schools that show more law schools offering Employment Law courses, which will be discussed later in this Article.

#### D. Courses Being Taught

One issue considered was whether professors who taught Labor Law were likely to also teach Employment Law, and vice versa, and whether this had changed over time. The trend we discovered is consistent with the idea that Labor Law is fading and Employment Law is on the rise.

Chart 12 demonstrates that there has been a steady increase—nearly ten percentage points—in the number of Labor Law faculty branching into the Employment Law area. It would be easy to dismiss this as no major occurrence if the Labor Law area was growing, or if the area had a large percentage of faculty teaching for only “one to five years.” However, this is not the case. As discussed above, the number of Labor Law faculty continues to be on a steady rate of decline, and the majority of those faculty members have been teaching “over ten years.”<sup>32</sup> This data suggests that some Labor Law faculty may have noticed the trend and decided to add Employment Law to their teaching repertoire. The data also suggest the possibility that schools are offering fewer Labor Law courses, thus forcing Labor Law faculty members to find other courses to teach.

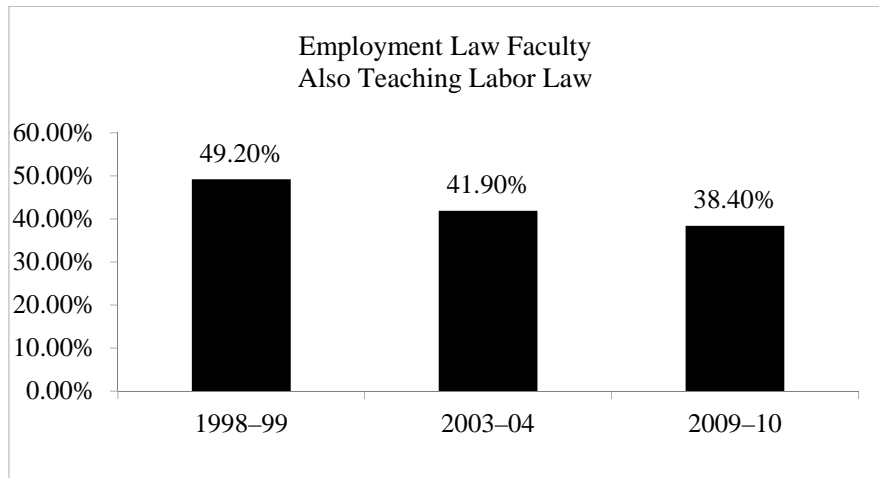
Chart 12



32. See *supra* Chart 9.

Conversely, as Chart 13 demonstrates, the percentage of Employment Law faculty teaching Labor Law courses is on a steady decline—more than ten percentage points over the last ten years. Recall from the previous section that the number of Employment Law faculty members is growing, and that a relatively large percentage of Employment Law professors have been hired recently.<sup>33</sup> It might be that most prospective Labor and Employment Law professors, coming to the academy from a law practice that was heavy on employment law and employment discrimination but light on labor law,<sup>34</sup> lack the expertise and experience to teach Labor Law. Even if the more experienced faculty members already teaching both subjects were to continue that practice, the influx of newer faculty members teaching only Employment Law would account for the increase in the total number of Employment Law faculty and also the decrease in the percentage of faculty branching into Labor Law.

Chart 13

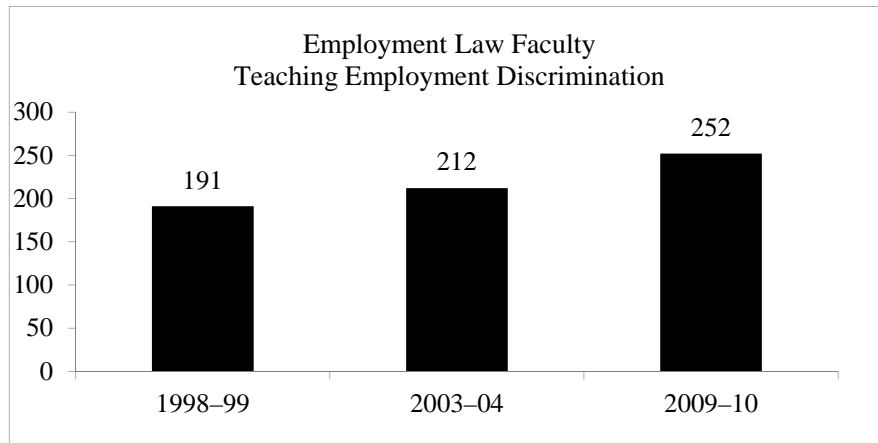


There is also an interesting trend relating to a seemingly growing popularity of Employment Discrimination. Our data suggests that the number of faculty members teaching Employment Discrimination is on the rise, and this lends further support to the theory that Employment Law is on an upward trend. A large portion of Employment Law faculty members are engaged in teaching Employment Discrimination. In 1998-99, 63% of Employment Law faculty taught Employment Discrimination. This percentage dipped slightly in 2003-04 to 56.5%, and has recently risen back up to 59.4% in 2009-10.

33. *See supra* Part II.C.

34. *See supra* note 7.

Chart 14



One of the items we wanted to examine was what other courses Labor and Employment faculty members were teaching. We found that Labor Law faculty members tend to teach different courses than Employment Law faculty members. Employment Law faculty members, for example, are almost twice as likely as Labor Law faculty members to teach Civil Procedure—a result that should not be surprising given that Labor Law practice is largely administrative whereas much of Employment Law practice is litigative. Conversely, Labor Law faculty members are significantly more likely than Employment Law faculty members to teach Contracts and ADR, which again should not be surprising given that contract forms the basis of collective bargaining and that labor disputes are resolved almost exclusively by arbitration. Labor Law faculty members are slightly more likely than Employment Law faculty members to teach Torts, which seems counter-intuitive given that Torts are an integral part of Employment Law litigation and often are preempted in Labor Law.<sup>35</sup> Employment Law faculty members are slightly more likely than Labor Law faculty members to teach Constitutional Law, for no reason that we can discern. Employment Law faculty members are significantly more likely than Labor Law faculty members to teach Women and the Law, which is not surprising given (as discussed in Part II.B above) that women constitute 44.3% of Employment Law faculty members but only 29.3% of Labor Law faculty members.<sup>36</sup>

35. See, e.g., *Allis-Chalmers Corp. v. Lueck*, 471 U.S. 202, 220 (1985) (holding that a tort remedy for bad-faith handling of an insurance claim was preempted by Section 301 of the Labor-Management Relations Act); cf. *Lingle v. Norge Div. of Magic Chef, Inc.*, 486 U.S. 399, 412-413 (1988) (holding that a claim of workers' compensation retaliation is not preempted by Section 301).

36. See *supra* charts 4-5.

Note that the vertical scale on the graphs below differs.

Chart 15

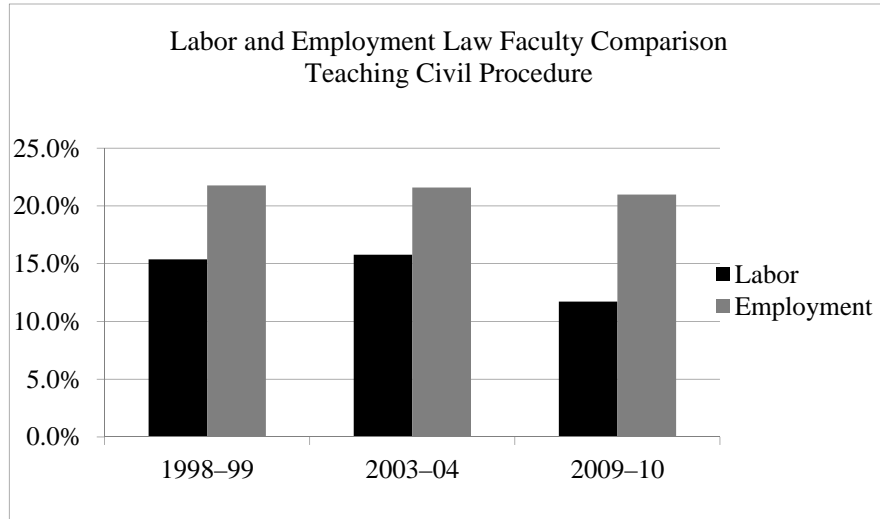


Chart 16

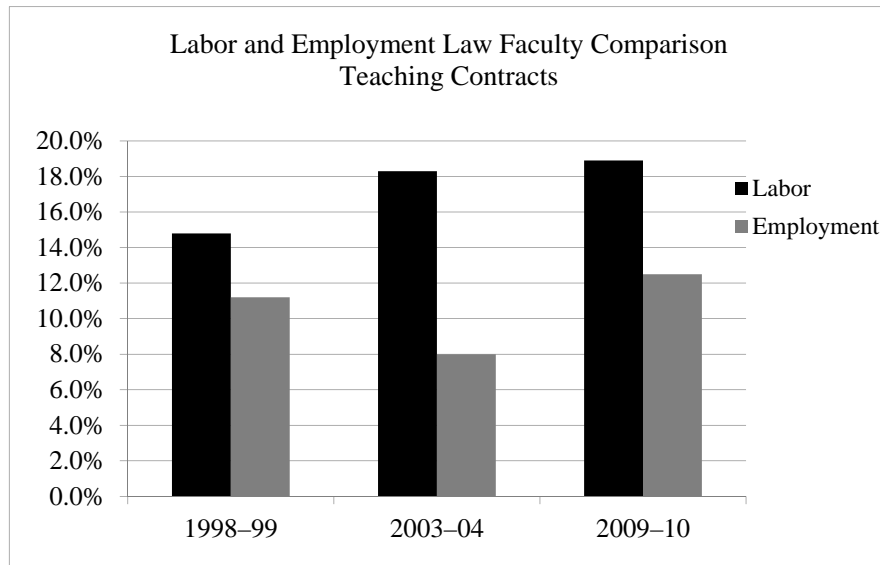


Chart 17

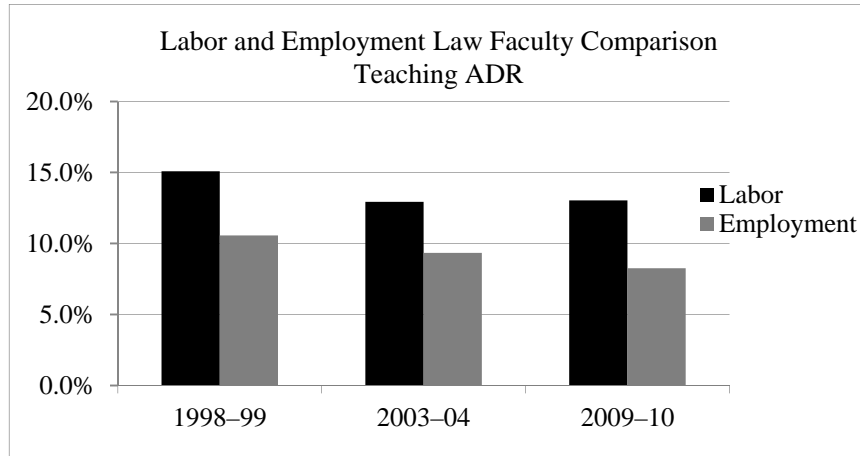


Chart 18

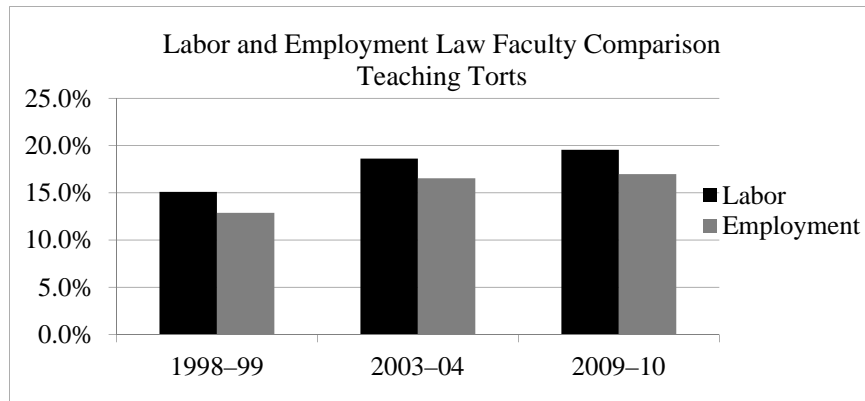


Chart 19

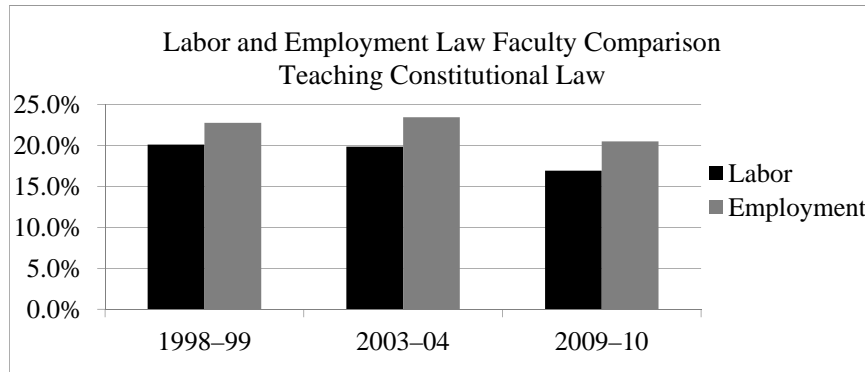
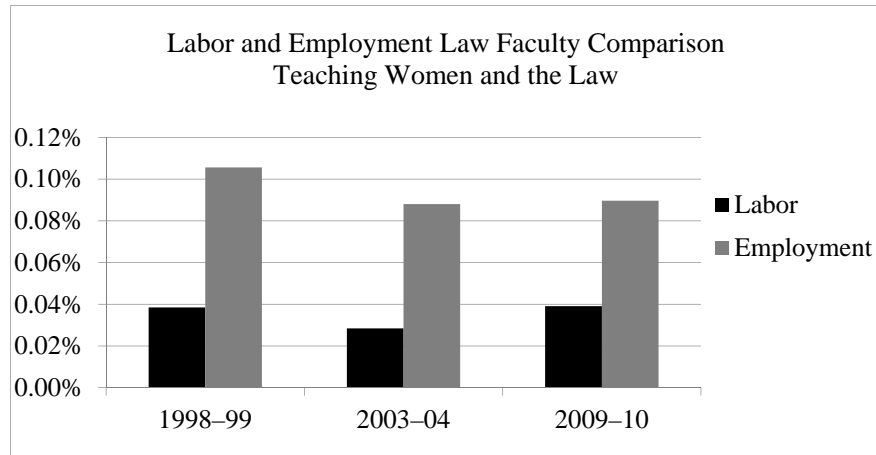




Chart 20



*E. Non-Labor and Employment Law Courses Taught by Labor and Employment Law Faculty—Gender Comparison*

In a 2004 study (examining 2002–03 data) of law faculty, Marjorie Kornhauser found that the teaching of law school courses often divides along gender lines.<sup>37</sup> Our study of Labor and Employment Law faculty is consistent with her findings. For most courses, the gender divide is striking.

The gender divide is most easily observable of Employment Law faculty members who, as discussed in Part II.B, are nearly equally divided between women and men.<sup>38</sup> Employment Law faculty members who also teach Family Law or Property are overwhelmingly likely to be women. Conversely, Employment Law faculty members who also teach Constitutional Law, Civil Procedure, or Contracts are more likely to be men.

37. Marjorie E. Kornhauser, *Rooms of Their Own: An Empirical Study of Occupational Segregation by Gender Among Law Professors*, 73 UMKC L. REV. 293, 306–07 (2004); see also Deborah Jones Merritt & Barbara F. Reskin, *Sex, Race, and Credentials: The Truth About Affirmative Action in Law Faculty Hiring*, 97 COLUM. L. REV. 199, 275 (1997) (finding “substantial sex differences . . . in the courses new professors taught”).

38. See *supra* Chart 5.

Chart 21

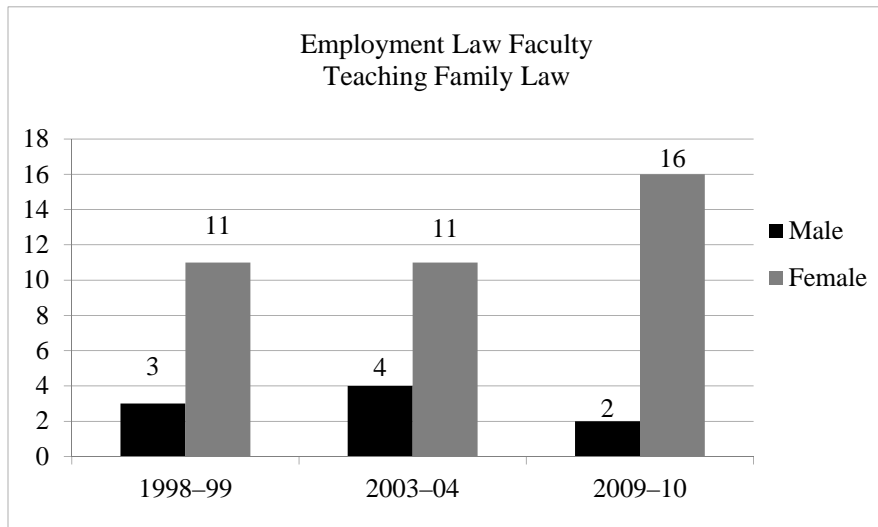


Chart 22

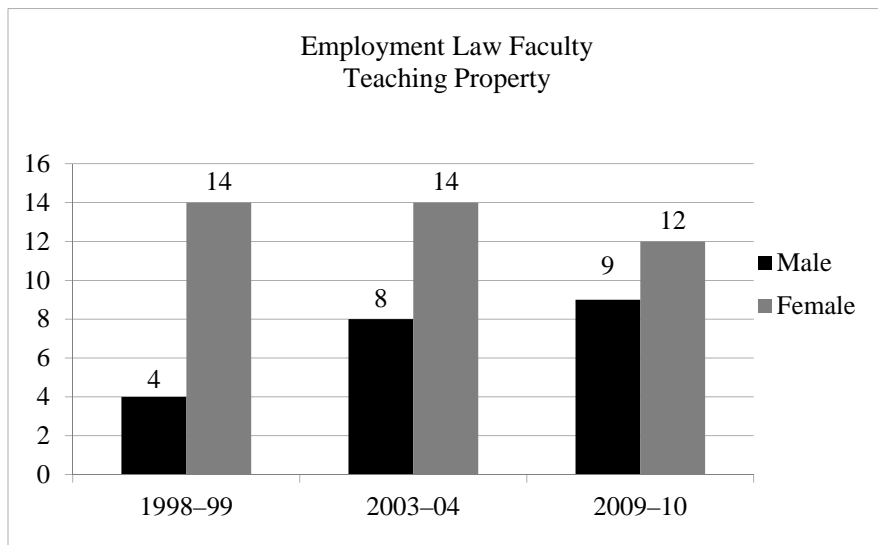


Chart 23

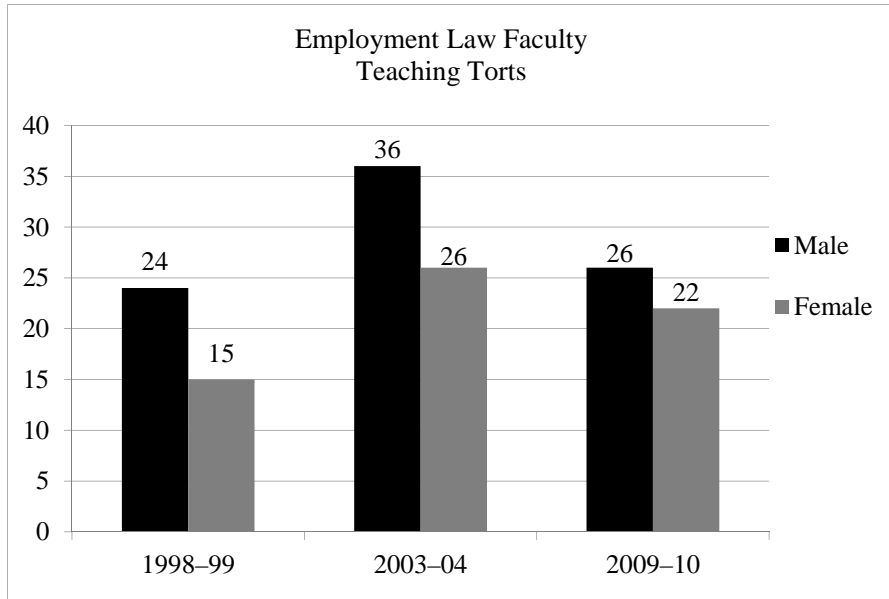


Chart 24



Chart 25

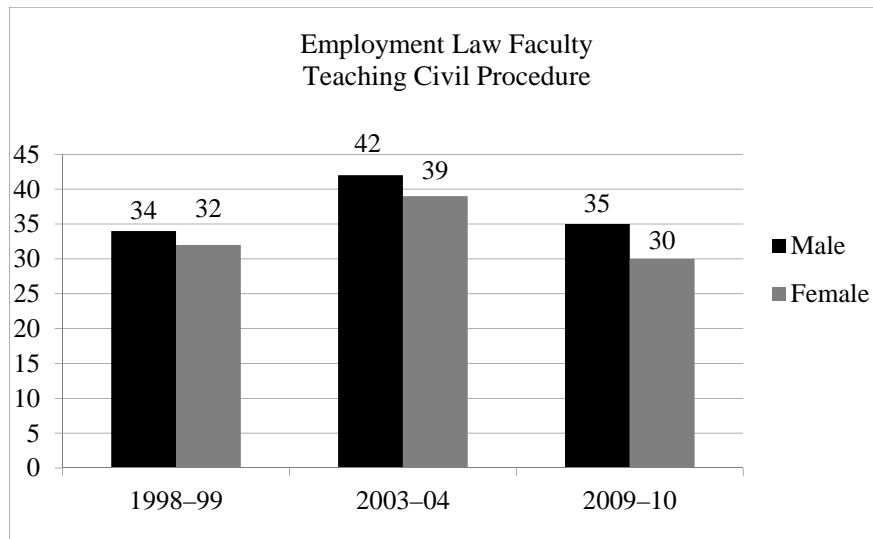
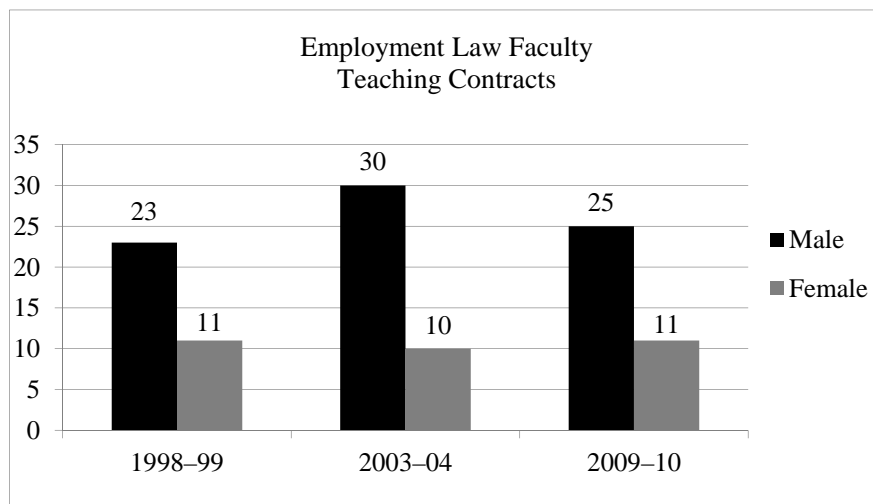


Chart 26



For Labor Law faculty members, the gender divide is a little more complicated, but equally stark. In 2009, male Labor Law faculty members outnumbered female Labor Law faculty members for every course we examined—including Property and Family Law—but keep in mind that Labor Law faculty members skew male almost 70/30%.<sup>39</sup>

39. See *supra* Chart 4.

Chart 27

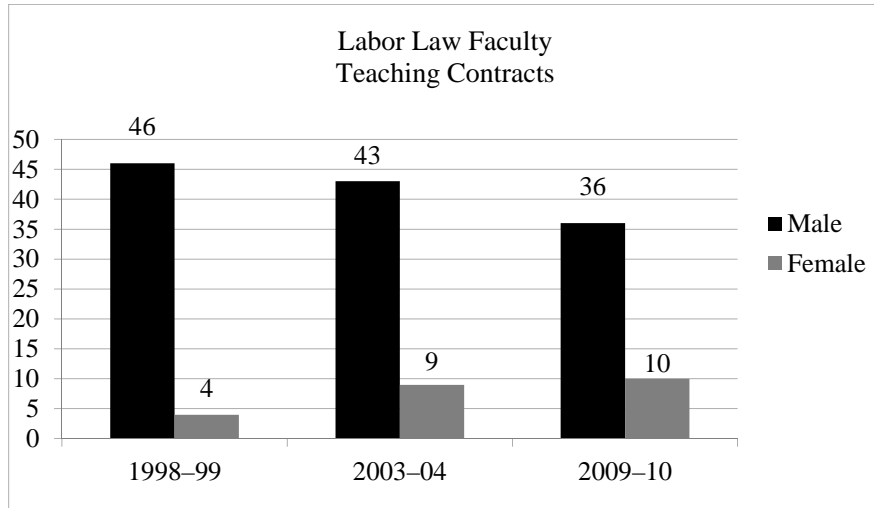


Chart 28

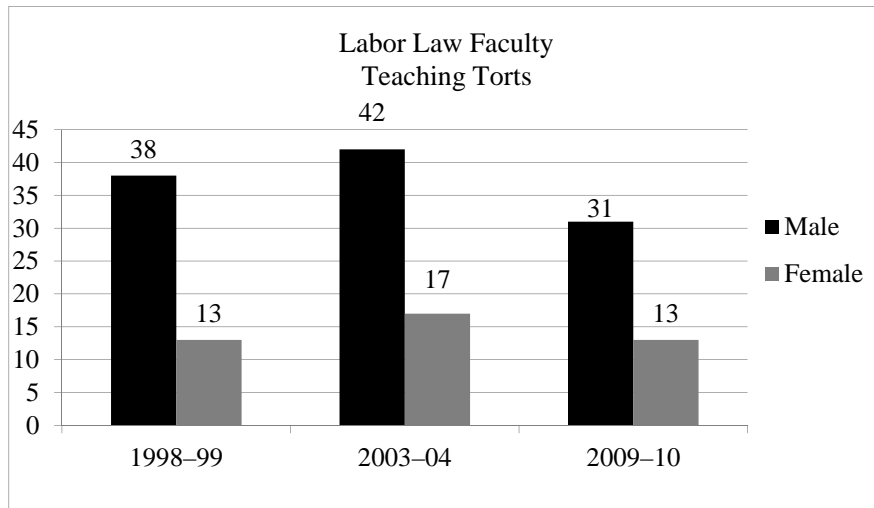


Chart 29

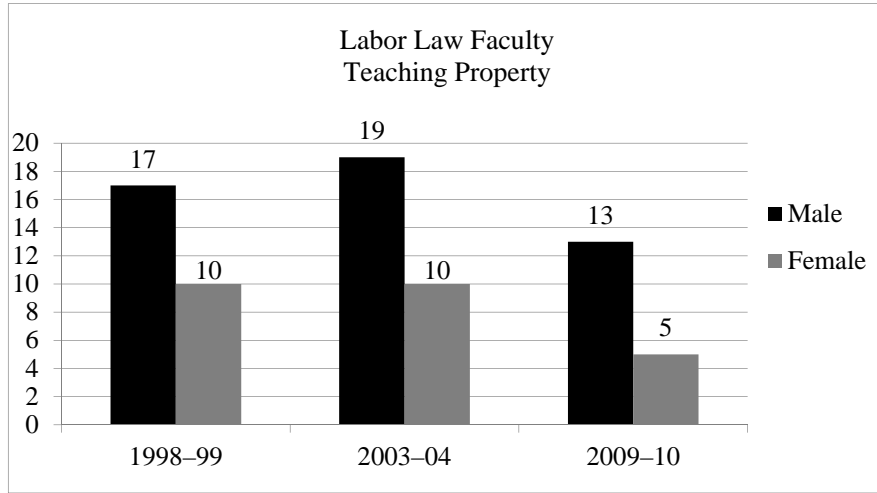


Chart 30

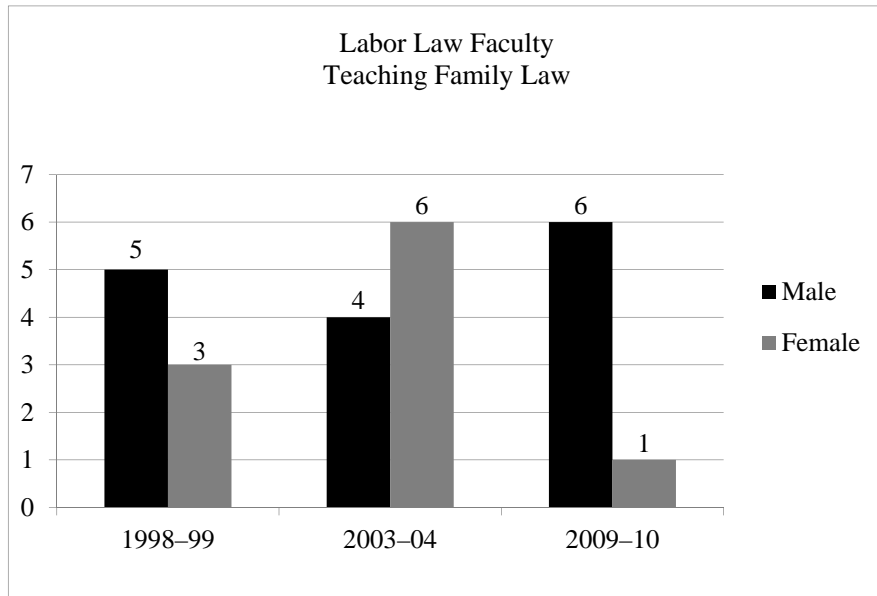


Chart 31

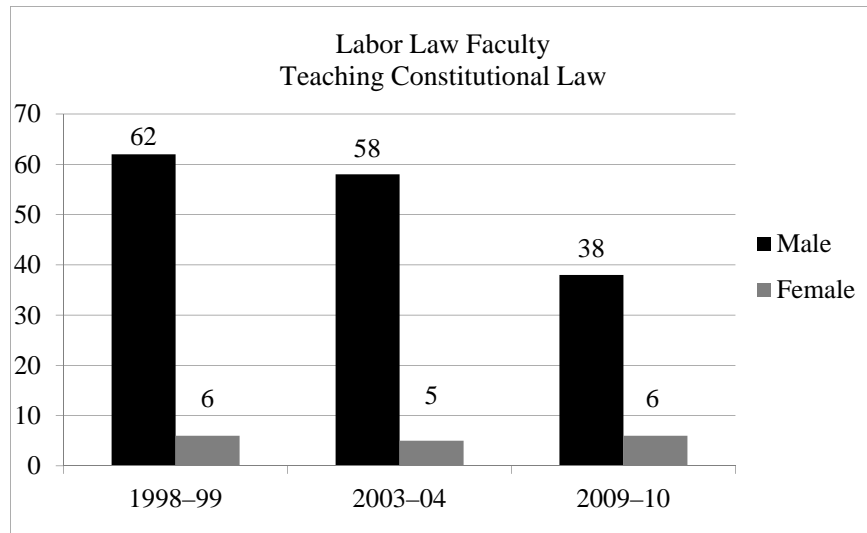
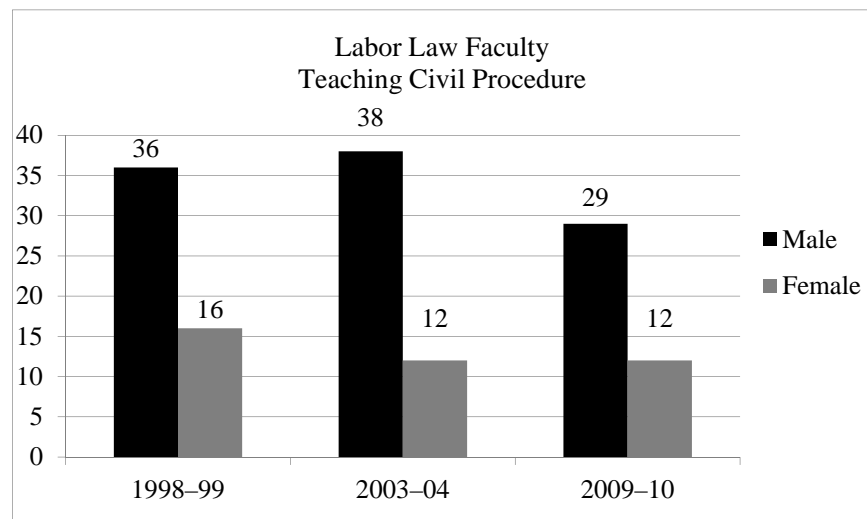


Chart 32



F. *School Rank and Reputation*

Another piece of the big picture we examined is the relationship between Labor and Employment Law faculty members and the law school tier rankings of *U.S. News & World Report*.<sup>40</sup> We wanted to find out whether Labor and

40. *Schools of Law: The Top 100 Schools*, *supra* note 12, at 74-75.

Employment Law faculty members were more likely to be in high-tier or low-tier schools. At the Fifth Annual Colloquium on Labor and Employment Law in St. Louis, speculation had gone both ways. Some faculty speculated that Labor and Employment Law faculty members were likely to be clustered in high-tier law schools because those schools tended to offer more electives than low-tier schools, and both Labor and Employment Law courses are electives at most schools. Other faculty speculated that Labor and Employment Law faculty members were likely to be clustered in low-tier law schools on the theory that high-tier schools would focus on the more remunerative practice areas of Corporate Law and Finance.

As Charts 33 and 34 demonstrate, there is a nearly linear positive relationship between law school tier and the presence of Labor and Employment Law faculty—both Labor and Employment Law faculty members are much more likely to be in high-tier law schools than in low-tier law schools.<sup>41</sup>

Charts 33 and 34 also demonstrate that Employment Law and Labor Law have inverse growth trends within each law school tier. The Employment Law graphs almost universally trend upward, while the Labor Law graphs generally trend downward. This is observable at nearly every tier level. The number of Employment Law faculty members increased from 1999 to 2010 in each tier level whereas the number of Labor Law faculty members decreased during the same period of time in every tier except the fourth tier, and the increase there was exceptionally small. This demonstrates yet again the common theme that Employment Law is on the rise and Labor Law is on the decline.

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41. The author of this study has absolutely no doubt that a causal relationship exists here—top-tier law schools are in the top tier precisely *because* they had the foresight to hire terrific Labor and Employment faculty members. He is, however, at a loss to explain why his own law school—which contains not one, but three stellar Labor and Employment Law faculty members—remains trapped in the fourth tier.



Chart 33

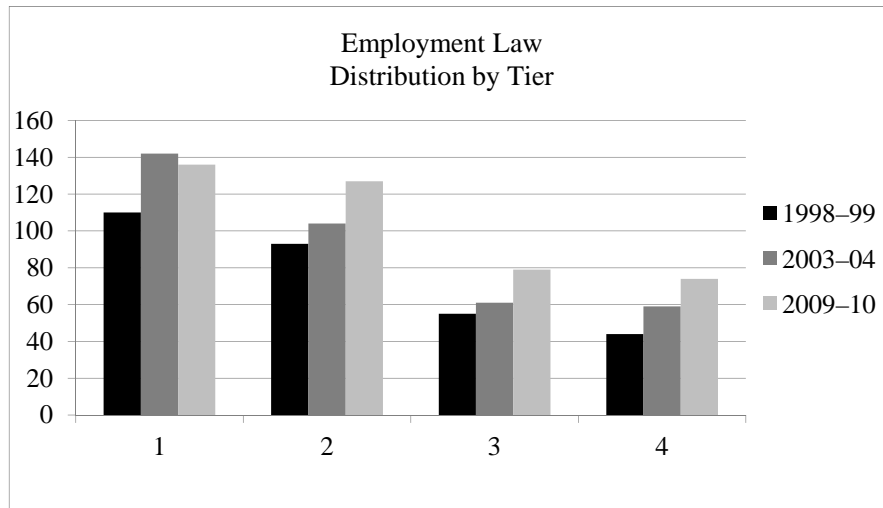


Chart 34



*G. Distribution of Faculty*

At the Fifth Annual Colloquium on Labor and Employment Law in St. Louis, several faculty members requested us to examine whether Employment and Labor Law faculty members tended to be clustered geographically.<sup>42</sup>

42. For the purposes of the geographical analysis, I utilized the Law School Admissions Council's region categorization. For a map of the different regions, see *Region Map*, LAW SCH. ADMISSION COUNCIL, [http://officialguide.lsac.org/release/OfficialGuide\\_Default.aspx](http://officialguide.lsac.org/release/OfficialGuide_Default.aspx) (follow "Show Region Map" hyperlink) (last visited Aug. 25, 2011).

Charts 35 and 36 show that Employment Law and Labor Law closely resemble one another as far as how geography affects the number of faculty. The Great Lakes region is a hotbed for both Labor and Employment Law academic activity. It currently tops the Employment Law chart and is very close to the top spot on the Labor Law chart. In both subjects, the Northeast and Midsouth regions are also in the top three regions rated by number of faculty.

Again, notice the trend that Labor Law is declining and Employment Law is expanding. In nearly every region, Labor Law has decreased in size since 1998-99, gaining faculty in only the Southeast, Mountain West, and Far West regions. Employment Law, on the other hand, increased in size in nearly every region in the same period, losing faculty members in only the South Central region.

Chart 35

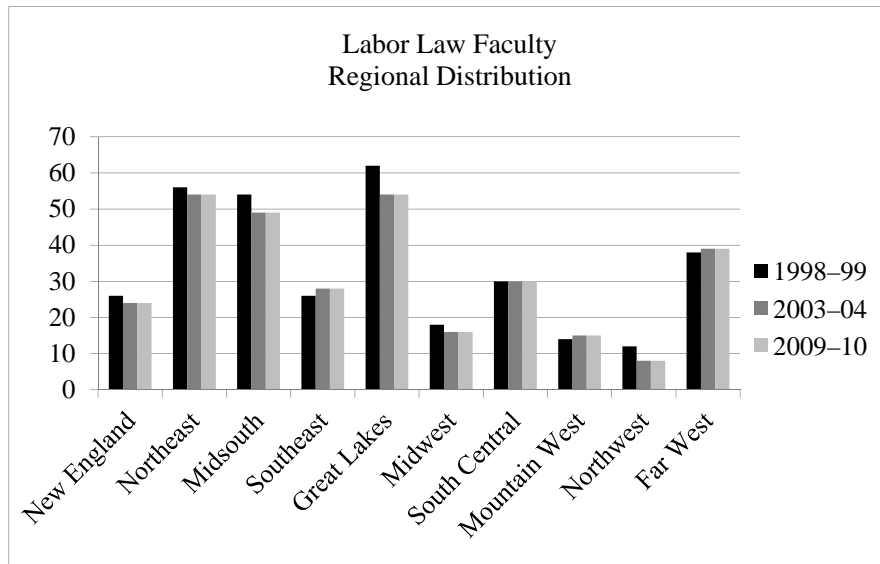
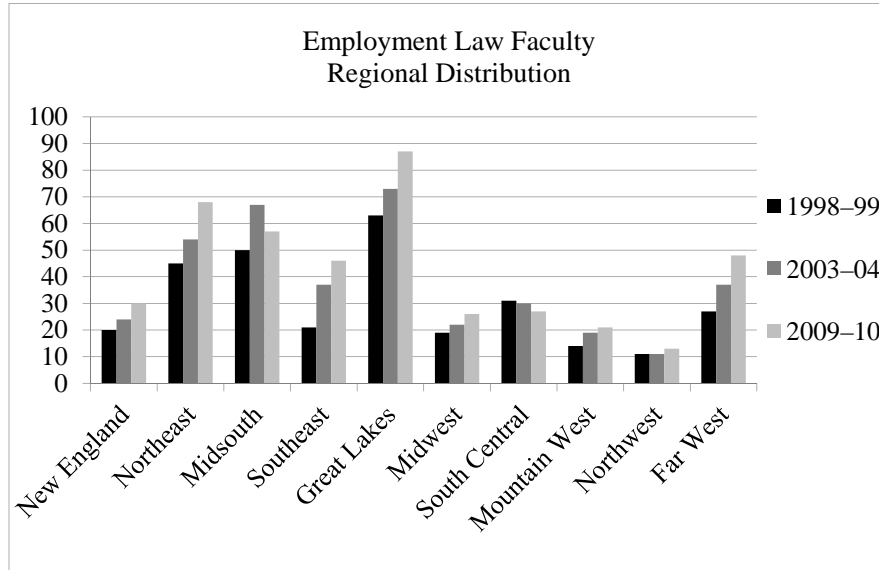


Chart 36



We also wanted to know whether law schools in large metropolitan areas are more likely than their rural counterparts to have Labor and Employment Law professors on their faculties. To do this, we found every law school in the AALS Directory with more than four faculty members in either subject. We then cross-referenced this list with the top twenty U.S. metropolitan areas ranked by population.<sup>43</sup> As one might suspect, in every year for which we collected data, the majority of schools having four or more Labor and Employment Law faculty members were located in a top-twenty U.S. metropolitan area.

Once again, an inverse trend for Labor and Employment Law is observable. In each year after 1998-99 for which we collected data, the number of schools with four or more Labor Law faculty members decreased, from sixteen in 1998-99, to twelve in 2003-04, to eleven in 2009-10. The trend for Employment Law is precisely the opposite—the number of schools with four or more Employment Law faculty increased each year, from ten in 1998-99, to thirteen in 2003-04, to twenty-nine in 2009-10.

43. *Annual Estimates of the Population of Metropolitan and Micropolitan Statistical Areas: April 1, 2000 to July 1, 2009*, U.S. CENSUS BUREAU, POPULATION DIV. (Mar. 2010), <http://www.census.gov/popest/metro/tables/2009/CBSA-EST2009-01.xls>.

Table 1

Labor Law Faculty Distribution by School					
1998–99		2003–04		2009–10	
School	Number of Faculty	School	Number of Faculty	School	Number of Faculty
Rutgers, Newark	6	<b>Buffalo</b>	5	<b>Georgetown</b>	7
Buffalo	5	<b>Columbia</b>	5	Ohio State	5
Catholic Univ.	5	<b>Miami</b>	5	<b>Penn</b>	5
Harvard	5	<b>Widener</b>	5	<b>American</b>	4
Miami	5	Ark., Fayetteville	4	Ark., Fayetteville	4
William Mitchell	5	Duke	4	Michigan	4
American	4	<b>Georgetown</b>	4	<b>NYU</b>	4
Columbia	4	<b>Harvard</b>	4	<b>Rutgers, Newark</b>	4
Duke	4	<b>NY Law School</b>	4	<b>Saint Louis</b>	4
Georgetown	4	<b>Rutgers, Newark</b>	4	Univ. of Florida	4
Minnesota	4	<b>Southern Cal</b>	4	<b>Widener</b>	4
Penn	4	Univ. of Florida	4		
Seton Hall	4				
UNC	4				
Univ. of VA	4				
Widener	4				

\* **Bold denotes TOP 20 U.S. METROPOLITAN AREA RANKED BY POPULATION**

Table 2

Employment Law Faculty Distribution by School					
1998-99		2003-04		2009-10	
School	Number of Faculty	School	Number of Faculty	School	Number of Faculty
Ohio State	7	Cleve-Marshall	7	<b>Chicago-Kent</b>	7
Cleve-Marshall	6	Ohio State	6	Cleve-Marshall	7
Chicago-Kent	5	<b>Seton Hall</b>	6	<b>Penn</b>	6
American	4	<b>Chicago-Kent</b>	5	<b>Widener</b>	6
Georgetown	4	<b>Widener</b>	5	<b>Georgia State</b>	5
Golden Gate	4	<b>American</b>	4	<b>John Marshall</b>	5
Houston	4	<b>Columbia</b>	4	<b>NYU</b>	5
LSU	4	<b>Georgetown</b>	4	Ohio State	5
Penn	4	Mercer	4	Santa Clara	5
Seton Hall	4	<b>Miami</b>	4	<b>Seton Hall</b>	5
		<b>San Diego</b>	4	South Carolina	5
		<b>San Francisco</b>	4	<b>Suffolk</b>	5
		<b>Wash, Seattle</b>	4	Univ. of VA	5
				Colorado	4
				<b>Columbia</b>	4
				Connecticut	4
				Denver	4
				<b>Georgetown</b>	4
				Ind. Maurer	4
				Michigan	4
				<b>Minnesota</b>	4
				UNLV	4
				<b>Nova</b>	4
				<b>Southeastern</b>	
				<b>San Francisco</b>	4
				Stanford	4
				<b>Temple</b>	4
				Toledo	4
				Univ. of Ariz.	4
				<b>Wash, Seattle</b>	4

\* **Bold denotes TOP 20 U.S. METROPOLITAN AREA RANKED BY POPULATION**

## CONCLUSION

The data we collected confirmed some things that we expected, but also provided several surprises. We were not surprised to find that the teaching of Labor Law is declining or that the teaching of Employment Law is rising, because those trends mirror current law practice. We were somewhat surprised at the extent to which men still dominate the teaching of Labor Law, but pleased to find that women have mostly narrowed the gap in Employment Law. We were struck by how much “younger” (in terms of teaching experience) Employment Law faculty members are than Labor Law faculty members. We were not particularly surprised to find that Labor Law faculty members are more likely than their Employment Law counterparts to teach Contracts and ADR, or that Employment Law faculty members are more likely than their Labor Law counterparts to teach Civil Procedure. We were dumbstruck, however, by the sex segregation of the other courses taught by both Labor and Employment Law faculty members. For example, Employment Law faculty members who also teach Family Law or Property are overwhelmingly likely to be women, and Employment Law faculty members who also teach Constitutional Law, Civil Procedure, or Contracts are more likely to be men.

Finally, we found it interesting that both Labor and Employment Law faculty members are more prevalent in top-tier law schools than in bottom-tier law schools, that such faculty members are more prevalent in the Great Lakes, Northeast, and Midsouth regions than in other regions of the country, and that law schools in large metropolitan areas are much more likely than rural law schools to have a large number of Labor and Employment Law faculty members.

