

# Legal Writing in the Twenty-First Century: A Sharper Image\*

Jill J. Ramsfield\*\*

## I. INTRODUCTION

Eight years ago, the Legal Writing Institute (LWI)<sup>1</sup> sought to clarify and objectify information about legal writing programs. Until that time, information about legal writing programs occurred in occasional articles, many of which were focused on single programs.<sup>2</sup> No one source existed that allowed law schools to make informed decisions about originating or redesigning programs. Then, with the first survey, images began to emerge, images that showed that legal writing programs were not the fuzzy nebulae, exploding stars, or black holes that some had thought them to be, but distinct entities with definable characteristics.<sup>3</sup> Since that time, the LWI has sponsored two more surveys, whose results are

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\*\* Professor of Law, Georgetown University Law Center. I would like to thank Kristin Anderson for her wisdom, insight, and technical facility in gathering this information and analyzing it; Melissa Bradley for tireless and flexible research assistance; Flossie Davis, for completing the graphs; Brien Walton for helping to create the surveys on which the 1992 and 1994 data is based; John Lewis and the Planning and Institutional Research Department at Georgetown for entering the results, computing the statistics, and creating the graphs; and, of course, legal writing professors who completed the surveys for their untiring loyalty.

<sup>1</sup> The Legal Writing Institute was founded by J. Christopher Rideout and Laurel Oates at the University of Puget Sound (now Seattle University) in 1984. Its purpose is to unite legal writing professionals intellectually, to share resources, and to monitor and encourage the development of effective legal writing courses across the United States and Canada. The Institute holds conferences every other year; over 300 LRW professionals participated in the 1994 conference.

<sup>2</sup> See e.g., Marjorie D. Rombauer, *First-Year Legal Research and Writing: Then and Now*, 25 J. LEGAL EDUC. 538 (1973); Leonard L. Baird, *A Survey of the Relevance of Legal Training to Law School Graduates*, 29 J. LEGAL EDUC. 264 (1978); Stewart Macaulay & Henry G. Manne, *A Low Cost Writing Program—The Wisconsin Experience*, 11 J. LEGAL EDUC. 387 (1959).

<sup>3</sup> See Jill J. Ramsfield, *Legal Writing in the Twenty-First Century: The First Images*, 1 LEGAL WRITING 123 (1991). In that article, the first survey was likened to the Hubble telescope, new but imperfect. The 1992 and 1994 surveys are giving us sharper images as participants give more detailed information and suggest more detailed questions for subsequent surveys.

reported here.

Those results show a sharper galactic image: sophisticated programs run by seasoned professionals. The image has both brighter and darker aspects. The brighter aspects are increases in tenured positions, longer contracts for legal writing professors, and more advanced courses. But while those aspects are brighter than, say, twenty years ago, other aspects are altogether too dim. Law graduates still emerge from law school with too little writing experience, law schools still have too few writing courses, legal writing professors still receive too little money, and programs still struggle to have any budget at all.

It may be that, to progress, law schools need clearer images of the legal writing galaxy.<sup>4</sup> So, to that end, this article will provide the information gathered from the most recent research into legal writing.<sup>5</sup> It does not analyze each of the surveys' one hundred or so questions. Rather, it focuses on current conditions, trends seen over the last six years, and new developments. Perhaps this information will shake up the conventional wisdom on legal writing.<sup>6</sup> Perhaps this information will assist other law schools in joining those who have discovered an important premise for legal education of the next century: well-designed legal writing programs produce better-trained graduates—graduates who can communicate what they know.

## II. WHAT THE SURVEYS SAY

### A. The Survey's Design

The three LWI surveys were designed to collect information

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<sup>4</sup> Some of the fuzzy images come from old viewpoints, used when current professors were in law school, which was before legal writing pedagogy had been developed. For an exploration of these traditional viewpoints and a summary of legal writing pedagogy, see J. Christopher Rideout & Jill J. Ramsfield, *Legal Writing: A Revised View*, 69 WASH. L. REV. 35 (1994).

<sup>5</sup> This article incorporates information from the 1990, 1992, and 1994 surveys. We continued to receive surveys through May of 1995, so this article incorporates information through the 1994-95 school year. Over a typical school year, we receive more than 100 phone calls from faculty and deans throughout the country soliciting information about specific schools, selected groups of schools, structures of programs, salary ranges, and other subjects.

<sup>6</sup> See Rideout & Ramsfield, *supra* note 4, at 40-48. Cf. these conventional perspectives of legal writing with the conventions previously held by astronomers as noted in Michael D. Lemonick, *Cosmic Close-ups; Stunning New Photos from the Hubble Space Telescope Put the Mysteries of the Universe Into Sharp Focus*, TIME, Nov. 20, 1995, at 90 (stating that images from the corrected Hubble are requiring astronomers to redefine their previously held concepts of the universe).

and monitor how legal writing programs function and change. Historically, law schools have changed their programs when they are not working. The information used to design and build new programs before these surveys was largely anecdotal, probably gathered by members of a faculty committee,<sup>7</sup> and often compiled from the results of some phone calls.<sup>8</sup> These LWI surveys instead collected information from most schools in the United States; each survey has a response rate of about eighty percent.<sup>9</sup> The questions were designed to elicit information about the structure and design of programs, their relationship to the rest of the curriculum, the status and salary of those teaching in the programs, and trends from 1990 to now. With the cooperation of all of those responding to the surveys and of the Institute for Research at Georgetown University, the following results emerged.

## B. The Results: Curriculum

### 1. Gradual Modernization of the First Year Program

All law schools now have some form of first-year legal writing course, whether or not it is taught by legal writing professors.<sup>10</sup> First-year legal writing programs have metamorphosed in the four-

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<sup>7</sup> See Jan M. Levine, *Voices in the Wilderness: Tenured and Tenure-Track Directors and Teachers in Legal Research and Writing Programs*, 45 J. OF LEGAL EDUC. 530, 534, 540 (1995). Levine notes two problems: First, faculty are drawn from elite schools that had no legal writing programs to begin with so the faculty have no reference point or experience; second, faculty committees have no expertise in the field of legal writing. The whole idea of having faculty design and run legal writing programs, apart from its troubling paternalism, is akin to having legal writing faculty run contracts or torts programs. In fact, the latter might be more reliable because those faculty do have experience in contracts and torts courses.

<sup>8</sup> I remember, for instance, before the surveys were disseminated, various law professors telling me that "all legal writing programs are adjunct programs" or "no one has full-time people teaching legal writing." One dean actually said to me in 1988 that "most schools don't have legal writing programs." Nearly 90% at that time did.

<sup>9</sup> 83% in 1994, Jill J. Ramsfield & Brien C. Walton, *Survey of Legal Research & Writing Programs* (1994) [hereinafter 1994 Survey]; 79% in 1992, Jill J. Ramsfield, *Survey of Legal Writing Programs* (1992) [hereinafter 1992 Survey]; 80% in 1990, Ramsfield, *supra* note 3, at 127.

<sup>10</sup> We expanded the survey for the purposes of answering this question and called all law schools that had not responded. All reported having a legal writing program. The program may be run by full-time faculty or students; some are taught by legal writing professionals. For the purposes of the survey, *legal writing professional* refers to "anyone whose primary responsibility is to teach LRW courses, including professors, associate professors, and instructors. The term does not encompass adjuncts, student teaching assistants, or tenure-track faculty who teach courses other than LRW courses." 1994 survey, *supra* note 9. For the purposes of this article, I am referring to my colleagues as legal writing professors.

year period mostly in the areas of credit allocation, grading, and combining legal research and writing. Most schools still require two semesters of legal writing<sup>11</sup> during the first year only, but that number is changing. Eighteen percent of the schools responding now require legal writing beyond the first year.<sup>12</sup> Only eight schools are left that require just one semester of legal writing.<sup>13</sup>

Legal writing is, then, a permanent part of the law school core curriculum. Legal writing courses themselves have also moved away from the traditional split among subparts to a more holistic approach. Less than one-third of those schools responding said, for example, that legal research is taught separately from legal writing, down from one-half in 1990.<sup>14</sup> That integrated approach requires students to use research to analyze a legal question, to structure an explanation, and to choose key language for presenting the analysis. Such an approach may indicate that schools are moving toward both the process and social constructivist views of teaching legal writing.<sup>15</sup>

Those two views require intense student-professor interaction. Perhaps as a result, there has been some movement toward reducing class size. Generally, the surveys show a slight decrease in the number of students per legal writing professor since 1990.<sup>16</sup> Thirty-seven percent of the schools indicated a ratio of thirty-five or fewer students per legal writing professor; twenty-seven percent have

<sup>11</sup> 98 schools (74%). 1994 Survey, *supra* note 9, at question 6. 11% require 3 semesters, 3% require 4 semesters, 2% require more than 4 semesters, and 4% responded "other." *Id.*

<sup>12</sup> 74%. 1994 Survey, *supra* note 9, at question 7. 17% of schools require students to take legal writing during all of the first year plus part of another year; 1% require part of the first year plus part of another year. *Id.* See *infra* section B.2 for a discussion of advanced courses.

<sup>13</sup> That is one fewer than in 1990. See Jill J. Ramsfield & Susan Keller, Survey of Legal Research and Writing Programs (1990) [hereinafter 1990 Survey] at question 5; 1992 Survey, *supra* note 9, at question 5; 1994 Survey, *supra* note 9, at question 6. Twenty-four now require more than two semesters, up from 17 in 1990. See *infra* section B.2 for a more detailed discussion of requirements beyond the first year.

<sup>14</sup> 1994 Survey, *supra* note 9, at question 9; 1990 Survey, *supra* note 3, at question 8.

<sup>15</sup> See Rideout and Ramsfield, *supra* note 4, for an explanation of these theories. There is still some concern that legal writing professors are emphasizing writing over research, a question that the surveys do not address. See Joan S. Howland and Nancy J. Lewis, *The Effectiveness of Law School Legal Research Training Programs*, 40 J. LEGAL ED. 381 (1990).

<sup>16</sup> Schools are realizing that the workload required of legal research and writing professors demands that they have fewer students to teach than their colleagues. The trend is toward teaching fewer students. In 1992, only 29% of the schools reported that their legal writing professors taught at least 45 fewer students than did other professors. By 1994, this number had increased to 33%. The number of schools reporting that their legal writing professors teach between 31-45 fewer students than do other professors also increased, from 3% to 6%. 1994 Survey, *supra* note 9, at question 57; 1992 Survey, *supra* note 9, at question 46.

thirty-five to fifty.<sup>17</sup> Twenty-three percent have fifty to seventy five.<sup>18</sup> Five percent have seventy-five students to one legal writing professional and seven percent have over one hundred and twenty-six students for each legal writing professional.<sup>19</sup> While the slight decrease is encouraging, these last two numbers are astounding. Traditional composition courses keep the number of students to about sixteen to maximize discussion and expert feedback; those two elements virtually disappear when the class size is so large. Legal writing professors at some schools receive some reprieve from class preparation: although there has not been much change in the number of courses taught by legal writing professors, eighty percent of legal writing professors teach one to four fewer courses than do other full-time faculty at their institutions.<sup>20</sup>

Whatever the student load, most legal writing professors are awarding grades, rather than Honors/Pass/Fail. Those grades also have more impact on the students because, of the seventy-six percent of schools that grade legal writing,<sup>21</sup> seventy-four percent average the grade into the general grade point average.<sup>22</sup>

The research content of first-year courses has changed only slightly. In the research part of the courses, most schools use open research assignments<sup>23</sup> on specific tasks<sup>24</sup> to introduce legal research. One-half of the schools responding still use closed packets, that is, assignments for which the research is provided.<sup>25</sup> Eighty-eight percent of schools teach computer training<sup>26</sup> and eighty-three percent require work in citations as part of research assignments.<sup>27</sup>

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<sup>17</sup> 1994 Survey, *supra* note 9, at question 18. In 1992, 42% had fewer than 35 students and 19% had 35-50 students. 1992 Survey, *supra* note 9, at question 16. In 1990, the percentages were as follows: 40% had fewer than 35 students and 18% had 35-50 students. 1990 Survey, *supra* note 13, at question 16.

<sup>18</sup> 1994 Survey, *supra* note 9, at question 18. This class size is unwieldy without assistance and can quickly lead to professor burnout, a phenomenon one hopes is not intentional.

<sup>19</sup> *Id.*

<sup>20</sup> 1994 Survey, *supra* note 9, at question 58.

<sup>21</sup> *Id.* at question 11.

<sup>22</sup> *Id.*

<sup>23</sup> 78%. *Id.* at question 22.

<sup>24</sup> 74%. *Id.*

<sup>25</sup> 50%. *Id.* See also 1992 Survey, *supra* note 9, at question 20 (57% required closed packet research); 1990 Survey, *supra* note 13, at question 20 (49% required closed packet research). This approach does not conform to the social constructivist theory because it is not a simulation of practice. Proponents suggest that providing the research allows students to concentrate more on the writing in the early stages of law school.

<sup>26</sup> 1994 Survey, *supra* note 9, at question 22. In 1992 this figure was 86%. 1992 Survey, *supra* note 9, at question 20. In 1990, 84% required Westlaw or Lexis training. 1990 Survey, *supra* note 13, at question 20.

<sup>27</sup> 82%. 1994 Survey, *supra* note 9, at question 22. In 1992, 88% required citation work.

Slightly more schools reported teaching legislative history and looseleaf services in 1994 than did in 1990.<sup>28</sup> Also, as in the past, in the majority of the schools where legal research is taught separately, librarians do it.<sup>29</sup>

Writing assignments, however, show more variety than in 1990. While the most common assignments remain the same—legal memoranda<sup>30</sup> and appellate briefs<sup>31</sup>—more schools are requiring client letters,<sup>32</sup> pretrial briefs,<sup>33</sup> trial briefs,<sup>34</sup> and drafting documents.<sup>35</sup> In addition, courses are stretching requirements beyond the appellate arguments<sup>36</sup> to require arguments in pretrial motions,<sup>37</sup> in-class presentations,<sup>38</sup> and other more objective settings.<sup>39</sup> For the assignments required in the first-year courses, the trend, then, favors using pretrial-related writing<sup>40</sup> and advocacy<sup>41</sup> in place of appellate writing<sup>42</sup> and advocacy assignments.<sup>43</sup> Moot court is still included as part of the first-year course at some schools,<sup>44</sup> but its use decreased from 1990 to 1994.<sup>45</sup> Rewrites of assignments, now considered essential to teaching effective writing,<sup>46</sup> are used to

1992 Survey, *supra* note 9, at question 20. In 1990, the figure was 81%. 1990 Survey, *supra* note 13, at question 20.

<sup>28</sup> 40% include legislative histories and 44% use administrative law research. 1994 Survey, *supra* note 9, at question 22. In both 1990 and 1992 the percentage for legislative histories was 37%. 1992 Survey, *supra* note 9, at question 20; 1990 Survey, *supra* note 9, at question 20. The percentage requiring administrative law research in 1990 was 38%. *Id.*

<sup>29</sup> 45 schools (34%) teach research separately; 62% of those schools use librarians. 1994 Survey, *supra* note 9, at question 9.

<sup>30</sup> 99%. *Id.* at question 23.

<sup>31</sup> 72%. *Id.*

<sup>32</sup> 44%. *Id.*

<sup>33</sup> 39%. *Id.*

<sup>34</sup> 21%. *Id.*

<sup>35</sup> 18%. *Id.*

<sup>36</sup> 72%. *Id.* at question 24.

<sup>37</sup> 28%. *Id.*

<sup>38</sup> 21%. *Id.*

<sup>39</sup> 9%. *Id.*

<sup>40</sup> The increase was 54%; 40% in 1994 and 26% in 1990. 1994 Survey, *supra* note 9, at question 23; 1990 Survey, *supra* note 13, at question 21.

<sup>41</sup> Increase of 40%; 28% in 1994 and 20% in 1990. 1994 Survey, *supra* note 9, at question 24; 1990 Survey, *supra* note 13, at 128.

<sup>42</sup> Decrease of 15%; 74% in 1994 and 83% in 1990. 1994 Survey, *supra* note 9, at question 23; 1990 Survey, *supra* note 13, at 128.

<sup>43</sup> 11% decrease; 72% in 1994 and 81% in 1990. 1994 Survey, *supra* note 9, at question 24; 1990 Survey, *supra* note 13, at 128.

<sup>44</sup> 62%. 1994 Survey, *supra* note 9, at question 12.

<sup>45</sup> *Id.* In 1990, 75% included moot court in the first year program. 1990 Survey, *supra* note 13, at question 11. In 1994, that number was 62%.

<sup>46</sup> See, e.g., Linda Flower & John R. Hayes, *The Cognition of Discovery: Defining a Rhetorical Problem*, 31 C. COMPOSITION & COMM. 21 (1980), reprinted in *THE WRITING*

some extent in seventy-nine percent of legal writing courses, but required on all assignments by only twenty-five percent of schools.<sup>47</sup> Of the schools that require rewrites of assignments, a percentage that has remained fairly constant over the last four years,<sup>48</sup> slightly more of these schools require rewrites of all, rather than some, assignments.<sup>49</sup>

The modernization of the curriculum, then, seems to manifest itself in a slight movement away from the traditional litigation and appellate advocacy to newer modes of practice, such as the motions practice and negotiations. What is not more modern is the resistance to rewrites, a message that can be fatal to lawyers and scholars alike; only experts can get it right the first time.

On all of these assignments, legal writing professors give more feedback than they did previously. In the majority of schools, legal writing professors give written feedback more than four times per year,<sup>50</sup> and this number of schools is increasing.<sup>51</sup> In 1990, the most common response was that students receive written feedback more than four times per year,<sup>52</sup> but some schools gave feedback two or fewer times per year.<sup>53</sup> All schools in the 1994 survey gave written feedback three or more times per year, and most schools reported giving written feedback over four times per year,<sup>54</sup> an increase of nine percent from 1990.<sup>55</sup> While more schools are using students to assist in teaching legal writing,<sup>56</sup> most of the feedback is still given by legal writing professors,<sup>57</sup> who respond to papers at ninety-two

TEACHER'S SOURCEBOOK 92 (Gary Tate & Edward P.J. Corbett eds., 2d ed. 1988); Janet Emig, *Writing as a Mode of Learning*, 28 C. COMPOSITION & COMM. 122 (1977); Rideout and Ramsfield, *supra* note 4, at 85.

<sup>47</sup> The other 54% require rewrites in only some assignments. 1994 Survey, *supra* note 9, at question 25.

<sup>48</sup> In 1992, 83% required rewrites. 1992 Survey, *supra* note 9, at question 23. In 1990, the figure was 86%. 1990 Survey, *supra* note 13, at question 23.

<sup>49</sup> 25% in 1994. 1994 Survey, *supra* note 9, at question 25. In 1992, 16% required that all assignments be rewritten. 1992 Survey, *supra* note 9, at question 23. In 1990, 15% required this. 1990 Survey, *supra* note 13, at question 23.

<sup>50</sup> 85%. 1994 Survey, *supra* note 9, at question 26.

<sup>51</sup> In 1990, by comparison, 78% of schools gave written feedback more than four times per year. 1990 Survey, *supra* note 13, at question 24.

<sup>52</sup> *Id.*

<sup>53</sup> Two schools gave this response in 1990. *Id.* at question 24. That situation may have changed since, but we did not receive responses from those same schools on the 1994 survey.

<sup>54</sup> 85%. 1994 Survey, *supra* note 9, at question 26.

<sup>55</sup> See *supra* note 51.

<sup>56</sup> 65% used students to assist in 1994. 1994 Survey, *supra* note 9, at question 67. This is a leap from the 45% that used student assistants in 1990. 1990 Survey, *supra* note 13, question 67.

<sup>57</sup> 54%. 1994 Survey, *supra* note 9, at question 27. About one-half of schools have solely

percent of the schools.<sup>58</sup> At those schools, the professors comment on between seventy-six and one hundred percent of the papers.<sup>59</sup>

In addition to commenting extensively, legal writing professors conduct conferences with students.<sup>60</sup> The number of conferences, or oral feedback, with students per semester remained fairly constant at two or fewer conferences per semester,<sup>61</sup> but it is now much more likely that the legal writing professors will be conducting the conferences. In 1990, nine percent of schools reported having legal writing professors conduct over three-quarters of conferences;<sup>62</sup> in 1994, forty-one percent did.<sup>63</sup>

This means that legal writing professors are participating increasingly in one-to-one teaching, both in written and oral comments. This teaching, added to regular classroom teaching, may average twenty or more face-to-face hours a week.<sup>64</sup> This heavy teaching load may account for the slight increase in student teaching assistants. This is an enormous workload, one that should be carefully considered in evaluating legal writing professors' contributions to law schools.<sup>65</sup> Such a workload may also explain the rarity of coordination with other first-year courses.

legal writing professors giving feedback. Of those schools who have both student assistants and legal writing professors giving feedback, the majority have legal writing professors giving the written feedback. *Id.* at Questions 27, 30.

<sup>58</sup> At 40% of the schools, both legal writing professors and students comment on papers; at 52% percent of the schools, legal writing professors alone comment. The rest use a combination of students commenting as peers and "other," which was usually the response given when all three groups—legal writing professors, teaching assistants, and peers—commented on papers. 1994 Survey, *supra* note 9, at question 27.

<sup>59</sup> This is the case at 72% of the schools, which means that the overwhelming bulk of the commenting is done by legal writing professors. *Id.* at question 28.

<sup>60</sup> Legal writing professionals conduct the conferences at 90% of the schools, sharing the task with student teaching assistants at 33% of the schools. 1994 Survey, *supra* note 9, at question 31.

<sup>61</sup> 61%, compared with 57% in 1992 and 55% in 1990. 1994 Survey, *supra* note 9, at question 29; 1992 Survey, *supra* note 11, at question 27; 1990 Survey, *supra* note 9, at question 27.

<sup>62</sup> 1990 Survey, *supra* note 13, at question 29.

<sup>63</sup> 1994 Survey, *supra* note 9, at question 31.

<sup>64</sup> Most legal writing classes meet two (43%) or three (8%) times a week. 1994 Survey, *supra* note 9, at question 19. That is about two hours. The average number of students is between 36 and 50. Students receive written feedback over four times a year (*id.* at question 26) on about five assignments (*id.* at question 23). Students also have conferences with legal writing professors (*id.* at questions 29 and 30). For a 28-week year, then, legal writing professors are likely to spend 56 hours in class, 338 hours reading papers (1.5 hours a paper), and 180 hours in conferences. That is just over 20 hours a week, a conservative estimate, at that. That does not include class preparation, office hours, or "drop-in" questions, which are the daily routine of legal writing professors. This is a good recipe for quick burnout.

<sup>65</sup> See Levine, *supra* note 7, at 531, 544-45.



In the 1994 Survey, only 24% of schools reported that they coordinate their assignments with other first-year assignments.<sup>66</sup> In 1990, 30% did.<sup>67</sup> But those twenty-four percent are taking advantage of principles developed in the Writing Across the Curriculum (WAC) movement.<sup>68</sup> This movement, designed to use the discipline of writing to teach students all subjects, began twenty years ago in undergraduate schools. Writing, the movement says, forces students to articulate the learning process, no matter what the subject area. The WAC research shows that students who use writing in biology, chemistry, sociology, computer science, and history, among many other courses, perform better.<sup>69</sup> The same could be true in law schools. Coordinating requires extensive planning, months in advance.<sup>70</sup> The decline in the amount of integration with other courses may be due to the demands this planning adds to an overly-burdened legal writing professor's schedule. He may have to work with a faculty member who has not yet written her syllabus. There may also be resistance on the part of another faculty member to coordinate, especially if she looks at legal writing as a so-called "skills" course.<sup>71</sup> Worse, some faculty may assume that the legal writing professor's role is to correct grammar on assignments

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<sup>66</sup> 1994 Survey, *supra* note 9, at question 13. At 76% of the schools, legal writing assignments are not coordinated with assignments in other first year courses. *Id.*

<sup>67</sup> 1990 Survey, *supra* note 13, at 12.

<sup>68</sup> See Rideout & Ramsfield, *supra* note 4, at n.31.

<sup>69</sup> See, e.g., Richard C. Freed & Glenn J. Broadhead, *Discourse Communities, Sacred Texts, and Institutional Norms*, 38 C. COMPOSITION AND COMM. 155 (No. 2, 1987); Anne J. Herrington, *Writing to Learn: Writing Across the Disciplines*, 43 C. ENG. 379 (No. 4, 1981); Susan H. McLeod, *Writing Across the Curriculum: The Second Stage, and Beyond*, 40 C. COMPOSITION AND COMM. 337 (No. 3, 1989); Robert Parker, *The "Language Across the Curriculum" Movement: A Brief Overview and Bibliography*, 36 C. COMPOSITION AND COMM. 173 (No. 2, 1985); David R. Russell, *Writing Across the Curriculum in Historical Perspective: Toward a Social Interpretation*, 52 C. ENG. 52 (No. 1, 1990); WRITING, TEACHING, AND LEARNING IN THE DISCIPLINES (Anne Herrington & Charles Moran, eds. 1992).

<sup>70</sup> A successfully coordinated program at Georgetown during the 1992-93 school year involved four faculty members and a legal writing professor. The project planning began with joint meetings in February of the preceding academic year. A series of meetings resulted in the creation of the topic, research issues, deadline schedules, feedback standards, and coordination among the professors and the legal writing professor. A similar project, started in May of the previous academic year but with no subsequent faculty meetings, was not as successful.

<sup>71</sup> I do not use the word "skills" in referring to legal writing. To me, legal writing is an art. The academy reflects this attitude by its own measures for excellence, which depend heavily on written scholarship. Translating ideas from mind to text is a complex series of tasks that go well beyond what the word "skills" encompasses. See, e.g., Ann Johns, *Coherence and Academic Writing*, 20 TESOL Q. 247 (1986) (characterizing writing as a complex series of choices); Carl Bereiter, *Development in Writing*, in COGNITIVE PROCESS IN WRITING 73-93 (Lee Gregg & Erwin R. Steinberg, eds., 1980) (characterizing writing as not only instrumental, but epistemic when properly developed).

designed by the faculty, an approach that echoes traditional views of legal writing that are now unhelpful.<sup>73</sup> Neither side should give up on the idea of coordinating writing assignments with other courses' materials, however. Well-designed writing problems in all courses are worth the effort.

When the courses themselves cannot be integrated, other services can. Many first-year programs add some kind of service to those traditionally provided by the legal writing professor, namely, tutorials,<sup>73</sup> student teaching assistants,<sup>74</sup> or other academic support programs.<sup>75</sup> Leading some of these programs are writing specialists who bring to legal writing their expertise in, for example, composition theory and linguistics.<sup>76</sup> These specialists assist students in exploring their writing in a non-threatening situation as they transfer from one discourse community into the legal discourse community. These specialists, experienced in the role writing plays in learning, also assist students in meeting the first-year courses' heavy demands.

First-year programs, then, are longer, more rigorous, more oriented to current composition theory and pedagogical practice, and more broadly based than previously. This modernization affects the inner structure of first-year programs. But the story no longer ends there. Upper-level students now have more opportunities to develop their writing abilities.

## 2. Increase in Upper Level Programs

One of the most important changes since 1990 has been the creation of upper-level courses. Many schools have added advanced courses to their curricula and many are requiring these courses. Students are increasingly required to study and practice writing beyond the second year, whether in the contexts of persua-

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<sup>73</sup> See Rideout & Ramsfield, *supra* note 4 at 44-46, describing Traditional View #3: "Legal writing is ancillary to the real law." The corollary: Legal writing is, of course, the law itself. See *id.* at 46.

<sup>74</sup> 44%. 1994 Survey, *supra* note 9, at question 15; this question was not asked previously. Nor do the responses indicate whether or not it is the legal writing professor herself who provides these services in addition to her regular workload.

<sup>75</sup> 56%. *Id.*

<sup>76</sup> 29%. *Id.*

<sup>77</sup> 8% of schools employ writing specialists with J.D.s and Ph.D.s, 14% have Ph.D., non-J.D. specialists, and 17% have non-J.D., non-Ph.D. specialists. 1994 Survey, *supra* note 9, at questions 89-91. In 1992, 12% had specialists with J.D.s and Ph.Ds., 11% had non-J.D. Ph.Ds., and 16% had non-J.D., non-Ph.D. specialists. 1992 Survey, *supra* note 9, at questions 107-109. In 1990, 27% had non-J.D. specialists. 1990 Survey, *supra* note 13, at question 48.

sion, scholarship, negotiations, or client counseling. One-third of schools require students to take upper-level courses in the legal writing department.<sup>77</sup> These are not courses with a writing component that are taught by untrained faculty; rather, these are writing courses taught by those who have studied writing pedagogy, designed and planned extended curricula that build on first-year courses, and implemented the curricula in a unified manner. These courses include legal drafting, advanced research, appellate advocacy, and specialized seminars.<sup>78</sup> The classes are smaller, with fewer than twenty-five students in eighty percent of the required advanced courses.<sup>79</sup> In addition, nearly half of the legal writing departments responding offer upper-level electives.<sup>80</sup> In these upper-level courses that require papers, most students receive comments from the legal writing professor on one draft and the final paper.<sup>81</sup>

In addition, two-thirds of schools require writing courses outside of the legal writing department;<sup>82</sup> those courses are offered in greater numbers than courses within the departments.<sup>83</sup> Those courses cover the same topics as the required legal writing courses, but are much more numerous, the greatest numbers being seminars or courses in appellate advocacy or advanced research.<sup>84</sup> In many of those required upper-level courses, papers must be of a specific length,<sup>85</sup> generally between twenty-one and thirty pages.<sup>86</sup>

All of this means that students are writing more in law school.

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<sup>77</sup> 1994 Survey, *supra* note 9, at question 32. But just 24 schools now require more than 2 semesters, up from 17 in 1990. *Id.* at question 6; 1990 Survey, *supra* note 13, at question 32.

<sup>78</sup> 1994 Survey, *supra* note 9, at question 32. Within legal writing departments, legal drafting is required by 4% of schools and offered by 20%. Advanced research is required by 3% and offered by 16%. Appellate advocacy is required by 12% and offered by 22% (this is the most commonly offered or required class). Seminars on writing are required by 7% and offered by 16%. Specialized writing courses are required by 2% and offered by 10%. 8% of schools require, and 10% offer, other courses within the department. *Id.* at questions 32 & 34. In 1990, only 17 schools require upper-level legal writing courses, but 60% of schools offer upper-level courses. 1990 Survey, *supra* note 13, at question 5.

<sup>79</sup> See *id.* 1994 Survey, *supra* note 9, at question 33.

<sup>80</sup> *Id.* at question 34.

<sup>81</sup> 52%. *Id.* at question 36. This number has fluctuated. It was 62% in 1992 and 39% in 1990. 1992 Survey, *supra* note 9, at question 37; 1990 Survey, *supra* note 13, at 129.

<sup>82</sup> *Id.* at question 37. This question was not asked before 1994.

<sup>83</sup> 1994 Survey, *supra* note 9, questions 34 and 40. Legal drafting is offered outside the legal writing department in 25% of the schools, advanced research in 32%, appellate advocacy in 35%, seminars in 42%, specialized writing courses in 14%, and other courses in 7%. *Id.* at question 40. See note 78 for discussion of question 34.

<sup>84</sup> *Id.* at question 40. See *supra* notes 78 and 83.

<sup>85</sup> 65% require a specific length. 1994 Survey, *supra* note 9, at question 38.

<sup>86</sup> 53%. 1994 Survey, *supra* note 9, at question 39. 19% require 11-20 pages; 16% require 31-40 pages, and 9% require over 40 pages. *Id.*

Schools are requiring more semesters of legal writing<sup>87</sup> and are allocating more credit hours to it.<sup>88</sup> While most schools require two semesters of legal writing now, as they did in 1990,<sup>89</sup> the number of schools requiring three or more semesters of legal writing has increased.<sup>90</sup> In addition to being more of a central part of the law school curriculum, legal writing classes are also meeting more often. More schools report that legal writing classes meet two to three times a week now than did so in 1990.<sup>91</sup>

This increase in advanced writing courses and required semesters will benefit students by giving them more practice under the direction of experts. It will benefit law schools when legal writing professors can help design three-year curricula that intentionally build writing expertise.

### 3. Increased Experience and Expertise of Legal Writing Directors and Professors

To design, develop, and deliver good programs, legal writing professors also need experience and expertise. This usually means that they should know law practice, composition theory, and teaching methodology. They must have enough expertise to direct their methodology to the local population; that is, no one program or approach will work at every school. More schools have recognized the value of investing in expertise by creating tenure-track positions for legal writing directors and professors.<sup>92</sup>

Since 1990, more schools have separate legal writing directors and more directors are on tenure track.<sup>93</sup> Those directors almost

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<sup>87</sup> *Id.* at question 6. See *supra* notes 11 and 12; Appendix C, Graph 5.

<sup>88</sup> 1994 Survey, *supra* note 9, at question 8; 1992 Survey, *supra* note 9, at question 7; 1990 Survey, *supra* note 13, at question 7. See also Appendix C, Graph 6.

<sup>89</sup> 74% required 2 semesters in 1994, while 79% did in 1990. 1994 Survey, *supra* note 9, at question 6; 1990 Survey, *supra* note 13, at question 5.

<sup>90</sup> 3% since 1990. In 1990, 17 schools required more than three semesters. 1990 Survey, *supra* note 13, at question 5. In 1994, 21 schools required more than three semesters. 1994 Survey, *supra* note 9, at question 6.

<sup>91</sup> 33% increase. In 1994, 52% of classes were held two to three times per week. 1994 Survey, *supra* note 9, at question 19. In 1992 the figure was 47% and in 1990 it was 39%. 1992 Survey, *supra* note 9, at question 17; 1990 Survey, *supra* note 13, at question 17.

<sup>92</sup> See Levine, *supra* note 7. Levine created his own survey that goes beyond these surveys in asking detailed questions about tenure. He properly points out that these surveys were not designed to elicit the information he did. *Id.* at 536. The following information does not differentiate, for example, between those positions created especially for legal writing and those occupied by a faculty member previously awarded tenure in a non-legal writing field. See *id.* But this information was consistently elicited and used among these surveys.

<sup>93</sup> 83% have separate directors, a 15% increase. 1994 Survey, *supra* note 9, at question

all hold at least a J.D., and a few have both a J.D. and Ph.D.<sup>84</sup> Now, forty-two percent of those directors are on tenure track, compared with only thirty percent in 1990.<sup>85</sup> Of those who are not on tenure track, one-half have a one-year contract and one-half have more than one year. All of these contracts are renewable.<sup>86</sup> Nearly half of the directors also have publishing responsibilities,<sup>87</sup> which encourage them to develop legal writing theory and methodology.<sup>88</sup>

The population of legal writing professors in full-time residence at law schools has also increased. Sixty-three percent of schools have five or more professors teaching first-year legal research and writing,<sup>89</sup> compared with fifty-eight percent in 1990, a nine percent increase.<sup>100</sup> The number of schools with one full-time legal writing professor also increased,<sup>101</sup> and the use of adjunct

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81. In 1992, 77% had separate directors and in 1990, 72% did. 1992 Survey, *supra* note 9, at question 102; 1990 Survey, *supra* note 13, at question 42.

<sup>84</sup> 95% have a J.D., and at least another 2% have an additional advanced degree. 1994 Survey, *supra* note 9, at question 82. In 1992, 92% had a J.D. and 1% had a J.D. and an additional degree. 1992 Survey, *supra* note 9, at question 103. This question was not on the survey in 1990.

<sup>85</sup> In 1994 and 1992, 43% of directors were tenure-track. 1994 Survey, *supra* note 9, at question 83; 1992 Survey, *supra* note 9, at question 104. In 1990, 30% were tenure-track. 1990 Survey, *supra* note 13, at question 43.

<sup>86</sup> 1994 Survey, *supra* note 9, at questions 84 and 85. The next most common length was three years (22%), and the remainder was split among other lengths over one year. *Id.* These questions were not previously asked.

<sup>87</sup> 43% have publishing responsibilities. 1994 Survey, *supra* note 9, at question 88. This question was not previously asked.

<sup>88</sup> Since 1980, dozens of books have emerged on legal writing, compared to a handful before then. *See, e.g.,* SUSAN L. BRODY ET AL., *LEGAL DRAFTING* (1994); CHARLES R. CALLEROS, *LEGAL METHOD AND WRITING* (2d ed. 1994); VEDA R. CHARROW ET AL., *CLEAR & EFFECTIVE LEGAL WRITING* (2d ed. 1995); LINDA EDWARDS HALL, *LEGAL WRITING* (1996); RICHARD K. NEUMANN, JR., *LEGAL REASONING AND LEGAL WRITING* (2d ed. 1994); LAUREL CURRIE OATES, ET AL., *THE LEGAL WRITING HANDBOOK* (1993); KAREN K. PORTER ET AL., *INTRODUCTION TO LEGAL WRITING AND ORAL ADVOCACY* (1989); DIANA V. PRATT, *LEGAL WRITING: A SYSTEMATIC APPROACH* (2d ed. 1993); MARJORIE DICK ROMBAUER, *LEGAL PROBLEM SOLVING: ANALYSIS, RESEARCH & WRITING* (5th ed. 1991); HELENE S. SHAPO ET AL., *WRITING AND ANALYSIS IN THE LAW* (3d ed. 1995).

<sup>89</sup> 1994 Survey, *supra* note 9, at question 16.

<sup>100</sup> 1990 Survey, *supra* note 13, at question 15. 63% reported five or more in 1992, as well. 1992 Survey, *supra* note 9, at question 15.

<sup>101</sup> 24% had one full-time professor in 1994; in 1992, 23%; in 1990, 14%. The number of schools with 10 or more full-time professors decreased: 3% had 10 or more in 1994; in 1992, 8%; in 1990, 4% had 10 or more professors, but the question did not specify "full-time." 1994 Survey, *supra* note 9, at question 17. 1992 Survey, *supra* note 9, at question 38; 1990 Survey, *supra* note 13, at question 38. This may mean that schools are hiring more part-time legal writing professors. Or it may correspond to the use of adjuncts, who are not legal writing experts, in combination with full-time legal writing professors. Because only the extreme answers changed, it may also show a tendency to moderate programs to what the majority of the legal writing community is doing.

professors decreased.<sup>102</sup> The general growth in legal writing professor population is also reflected in attendance at the LWI conventions: eighty-three in 1984, 350 in 1994.

Those professors are staying longer, without limits on their contracts. Legal writing professors' contracts are usually one year long<sup>103</sup> and renewable.<sup>104</sup> There has been a slight increase in the number of two- and three-year contracts.<sup>105</sup> Generally, legal writing professors stay only three to five years,<sup>106</sup> but eighteen percent stay over ten years.<sup>107</sup> Seventy-four percent of the schools responding do not impose a limit on the number of years legal writing faculty can stay.<sup>108</sup> The level of expertise is rising, then, as the opportunities for tenure, longevity, and attendant experience increase.

#### 4. Combination of Experts and Peers to Teach Legal Writing

Only a handful of schools remain that use students solely to teach legal writing.<sup>109</sup> In early legal writing programs, before any methodology was developed, it was thought sufficient to have up-

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<sup>102</sup> In 1994, 13% use adjuncts without professionally trained legal writing professors. 1994 Survey, *supra* note 9, at question 41. In 1990, that number was 25%. This is good news because adjunct programs by definition draw experts in practice who may not be experts in legal writing methodology. While some adjunct programs are successful, many suffer, with adjuncts who teach poorly, are unavailable to students, and fail to teach research, design effective problems, or study legal writing theory. These courses should be left to the experts.

<sup>103</sup> Legal writing professors at 74% of the schools have one-year contracts. 1994 Survey, *supra* note 9, at question 47. The length of the contracts has increased and, as this has happened, the percentage of schools having one-year contracts, while remaining high, has decreased. In 1992, 79% had one-year contracts and in 1990, 84% did. 1992 Survey, *supra* note 9, at question 64; 1990 Survey, *supra* note 13, at question 64.

<sup>104</sup> 99% of contracts are renewable. 1994 Survey, *supra* note 9, at question 48. This number has remained uniformly high across the survey years. In 1992, 99% also renewed contracts. 1992 Survey, *supra* note 9, at question 65. In 1990, 96% were renewable. 1990 Survey, *supra* note 13, at question 65. The percentage has remained fairly constant.

<sup>105</sup> 130% increase since 1990. In 1990, 2% were two years, and 8% were three years. In 1994, 11% were two years and 12% were three year contracts. 1994 Survey, *supra* note 9, at question 47; 1990 Survey, *supra* note 13, at question 64. See also Appendix C, Graph 16.

<sup>106</sup> 1994 Survey, *supra* note 9, at question 49. The average length of time legal writing professors stay has increased from just over two years in 1990 to three to five years in 1994. 1990 Survey, *supra* note 13, at question 40. See also Appendix C, Graph 16.

<sup>107</sup> 1994 Survey, *supra* note 9, at question 49.

<sup>108</sup> *Id.* at question 50. In 1992, only 59% of schools imposed no limit. 1992 Survey, *supra* note 9, at question 41. This question was not included in 1990.

<sup>109</sup> That number was six in 1990, 17 in 1992, and eleven in 1994. 67% of those having sole responsibility are third-year students. 1994 Survey, *supra* note 9, at question 75. And those students who have sole responsibility do not receive tuition waivers. In 1994, 100% did not. *Id.* at question 76. In 1992, 76% of schools used third-year student teachers and 93% did not provide those students with tuition waivers. 1992 Survey, *supra* note 9, at questions 85 and 87. In 1990, 56% of students were second year and 44% were third year; 80% did not receive a tuition waiver. 1990 Survey, *supra* note 13, at questions 85 and 86.

per-level students assist first-years in learning research and writing. As these programs faltered and the methodology developed, schools hired recent graduates in a kind of "clerkship" arrangement.<sup>110</sup> Those programs also faltered. Gradually, schools began hiring directors to design more stable programs. From their work and the work done by composition theorists and linguists on discourse communities, legal writing methodology developed.<sup>111</sup> The logical step was to hire more experienced faculty and to keep them longer. Thus more schools are using full-time, contract-track faculty to teach legal writing but are keeping the student assistants.

Schools are discovering that the combination of expertise and peer evaluation is an effective one for teaching legal writing.<sup>112</sup> Since 1990, schools are providing more student teaching assistants to help other students.<sup>113</sup> That increase may be compensating for a decrease in providing tutorials for students.<sup>114</sup> Compensation for student teaching assistants, most of whom are second- and third-year students,<sup>115</sup> is generally salaried.<sup>116</sup> Credits, whether in combi-

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<sup>110</sup> The job was designed as a stepping stone for a career in academia. In that era, the early seventies, recent graduates could remain in an academic setting, teach a simple legal writing course, publish, and move on to a permanent academic career.

<sup>111</sup> See e.g., Marjorie Dick Rombauer, *Regular Faculty Staffing For An Expanded First-Year Research and Writing Course: A Post Mortem*, 44 ALBANY L. REV. 392 (1980); George Gopen, *The State of Legal Writing: Res Ipsa Loquitur*, 86 MICH. L. REV. 333 (1987); James Stratman, *The Emergence of Legal Composition as a Field of Inquiry: Evaluating the Prospects*, 60 REV. EDUC. RES. 153 (1990); Joseph M. Williams, *On the Maturing of Legal Writers: Two Models of Growth and Development* 1 LEGAL WRITING 1 (1991); Rideout & Ramsfield, *supra* note 4.

<sup>112</sup> 56% of the schools were using students in 1994, which is a 15% increase from 1990 when 49% of schools had student assistants. 1994 Survey, *supra* note 9, at question 67; 1990 Survey, *supra* note 13, at question 57, 67, 77, 90, 99.

<sup>113</sup> See *id.*

<sup>114</sup> 13% decrease. 46% had tutorials in 1994, while 47% did in 1992 and 53% did in 1990. 1994 Survey, *supra* note 9, at question 15; 1992 Survey, *supra* note 9, at question 14; 1990 Survey, *supra* note 13, at question 14.

<sup>115</sup> 1994 Survey, *supra* note 9, at question 68; 96% of schools had either second-year or third-year students or both. 59% had both, 10% had second-year students only, and 27% had third-year students only. *Id.* Just 1% had graduate students as teaching assistants. *Id.* In 1992, 100% of schools had second- or third-year students or both for teaching assistants. 1992 Survey, *supra* note 9, at question 57, 67, and 77. Of the schools responding, 67% had both, 29% had third-year students and 4% had second-year students. *Id.* In 1990, 98% of schools had second- or third-year students or both: 60% had both, 31% had third-year students and 7% had second-year students. 1990 Survey, *supra* note 13, at questions 58 and 59. While both the percentage of schools using second-year students and that of schools using third-year students has decreased, this percentage has been offset by the number using both.

<sup>116</sup> 54% in 1994. 1994 Survey, *supra* note 9, at question 69. This is a 37% increase over 1990. 1990 Survey, *supra* note 13, questions 59, 69, 79, 86, & 95.

nation with a salary or a loan, are becoming a less common way to compensate student instructors.<sup>117</sup> Teaching assistants are more likely to receive tuition waivers than credits, but most do not receive either.<sup>118</sup>

Probably, the use of these student teaching assistants is more substantive: they are the peer review and evaluation that is now a hallmark of writing pedagogy.<sup>119</sup> Students are more willing to share their problems and talk through the writing process with peers than they may be with professors. This participation in the writing program of student teaching assistants strongly encourages students to discuss the writing process, to take risks, and to create innovative approaches. At the same time, this approach gives them a friendly member of the legal discourse community with whom to talk and a living example that the transition into the discourse community can be made.

These students are supervised by legal writing professors.<sup>120</sup> Those experts, then, can design the course and the assignments, present the theory, use the methodology, and introduce students to techniques garnered from legal practice. Students can create a trusting atmosphere that encourages first-year students to experiment, ask more questions, and take important risks as they acculturate to the legal discourse community.

## C. The Results: Salary and Status

### 1. Salaries Are Losing Ground

Even though legal writing professors' salaries are increasing,<sup>121</sup>

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<sup>117</sup> 58% decrease. In 1994, 19% used salary, and an additional 15% combined salary and credits. 1994 Survey, *supra* note 9, at question 69. In 1990, 46% used salary and another 22% combined salary and credits. 1990 Survey, *supra* note 13, questions 59, 69, 79, 86, & 95.

<sup>118</sup> 81% do not receive tuition waivers. 1994 Survey, *supra* note 9, at questions 69, 70. In 1992 and 1990, the figure was fairly similar at 85% and 83%, respectively. 1992 Survey, *supra* note 9, at questions 60, 70, and 80; 1990 Survey, *supra* note 13, at questions 59, 69, 79, 86, & 95.

<sup>119</sup> See e.g., KENNETH BRUFFEE, A SHORT COURSE IN WRITING (1980). Bruffee, a proponent in peer review, ushers readers through techniques for using peer review to become one's own best audience.

<sup>120</sup> 91% of the students who have sole responsibility for teaching legal writing are supervised by legal writing professors. 1994 Survey, *supra* note 9, at question 73. One-hundred percent of those supervisors have J.D.s. The survey does not ask about supervision of student teaching assistants in programs with legal writing professors because they are, by definition, assisting the legal writing professor.

<sup>121</sup> The most common salary range for the fifteen full-time tenure-track legal writing



those increases are not keeping pace with those of the rest of the faculty. Directors, forty-two percent of whom are tenure track and ninety-five percent of whom hold J.D.s, earn between \$40,000 and \$60,000 per year.<sup>122</sup> Most instructors earn between \$25,000 and \$40,000.<sup>123</sup> Only two schools responded that their full-time, non-tenure contract teachers make over \$60,000. Schools who award tenure to legal writing professors offer salaries that range from only \$40,000<sup>124</sup> to \$80,000.<sup>125</sup> Only one school reported offering over \$80,000 to a full-time, tenure-track legal writing professor.<sup>126</sup>

The salary gap between legal writing professors and other full-time faculty is increasing. In 1992, only twelve percent of schools reported that their faculty on average made over \$30,000 more than their legal writing colleagues.<sup>127</sup> In 1994, that number was fifty-one percent.<sup>128</sup> That means that nearly forty percent more law schools have increased the disparity between legal writing professors' salaries and those of other professors. Even between clinicians and legal writing professors, the gap is sometimes wide.<sup>129</sup> Such a

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professors is \$50,000 to \$60,000 (47%). 1994 Survey, *supra* note 9, at question 43. For full-time contract track teachers it was \$30,000 to \$50,000 (36%). *Id.* at question 44. For adjuncts it was below \$3,000 (58%). *Id.* at question 45. In 1992, the numbers were as follows: 42% reported full-time tenure track salaries between \$70,000 and \$80,000; 35% had full-time contract-track salaries between \$30,000 and \$35,000; and 56% had adjunct pay between \$2,000 and \$5,000. 1992 Survey, *supra* note 9, at questions 52, 63, and 73. In 1990, 85% of schools with full-time tenure track faculty paid them between \$50,000 and \$70,000. 55% of schools paid non-tenure track faculty below \$30,000. 44% of schools paid adjuncts \$2,000 to \$4,000. 1990 Survey, *supra* note 13, at questions 52, 63, and 73. *See also* Appendix C, Graphs 14 and 15.

<sup>122</sup> This is the average range. 1994 Survey, *supra* note 9, at question 86. The most common salary is between \$40,000 and \$50,000 (25%); 14% of directors receive less than \$40,000 and 20% receive over \$60,000. *Id.*

<sup>123</sup> Question 44 gives both the raw number and the percentage. *See* Appendix C, Graph 15.

<sup>124</sup> 13%. 1994 Survey, *supra* note 9, at question 43.

<sup>125</sup> 47% have salary ranges from \$50,000 to \$60,000; 20% have \$60,000 to \$70,000; and 13% have \$70,000 to \$80,000. *Id.*

In 1990, by comparison, 3% had salary ranges from \$30,000 to \$40,000; 17% from \$40,000 to \$50,000; 38% from \$50,000 to \$60,000; and 7% from \$70,000 to \$80,000. 1990 Survey, *supra* note 13, at question 52.

<sup>126</sup> *Id.* In 1990, 2 schools reported full-time tenure track salaries over \$80,000. *Id.* In 1992, that number was 3. 1992 Survey, *supra* note 9, at question 50.

<sup>127</sup> 1992 Survey, *supra* note 9, at question 44.

<sup>128</sup> 51% had over \$30,000 difference. 1994 Survey, *supra* note 9, at question 55.

<sup>129</sup> At 27% of schools, clinicians make \$30,000 or more more than their legal writing colleagues. At 25% of schools, they earn between \$10,000 and \$30,000 more, and at 40% of the schools, they make between \$0 and \$10,000 more. *Id.* at question 56. In 1992, 7% of schools paid clinicians \$30,000 or more than they paid legal writing professors. Forty-eight percent paid between \$0 and \$10,000 more and 45% paid between \$10,000 and \$30,000 more. 1992 Survey, *supra* note 9, at question 45.

gap is hard to explain in objective terms. These relatively lower salaries are going to professors who have more experience than professors in previous years. Legal writing professors have an average range of four to seven years' practice experience before coming to teaching.<sup>130</sup> Generally, academic salary levels are based on years out of law school, a formula that seems to have been dropped in determining legal writing professors' salaries. This kind of dualism is precisely what confronted African Americans and women who sought equality.<sup>131</sup>

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<sup>130</sup> 59%. 1994 Survey, *supra* note 9, at question 42. It is most common for schools to use full-time contract track legal writing professors (44%) who have practiced between four and seven years before entering legal writing (59%). *Id.* In 1992 and 1990, it was also most common for schools to use full-time contract track professors who had practiced for four to seven years (57% and 55%). 1992 Survey, *supra* note 9, at questions 39 and 63-66; 1990 Survey, *supra* note 13, at 156.

<sup>131</sup> "That profitable formula is most significant; it is precisely like the 'equal but separate' formula of the Jim Crow laws aimed at the North American Negroes. As is well known, this so-called equalitarian segregation has resulted only in the most extreme discrimination. The similarity noted is in no way due to chance, for whether it is a race, a caste, a class, or a sex that is reduced to a position of inferiority, the methods of justification are the same. . . . In both cases the dominant class bases its argument on a state of affairs that it has itself created." Simone DeBouvier, *The Second Sex* 212 (1967). "If we are to gain understanding, we must get out of these ruts; we must discard the vague notions of superiority, inferiority, equality which have hitherto corrupted every discussion of the subject and start afresh." *Id.* at 236. "The cult of true womanhood was a compound of four ideas: A sharp dichotomy between the home and the economic world outside that paralleled a sharp contrast between female and male natures, the designation of the home as the female's only proper sphere, the moral superiority of woman, and the idealization of her function as mother. In the Victorian mind these conceptions were loosely connected with the older tradition of the female's intellectual inferiority." BARBARA J. HARRIS, *BEYOND HER SPHERE: WOMEN AND THE PROFESSIONS IN AMERICAN HISTORY* 33 (1978).

"The statuses of men and women have been constructed around a whole series of dichotomous categories: the 'one' and the 'other', the public and private domains, work and home, rationality and emotionality, culture and nature, mind and body, autonomy and dependence, to name just a few. The first of each of these pairs tends to be associated with men and positively valued, while the second is associated with women and negatively valued. The interpretation of social reality in this way, as a series of opposites, leaves little room for gradation or overlapping categories. Thus women represent what men are not; thus reason and emotion are treated as incompatible, home is presented as the domain of women, the public world of politics the domain of men, and so on. What is the significance of this dichotomizing process for an understanding of power relations between the sexes? Are women and men to be understood as fundamentally different from each other, even as polar opposites? Or are the differences between them relatively minor compared with what they have in common?" THE OPEN UNIVERSITY, *DEFINING WOMEN: SOCIAL INSTITUTIONS AND GENDER DIVISIONS* 3-4 (Linda McDowell & Rosemary Pringle, eds., 1992).

Can we not ask the same questions here? "Dualisms are very common motifs in western social and political thought — mind/body, nature/culture, emotion/reason, subject/object, public/private, individual/social, concrete/abstract, and so on. All of them should be approached with extreme caution because more often than not they line up with that fundamental dichotomy, male/female." *Id.* at 31. In the field of law, this dichotomy emerges as "substantive" professors/legal writing professors.

## 2. Status Remains Low and More Women Fill Positions

This dualism affects not only salary but also power. Non-tenure-track legal writing professors are generally not allowed to vote in faculty meetings,<sup>132</sup> though non-tenure-track clinicians are.<sup>133</sup> Faculty are eligible for sabbaticals; legal writing professors are not.<sup>134</sup> Similarly, the female ghetto seems to be reemerging. For a short time, the number of male legal writing professors increased, but that number again has diminished since 1990: at twenty-five percent more schools, over half of the legal writing professors are female.<sup>135</sup> As privileges and salaries are separated from the power sources, so-called "pink ghettos" appear.<sup>136</sup>

What we have, then, is insurance against progress. First, legal writing professors have no power; tenure track faculty vote, clinicians sometimes vote, but legal writing professors rarely vote. The effects of this stripping of power are far-reaching for schools and their students. Legal writing professors have no decision-making power in designing and implementing the core curriculum, despite the permanent existence of writing courses in the first year. Committees, such as Placement, Appointments, and Academic Standards, have no legal writing professors as members, even though legal writing professors work most closely with first-year students. They are often expected to work closely with new faculty, too, and to be most keenly aware of new courses. Second, research, badly needed in this new field, is rendered almost impossible by the heavy workload and lack of sabbaticals. Third, the low status and salary in turn lower morale and may encourage legal writing professors to moonlight, leave the profession, or relegate it exclusively to women. The low status and salary also lower interest in

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<sup>132</sup> 58%. 1994 Survey, *supra* note 9, at question 52. This question was not previously asked.

<sup>133</sup> 76% *Id.* at question 53. In 1992, 71% of clinicians were allowed to vote in faculty meetings. 1992 Survey, *supra* note 9, at question 43. The question was not asked in 1990.

<sup>134</sup> 79%. 1994 Survey, *supra* note 9, at question 54. This question was not previously asked.

<sup>135</sup> In 1994, 75% of school have greater than one-half female writing professors. 1994 Survey, *supra* note 9, at question 60. In 1992, 65% of schools had a majority of female writing professors. 1992 Survey, *supra* note 9, at question 49. In 1990, 60% did. 1990 Survey, *supra* note 13, at question 41.

<sup>136</sup> Cf. Richard Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. Pa. L. Rev. 537 (1988) (describing legal writing as a "pink ghetto" because it attracted more women than men). All schools reported no difference between the salaries for male and female instructors within the legal writing department. 1994 Survey, *supra* note 9, at question 60. It is the wide gap between faculty and legal writing professors that makes the job less attractive.

the field itself. And daily reminders of low status create poor relations with faculty members and decrease the chances of designing a unified curriculum.

This treatment of legal writing professors, a kind of taxation without representation,<sup>137</sup> renders its worst damage on the students by sending a powerful message: writing is not important. Sending this message breaches professional educational ethics. Lawyers and scholars write for a living. Law schools are intentionally shutting out the people who assist them in doing this well.

### 3. The Higher the Tier, the Less Professionalized the Legal Writing Program

As all legal academicians know, each year law schools are rated and divided into tiers.<sup>138</sup> While the surveys did not ask any questions relating to tiers, it was possible to examine the patterns that emerged by comparing the surveys to the 1995 ratings. Schools in the first, or highest, tier have fewer full-time legal writing professors.<sup>139</sup> These schools are also less likely to allow legal writing professors to be eligible for sabbatical.<sup>140</sup> The emphasis in these schools seems to be more on student help in teaching legal writing because the higher the tier, the more likely the schools are to have student teaching assistants comment on papers in the place of legal writing professors.<sup>141</sup> And there is less emphasis on research, with schools in the top tier hiring fewer research assistants in the department than schools in other tiers.<sup>142</sup> Schools in the first tier are more likely to grade legal writing by using a pass/fail or honors/pass/fail system.<sup>143</sup> And the higher the tier, the more likely schools are to provide student help for first-year students, but the

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<sup>137</sup> The "taxation" here is the large chunk of salary that legal writing professors do not get. In other words, they pay quite a price to participate in legal academia. Yet they have no representation when voting on issues that may affect their own salaries or status; nor can they vote on the issues that affect the students with whom they work so closely.

<sup>138</sup> This is done by a private corporation, *U.S. News and World Reports*. The formula for rating law schools is controversial and complex, consisting of five categories: student selectivity, placement success, faculty resources and two separate measure of institutional reputation. *The Top 25 Law Schools*, U.S. NEWS & WORLD REP., Mar. 20, 1995, at 84. While many schools dispute the system and their standing, the profession at large honors these ratings, including law students and potential law students.

<sup>139</sup> See Appendix D, Table 1.

<sup>140</sup> See Appendix D, Table 2.

<sup>141</sup> See Appendix D, Table 3.

<sup>142</sup> See Appendix D, Table 4.

<sup>143</sup> See Appendix D, Table 5.

less likely they are to provide other services for students.<sup>144</sup>

This phenomenon, as seen through the current theoretical and practical lenses of legal writing, shows schools holding on to the old theories about teaching legal writing, namely, that legal discourse is simple enough to be taught by novices. That reluctance of first-tier schools to proceed as other schools have is reflected in very real terms: schools in the top tier are the least likely to have a tenure-track director,<sup>145</sup> despite their ability to attract more men than women.<sup>146</sup>

The surveys also showed that quite a few questions had similar distributions for top and bottom tiers, with those in the middle three tiers having similar programs, but different from those schools in the top and bottom tiers. The trend resembles a bell curve. This may be because schools in the top tier focus more on legal theory or do not feel the need to change; schools in the bottom tier may literally not be able to afford much change.<sup>147</sup> Schools in the second through fourth tiers focus on the practical; they are more likely than schools in the first or fifth tiers to include closed packet research,<sup>148</sup> document drafting,<sup>149</sup> or pretrial briefs in the first year curriculum.<sup>150</sup> These exercises emphasize writing those documents that new lawyers will encounter immediately. Schools in the second through fourth tiers are also less likely to include trial briefs or other speaking experiences, which again emphasize writing.<sup>151</sup> Not surprisingly, then, schools in these tiers are more likely to require seminars in the second or third year<sup>152</sup> and more likely to offer upper-level legal writing electives.<sup>153</sup> Schools in tiers two through four also retain student teachers longer<sup>154</sup> and assign

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<sup>144</sup> See Appendix D, Table 6.

<sup>145</sup> The fifth tier is the next least likely. See Appendix D, Table 7.

<sup>146</sup> Schools in the top tier are the most likely by far to have fewer than 50% female legal writing professors. See Appendix D, Table 8.

<sup>147</sup> This is another similarity to apartheid or separate spheres. The most established try to hold onto the status quo and others try to emulate them, resulting in a perpetuation of the onerous system, despite its damaging effects on society as a whole.

<sup>148</sup> See Appendix D, Table 9.

<sup>149</sup> See Appendix D, Table 10.

<sup>150</sup> See Appendix D, Table 11.

<sup>151</sup> *Id.*

<sup>152</sup> See Appendix D, Table 12.

<sup>153</sup> There is some skew to the lower end. See Appendix D, Table 13. Those schools of tiers one and five that offer electives are more likely than schools in tiers two, three and four to offer appellate advocacy, but less likely to offer seminars or specialized writing courses as electives.

<sup>154</sup> See Appendix D, Table 14.

fewer students to each legal writing professor.<sup>155</sup> Schools in the middle tiers, then, require more writing and make available more advanced writing courses, more long-term assistance for writers, and more professional guidance.

In addition to revealing information about tiers, the surveys revealed distinctions between private and public schools. Private schools are requiring more semesters of legal writing than are public schools.<sup>156</sup> Private schools also have more full-time legal writing professors than do state schools, and they pay them higher salaries.<sup>157</sup> In general, then, legal writing professors fare better at private, mid-tier law schools.

#### 4. Legal Writing Budgets Are An Insignificant Portion of the Law School Budget

Very few schools have significant budgets for their legal writing program. In fact, many schools appropriate nothing beyond salaries for legal writing.<sup>158</sup> The vast majority of schools have yearly legal writing budgets, excluding salaries, of less than \$50,000.<sup>159</sup> If the average law school budget is \$5,000,000, a low estimate,<sup>160</sup> schools are devoting less than one percent of their resources to legal writing. Even with salaries added in, the percentage jumps to only about four or five percent. In this, there has been little change since 1990.<sup>161</sup>

Of all of the statistics, this is the most telling. Historically, schools have promoted teaching legal writing on the cheap,<sup>162</sup> and many law schools have yet to discover the newer theme: investment. Money invested now can be endowment later. Students who are introduced early to legal discourse, who are trained in it as musicians are in conservatory, will perform well. The more they prac-

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<sup>155</sup> Professors in schools in tiers one and five are more likely to teach more students than their colleagues do; those in tiers two through four (with some skew to the lower end) are more likely to teach fewer students.

<sup>156</sup> 1994 Survey, *supra* note 9, at questions 4 & 6.

<sup>157</sup> 1994 Survey, *supra* note 9, at questions 4 & 43.

<sup>158</sup> 1994 Survey, *supra* note 9, at questions 66. The question asked if the budget, excluding salaries, was in the range of \$0 - \$50,000. Voluntarily, many schools commented that not only was their budget \$0 - \$50,000, but it was actually \$0.

<sup>159</sup> 85%. *Id.*

<sup>160</sup> This actual figure is unavailable to us, despite our efforts. In fact, most faculty and deans, when asked, bristled. This information belongs to deans; it is available only to them through a private ABA publication.

<sup>161</sup> The increase is two percent. *Id.*; 1992 Survey, *supra* note 9, at questions 56, 66, 76, 92 and 101; 1990 Survey, *supra* note 13, at questions 56, 66, 76, 92, and 101.

<sup>162</sup> See e.g., Macaulay & Manne, *supra* note 2.

tice in law school, the more likely they will be to perform well—if under the tutelage of experts. Schools that recognize this, that produce consistently good researchers and writers, will reap more than just the gratitude of their graduates. Of course, in the short run, exams will be better, research assistants will be better, and seminar papers will be more engaging. In the long run, capable graduates will recognize the value of their training, a value that breeds loyalty and endowments. The tradition of penny-pinching in legal writing must be broken, even in a time of budget slashing. To be stingy with legal writing is a bit like buying expensive seeds but cheap farm equipment: what comes up cannot be properly, productively harvested.

### III. CREATING AN EVEN SHARPER IMAGE

As the surveys offer clearer, more detailed images of legal writing programs, as trends begin to emerge, and as schools adjust focus, we learn more about this legal writing galaxy. We know much more now than we did even eight years ago when these surveys were first conceived. We know that legal writing is a field of inquiry,<sup>163</sup> that it attempts to define and characterize features of the legal discourse community,<sup>164</sup> and that to do so requires models and methodology.<sup>165</sup> We also know from the paucity of authority in the previous three footnotes that much more research needs to be done. Legal writing professors must both borrow appropriate theories from composition and linguistics experts and develop their own. These theories need to define the discourse community more specifically to maximize communicative competence. For example, researchers need to determine the legal discourse community's features; to track the evolution of the legal community's goals and requirements; to suggest how that evolution affects legal writing; to define the methods and mechanisms used by the community to provide information and feedback to each other and to audiences outside the community; to analyze how legal writers shift registers when addressing different audiences; to characterize the genres designed for specific uses within the community and how they differ; or to demonstrate how writing is used to measure competence

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<sup>163</sup> See Stratman, *supra* note 111. Stratman suggests that it is indeed its own field, worthy of extensive study and research.

<sup>164</sup> See Williams, *supra* note 111. See also Rideout and Ramsfield, *supra* note 4 at 56-61.

<sup>165</sup> See *id.*

within the community.<sup>166</sup> From what researchers discover about the discourse community, they must develop methodology. And from that methodology, they may redefine law curricula.

To do so, they need time and money, as do all academic researchers. This means that the growing population of legal writing experts needs to have the same trilogy of benefits as do other legal academicians: job security, research grants, and sabbaticals.

Information on how to create effective, long-lasting legal writing programs, indeed effective law school curricula, will come from that research. The images from these surveys hint at what that research will reveal: more required writing courses; more graded writing courses; more writing grades averaged in to the GPA; more diversity in writing course offerings; lower teacher-student ratios; more intense peer work; more use of resident experts in other disciplines, such as linguistics and composition; and more attention to the researching-and-writing-in-cyberspace explosion.

In the midst of that explosion, two future trends may emerge: more integration of writing with other courses and less use of revolving-wheel programs. As to the first, the research and developing methodology are likely to suggest that students gain more from projects jointly conceived and courses jointly taught. By experiencing the heuristic power of writing on the one hand, and the distinct use of writing as theory and law on the other hand, students will move further faster. They will self-teach more effectively and communicate more thoroughly via exams and papers. Students ought to, with vigilant methodology, leave law school self-aware as thinkers and communicators. Faculty ought not fear more work; the proper methodology will move their expert intervention from after-the-fact exam-reading to before-the-fact guidance. As to the second trend, revolving wheel programs, such as those using adjunct faculty and limiting legal writing instructor contracts, will die out because they are inherently temporary and inexperienced. Faculty composition in such programs by definition changes rapidly, which means that some are always novices in legal writing methodology. Even if they are experienced, adjunct faculty are hard to monitor because they are either off-campus or job hunting. They are less

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<sup>166</sup> Scholars elsewhere have been analyzing such problems in other discourse communities. See, e.g., RICHARD M. COE, *TOWARD A GRAMMAR OF PASSAGES* (1988); DEBORAH SCHIFFRIN, *DISCOURSE MARKERS* (1993); JOHN M. SWALES, *GENRE ANALYSIS* (Cambridge University Press 1990); THEO VAN ELS, ET AL., *APPLIED LINGUISTICS AND THE LEARNING AND TEACHING OF FOREIGN LANGUAGES* (Wolters-Noordhoff bv 1984); *VOICES ON VOICE* (Kathleen Blake Yancey, ed., National Council of Teachers of English 1994).



available to students, less united as a core of teachers. They may not have the time or the patience for developing or following methodology, preferring to teach as many novices do: only to their own learning style. And, of course, they are less likely to research and write about legal writing.

According to these surveys, at least two of the recommendations made six years ago have been implemented:<sup>187</sup> the number of upper level writing courses and the amount of compensation for professionals have increased slightly. Most importantly, the field of legal writing has grown tremendously since 1990. Legal writing professors and the courses they teach are an integral part of the law school now. Their presence will infuse law school curricula with an increased awareness of the richness and complexity of legal discourse and the need to teach it steadily, monitor students' progress closely, and measure students' performances carefully. Still left, then, are the needs for more integration with all courses, more awareness of all of the manifestations of legal discourse—as speech, as logic, as writing.

And still needed is the wholesale acceptance into the legal academic community of legal writing professors. The trend toward intellectual apartheid is unwise, impractical, and unethical. Widening the gap between legal writing professors and other professors lacks the wisdom of a unified academic community, devoted to producing capable, competent lawyers. Separating legal writing professors from others is oddly impractical because it suggests that analyzing law and writing about it are separate activities. This is the kind of impractical separateness that some struggling attorneys experience: they cannot understand why, having received good grades from a good school, they are about to get fired from a good firm because they cannot write. All of us, in all law schools, must sharpen our own images. Together, we can create an intellectually egalitarian setting in which to study and perfect legal discourse.

#### IV. CONCLUSION

The Hubble telescope's mirrors were ground imperfectly, but even then sent back useful photographs from space. Today's photographs, taken with corrected mirrors, have redefined our universe, our origins, our future. The first survey gave us some view of legal writing; these last two surveys may be returning us to our origins, after all. The laws of Hammurabi, the Magna Carta, and

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<sup>187</sup> See Ramsfield, *supra* note 3, at 131-34.

our constitution all had effect precisely because they were written down. No one focused on those historical moments as important because of writing “skills.” They were important because the law itself became written, because law is writing.

Our need as lawyers and scholars to study written law, to write, and to do both well is endemic. These surveys tell us that our pursuit of excellence in writing is irrepressible. We can turn away from our origins as the scribes of society or we can embrace them. The sharper image these surveys offer is of legal writing as a galaxy of unexplored theories and methodology, not as the black hole it was previously thought to be. That galaxy, hidden in earlier, fuzzy images, has distinct features, complex constellations of discourse relationships, and devoted experts. We need those legal writing experts to help us redefine our legal education universe.

**SURVEY OF LEGAL RESEARCH AND WRITING PROGRAMS**

*sponsored by*

**THE LEGAL WRITING INSTITUTE**

*written by*

**Jill J. Ramsfield**

*Georgetown University Law Center*

**INSTRUCTION SHEET**

This is the second survey of the Legal Writing Institute. The survey is divided into four parts:

Part I: Program Structure

Part II: Professional Status

Part III: Directors and Specialists

Part IV: Descriptions

In Part II, please choose the colored sheet that best corresponds to your situation, and fill in only that sheet. In Part IV, please provide a description of your program so that results can be compiled for instructive and comparative purposes.

Please return the completed survey by Monday, August 17, 1992 to:

Jill J. Ramsfield  
Georgetown University Law Center  
600 New Jersey Ave. N.W.  
Washington, D.C. 20001  
(202) 662-9525

**LEGAL RESEARCH AND WRITING QUESTIONNAIRE**  
**July 1992**

Name: \_\_\_\_\_

School: \_\_\_\_\_

**PART I. PROGRAM STRUCTURE**

**A. First Year Structure**

1. How many students are in your school (J.D. students only)?

- |                 |               |                |
|-----------------|---------------|----------------|
| a) 100 or fewer | f) 501 - 600  | k) 1001 - 1100 |
| b) 101 - 200    | g) 601 - 700  | l) 1101 - 1200 |
| c) 201 - 300    | h) 701 - 800  | m) 1201 - 1300 |
| d) 301 - 400    | i) 801 - 900  | n) 1301 - 1400 |
| e) 401 - 500    | j) 901 - 1000 | o) over 1400   |

2. How many students are in your graduate school?

- |                 |               |                        |
|-----------------|---------------|------------------------|
| a) 100 or fewer | f) 501 - 600  | k) 1001 - 1100         |
| b) 101 - 200    | g) 601 - 700  | l) 1101 - 1200         |
| c) 201 - 300    | h) 701 - 800  | m) 1201 - 1300         |
| d) 301 - 400    | i) 801 - 900  | n) over 1300           |
| e) 401 - 500    | j) 901 - 1000 | o) no graduate program |

3. What is the size of the first year class?

- |              |              |              |
|--------------|--------------|--------------|
| a) 1 - 50    | d) 201 - 300 | g) 501 - 600 |
| b) 51 - 100  | e) 301 - 400 | h) over 600  |
| c) 101 - 200 | f) 401 - 500 |              |

4. Your school is a:

- a) state school
- b) private school

5. How many semesters of Legal Research and Writing (LRW) are required?

- |                       |                             |
|-----------------------|-----------------------------|
| a) none, not required | d) three semesters          |
| b) one semester       | e) four semesters           |
| c) two semesters      | f) more than four semesters |

6. When are students required to take LRW?

- |                                 |  |
|---------------------------------|--|
| a) all of first year only       | c) second semester of first year only                                  |
| b) first semester of first year | d) all of first year plus part of another year<br>please specify _____ |

7. How many semester credit hours are allocated to LRW?

- |                |                  |
|----------------|------------------|
| a) no credits  | d) three credits |
| b) one credit  | e) four credits  |
| c) two credits | f) other _____   |

8. If legal research is taught separately, who teaches the course?

- a) librarians
- b) legal research professionals
- c) other \_\_\_\_\_

9. If legal research is taught separately, how many credit hours are allocated to it?  
a) no credits                      b) two credits                      e) other \_\_\_\_\_  
b) one credit                      d) three credits
10. How is LRW graded?  
a) graded by letter averaged into GPA                      e) graded pass/fail or S/U  
b) graded by letter not averaged into GPA                      f) graded honors/pass/fail  
c) graded by numbers averaged into GPA                      g) other \_\_\_\_\_  
d) graded by numbers but not averaged into GPA
11. Is moot court part of the first year LRW course?  
a) yes  
b) no
12. Are the legal writing assignments coordinated with assignments in other first year courses?  
a) yes  
b) no
13. How many writing assignments are coordinated with assignments in other first year courses?  
a) none                      c) two assignments                      e) four assignments  
b) one assignment                      d) three assignments                      f) over four assignments
14. What other services are provided for first year students?  
a) tutorial  
b) students helping students  
c) other \_\_\_\_\_
15. How many professionals teach first year LRW?  
a) one                      c) three                      e) five or more  
b) two                      d) four
16. How many first year students are there for each LRW professional?  
a) 1 - 10                      d) 36 - 50                      g) 101 - 125  
b) 11 - 20                      e) 51 - 75                      h) 126 - 150  
c) 21 - 35                      f) 76 - 100                      i) over 150
17. How many times per week does the LRW professional meet with students?  
a) once a week                      c) three times a week                      e) other \_\_\_\_\_  
b) twice a week                      d) once every other week
18. How many first year LRW students are there for each LRW student instructor?  
a) 1 - 10                      c) 15 - 20  
b) 10 - 15                      d) 20 - 25
19. How many times per week do student instructors meet with students?  
a) once a week                      c) three times a week  
b) twice a week                      d) once every other week

**B. First Year Content****20. What assignments are required in the legal research course?**

- |   |                                |
|---|--------------------------------|
| a) open library research                          | f) administrative law research |
| b) closed packet research                         | g) Westlaw/Lexis training      |
| c) combination of open and closed packet research | h) citations                   |
| d) research projects on specific tasks            | i) other _____                 |
| e) legislative histories                          |                                |

**21. What assignments are required in the legal writing course?**

- |                    |                        |                         |
|--------------------|------------------------|-------------------------|
| a) client letters  | d) trial briefs        | g) drafting documents   |
| b) legal memoranda | e) appellate briefs    | h) drafting legislation |
| c) pretrial briefs | f) law review articles | i) other _____          |

**22. What speaking skills are covered in the first year LRW course?**

- a) pretrial motion argument
- b) appellate brief argument
- c) objective argument (e.g. report to partner on research findings)
- d) in-class presentations
- e) other \_\_\_\_\_

**23. Do you require rewrites of assignments?**

- a) yes, all assignments require at least one rewrite
- b) yes, but not all - please specify percentage \_\_\_\_\_
- c) no

**24. How many times do students receive written feedback per year?**

- |                  |          |              |
|------------------|----------|--------------|
| a) less than two | c) three | e) over four |
| b) two           | d) four  |              |

**25. Who comments on papers?**

- |                       |                    |
|-----------------------|--------------------|
| a) LRW professionals  | d) fellow students |
| b) student assistants | e) other _____     |
| c) both               |                    |

**26. If you answered both to the above, on what percentage of the papers do LRW professionals comment?**

- |             |              |
|-------------|--------------|
| a) 0 - 25%  | c) 51 - 75%  |
| b) 26 - 50% | d) 76 - 100% |

**27. How many conferences with students are held per semester?**

- |                  |          |              |
|------------------|----------|--------------|
| a) less than two | c) three | e) over four |
| b) two           | d) four  |              |

**28. Who conducts conferences with students?**

- |                       |                |
|-----------------------|----------------|
| a) professionals      | c) both        |
| b) student assistants | d) other _____ |

**29. If you answered both to the above, what percentage of conferences are conducted by the LRW professionals?**

- |             |              |
|-------------|--------------|
| a) 0 - 25%  | c) 51 - 75%  |
| b) 26 - 50% | d) 76 - 100% |

**C. Upper Level Writing Courses (If not applicable please check \_\_\_\_ )****30. Who teaches upper level LRW courses?**

- a) LRW professionals
- b) full-time faculty
- c) adjunct faculty

**31. How many students are there for each faculty member for upper level courses?**

- a) 1 - 10
- b) 11 - 15
- c) 16 - 20
- d) 21 - 25
- e) over 25

**32. What second or third year courses on LRW are required?**

- a) none required
- b) legal drafting
- c) advanced research
- d) appellate advocacy
- e) seminars
- f) specialized writing courses
- g) other \_\_\_\_\_

**33. If there are required courses, do papers have to be a specific length?**

- a) yes
- b) no
- c) not applicable

**34. If so, of what length are the papers?**

- a) 1 - 10 pages
- b) 11 - 20 pages
- c) 21 - 30 pages
- d) 31 - 40 pages
- e) over 40 pages
- f) not applicable

**35. In the required courses, do professors comment on drafts?**

- a) yes
- b) no
- c) not applicable

**36. If so, on how many drafts do students receive comments?**

- a) one
- b) two
- c) one draft and the final
- d) final draft only

**37. What upper LRW courses are offered as electives?**

- a) none
- b) legal drafting
- c) advanced research
- d) appellate advocacy
- e) seminars
- f) legislative drafting
- g) specialized writing courses  
(please specify \_\_\_\_\_ )

**PART II. PROFESSIONAL STATUS**

38. How many full-time LRW professionals are employed by your school?

- a) 1
- b) 2 - 3
- c) 4 - 5
- d) 6 - 7
- e) 8 - 9
- f) 10 or more

39. On the average, how many years do LRW professionals practice before entering the field of LRW?

- a) 0 - 2
- b) 3 - 5
- c) 6 - 10
- d) over 10

40. On the average, how many years do LRW professionals remain on the faculty?

- a) 1 year
- b) 2 years
- c) 3 years
- d) 4 years
- e) 5 years
- f) 6 years
- g) 7 years
- h) over 7 years

41. Is there any imposed limit on the number of years LRW professionals may stay?

- a) 1 year
- b) 2 years
- c) 3 years
- d) 4 years
- e) 5 years
- f) 6 years
- g) 7 years
- h) over 7 years

42. Are LRW professionals allowed to vote in faculty meetings?

- a) yes
- b) no

43. Are clinicians allowed to vote in faculty meetings?

- a) yes
- b) no

44. What is the difference between the mean salary of faculty members and LRW professionals?

- a) 0 - \$10,000
- b) \$10,001 - \$15,000
- c) \$15,001 - \$20,000
- d) \$20,001 - \$25,000
- e) \$25,001 - \$25,000
- f) \$30,001 - \$35,000
- g) over \$35,000

45. What is the difference between the mean salary of clinicians and LRW professionals?

- a) 0 - \$10,000
- b) \$10,001 - \$15,000
- c) \$15,001 - \$20,000
- d) \$20,001 - \$25,000
- e) \$25,001 - \$25,000
- f) \$30,001 - \$35,000
- g) over \$35,000

46. Do LRW professionals teach more students than full-time faculty?

- a) fewer students, please indicate number \_\_\_\_\_
- b) more students, please indicate number \_\_\_\_\_

47. Do LRW professionals teach more courses than full-time faculty?

- a) fewer courses, please indicate number \_\_\_\_\_
- b) more courses, please indicate number \_\_\_\_\_



48. Do LRW professionals teach courses other than LRW?

a) yes, please indicate number of courses and title(s)

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b) no, they choose not to

c) no, they are not allowed to

49. What is the percentage of LRW professionals (excluding student assistants)?

a) 0 - 25%

c) 51 - 75%

b) 26 - 50%

d) 76 - 100%

50. Are female and male LRW professionals paid the same salary for equivalent years of employment as LRW professionals?

a) yes

b) no, please specify difference \_\_\_\_\_

51. How many research assistants are hired?

a) one

c) three

b) two

d) four or more

**For the following section,  
please choose the colored sheet that  
best corresponds to your situation.**

**Full-Time Tenure Track Faculty  
(excluding LRW Directors)**

52. What is the salary of tenured faculty teaching LRW?
- |                      |                                       |
|----------------------|---------------------------------------|
| a) \$ 0 - 30,000     | e) \$60,001 - 70,000                  |
| b) \$30,001 - 40,000 | f) \$70,001 - 80,000                  |
| c) \$40,001 - 50,000 | g) over \$80,000 please specify _____ |
| d) \$50,001 - 60,000 |                                       |
53. What percentage of your teaching load is LRW?
- |            |             |             |
|------------|-------------|-------------|
| a) 0 - 5%  | c) 11 - 15% | e) 21 - 25% |
| b) 6 - 10% | d) 16 - 20% | f) over 25% |
54. Do you teach LRW on a rotating basis?
- a) yes  
b) no
55. If yes, how often do you rotate?
- |                         |                             |
|-------------------------|-----------------------------|
| a) every other semester | c) every two years          |
| b) every other year     | d) every four or more years |
56. What is the average yearly LRW budget (not including salaries)?
- |                       |  |
|-----------------------|--|
| a) \$ 0 - \$50,000    | c) \$100,000 - 150,000                 |
| b) \$50,000 - 100,000 | d) over \$150,000 please specify _____ |
57. Do you use student assistants for teaching purposes?
- a) yes  
b) no (go on to Part III)
58. If yes, what level are the students?
- |           |             |                |
|-----------|-------------|----------------|
| a) first  | c) third    | e) other _____ |
| b) second | d) graduate |                |
59. What is the compensation for student instructors?
- a) salary - please specify \_\_\_\_\_  
b) credits - please specify \_\_\_\_\_  
c) combination of salary and credits - please specify \_\_\_\_\_  
d) other \_\_\_\_\_
60. Do the student instructors receive a tuition waiver?
- a) yes  
b) no
61. How many semesters are students allowed to teach LRW?
- |        |          |  |
|--------|----------|--|
| a) one | c) three | e) five or more - please specify _____ |
| b) two | d) four  |  |
62. On the average, how many semesters do students teach LRW?
- |        |          |  |
|--------|----------|--|
| a) one | c) three | e) five or more - please specify _____ |
| b) two | d) four  |  |

## Full-Time Professionals On Non-Tenure Track Contracts

63. What is the salary for LRW professionals?

- |                      |                      |   |
|----------------------|----------------------|---|
| a) \$15,000 - 20,000 | e) \$35,001 - 40,000 | i) \$55,001 - 60,000                    |
| b) \$20,001 - 25,000 | f) \$40,001 - 45,000 | j) over \$60,000 - please specify _____ |
| c) \$25,001 - 30,000 | g) \$45,001 - 50,000 |   |
| d) \$30,001 - 35,000 | h) \$50,001 - 55,000 |   |

64. How long are the contracts?

- |                |   |
|----------------|---|
| a) one year    | d) four years                             |
| b) two years   | e) five years                             |
| c) three years | f) over five years - please specify _____ |

65. Are the contracts renewable?

- a) yes, please specify number of years \_\_\_\_\_  
b) no, please specify \_\_\_\_\_

66. What is the average yearly LRW budget (not including salaries)?

- |                       |                        |
|-----------------------|------------------------|
| a) \$ 0 - \$50,000    | c) \$100,001 - 150,000 |
| b) \$50,001 - 100,000 | d) over \$150,000      |

67. Do you use student assistants for teaching purposes?

- a) yes  
b) no (go on to Part III)

68. If yes, what level are the students?

- |           |             |                |
|-----------|-------------|----------------|
| a) first  | c) third    | e) other _____ |
| b) second | d) graduate |                |

69. What is the compensation for student instructors?

- a) salary - please specify \_\_\_\_\_  
b) credits - please specify \_\_\_\_\_  
c) combination of salary and credits - please specify \_\_\_\_\_  
d) other \_\_\_\_\_

70. Do the student instructors receive a tuition waiver?

- a) yes  
b) no

71. How many semesters are students allowed to teach LRW?

- |        |          |  |
|--------|----------|--|
| a) one | c) three | e) five or more - please specify _____ |
| b) two | d) four  |  |

72. On the average, how many semesters do students teach LRW?

- |        |          |  |
|--------|----------|--|
| a) one | c) three | e) five or more - please specify _____ |
| b) two | d) four  |  |

**Part-Time Adjuncts**

73. What is the salary for LRW adjuncts?

- |                    |                    |                    |                    |
|--------------------|--------------------|--------------------|--------------------|
| a) \$ 0 - 1,000    | c) \$2,001 - 3,000 | e) \$4,001 - 5,000 | g) \$8,001 - 7,000 |
| b) \$1,001 - 2,000 | d) \$3,001 - 4,000 | f) \$5,001 - 6,000 | h) over \$7,000    |

74. How long are the contracts?

- |                |   |
|----------------|---|
| a) one year    | d) four years                             |
| b) two years   | e) five years                             |
| c) three years | f) over five years - please specify _____ |

75. Are the contracts renewable?

- a) yes  
b) no

76. What is the average yearly LRW budget (not including salaries)?

- |                       |                        |
|-----------------------|------------------------|
| a) \$ 0 - 50,000      | c) \$100,001 - 150,000 |
| b) \$50,001 - 100,000 | d) over \$150,000      |

77. Do you use student assistants for teaching purposes?

- a) yes  
b) no (go on to Part III)

78. If yes, what level are the students?

- |           |             |                |
|-----------|-------------|----------------|
| a) first  | c) third    | e) other _____ |
| b) second | d) graduate |                |

79. What is the compensation for student instructors?

- a) salary - please specify \_\_\_\_\_  
b) credits - please specify \_\_\_\_\_  
c) combination of salary and credits - please specify \_\_\_\_\_  
d) other \_\_\_\_\_

80. Do the student instructors receive a tuition waiver?

- a) yes  
b) no

81. How many semesters are students allowed to teach LRW?

- |        |          |  |
|--------|----------|--|
| a) one | c) three | e) five or more - please specify _____ |
| b) two | d) four  |  |

82. On the average, how many semesters do students teach LRW?

- |        |          |  |
|--------|----------|--|
| a) one | c) three | e) five or more - please specify _____ |
| b) two | d) four  |  |

## Law Students Only

83. Who supervises the students?

- a) tenure track faculty - non LRW professional
- b) tenure track - LRW professional
- c) contract track faculty - non LRW professional
- d) contract track faculty - LRW professional
- e) no one
- f) other \_\_\_\_\_

84. Does the supervisor have a J.D.?

- a) yes
- b) no

85. What level are the students?

- a) first
- b) second
- c) third
- d) other \_\_\_\_\_

86. What is the compensation for student instructors?

- a) salary - please specify \_\_\_\_\_
- b) credits - please specify \_\_\_\_\_
- c) combination of salary and credits - please specify \_\_\_\_\_
- d) other \_\_\_\_\_

87. Do the student instructors receive a tuition waiver?

- a) yes
- b) no

88. How many semester credit hours do law student instructors receive?

- a) one
- b) two
- c) three
- d) four

89. What is the percentage of female graduate student instructors?

- a) 0 - 25%
- b) 26 - 50%
- c) 51 - 75%
- d) 76 - 100%

90. How many semesters are students allowed to teach LRW?

- a) one
- b) two
- c) three
- d) four
- e) five or more - please specify \_\_\_\_\_

91. On the average, how many semesters do students teach LRW?

- a) one
- b) two
- c) three
- d) four
- e) five or more - please specify \_\_\_\_\_

92. What is your average yearly budget (not including salaries)?

- a) \$ 0 - 50,000
- b) \$50,001 - 100,000
- c) \$100,001 - 150,000
- d) over \$150,000

**Graduate Law Students Only**

93. Who supervises the students?

- a) tenure track faculty - non LRW professional
- b) tenure track - LRW professional
- c) contract track faculty - non LRW professional
- d) contract track faculty - LRW professional
- e) no one
- f) other \_\_\_\_\_

94. Does the supervisor have a J.D.?

- a) yes
- b) no

95. What is the compensation for student instructors?

- a) salary - please specify \_\_\_\_\_
- b) credits - please specify \_\_\_\_\_
- c) combination of salary and credits - please specify \_\_\_\_\_
- d) other \_\_\_\_\_

96. Do the graduate student instructors receive a tuition waiver?

- a) yes
- b) no

97. What is the salary for graduate student LRW instructors?

- a) under \$10,000
- b) \$10,001 - 15,000
- c) \$15,001 - 20,000
- d) over \$20,000

98. What is the percentage of female graduate student instructors?

- a) 0 - 25%
- b) 26 - 50%
- c) 51 - 75%
- d) 76 - 100%

99. How many semesters are students allowed to teach LRW?

- a) one
- b) two
- c) three
- d) four
- e) five or more - please specify \_\_\_\_\_

100. On the average, how many semesters do students teach LRW?

- a) one
- b) two
- c) three
- d) four
- e) five or more - please specify \_\_\_\_\_

101. What is your average yearly budget (not including salaries)?

- a) \$ 0 - 50,000
- b) \$50,001 - 100,000
- c) \$100,001 - 150,000
- d) over \$150,000

**PART III. DIRECTORS AND SPECIALISTS**

102. Is there a separate Director of LRW?

- a) yes
- b) no

103. What is the Director's background?

- a) J.D.
- b) Ph.D. in English
- c) J.D. and Ph.D. in English
- d) Other \_\_\_\_\_

104. Is the Director of LRW tenure track?

- a) yes
- b) no

105. What is the salary for the Director?

- |                      |                      |                      |
|----------------------|----------------------|----------------------|
| a) 0 - \$20,000      | d) \$40,001 - 50,000 | g) \$70,001 - 80,000 |
| b) \$20,001 - 30,000 | e) \$50,001 - 60,000 | h) over \$80,000     |
| c) \$30,001 - 40,000 | f) \$60,001 - 70,000 |                      |

106. Does the Director teach?

- a) full LRW load
- b) part LRW load, please specify \_\_\_\_\_
- c) part LRW load plus other courses, please specify \_\_\_\_\_
- d) only other courses, please specify \_\_\_\_\_
- e) no
- f) Other, please specify \_\_\_\_\_

107. Do non-J.D., non-Ph.D. writing specialists work in the program?

- a) no
- b) yes, part time, please specify number of individuals \_\_\_\_\_
- c) yes, full-time, please specify number of individuals \_\_\_\_\_

108. Do non-J.D., Ph.D. writing specialists work in the program?

- a) no
- b) yes, part time, please specify number of individuals \_\_\_\_\_
- c) yes, full-time, please specify number of individuals \_\_\_\_\_

109. Do J.D., Ph.D. writing specialists work in the program?

- a) no
- b) yes, part time, please specify number of individuals \_\_\_\_\_
- c) yes, full-time, please specify number of individuals \_\_\_\_\_

**PART IV. DESCRIPTIONS**

110. Below, please write a summary of your first year course. Please include 1) length of course; 2) credits allotted; 3) research assignments given; 4) writing assignments given; and 5) rewrites and conferences required.



1994 SURVEY  
LEGAL RESEARCH AND WRITING PROGRAMS

sponsored by

THE LEGAL WRITING INSTITUTE

written by

Jill J. Ramsfield

and

Brien C. Walton

Georgetown University Law Center

July 28, 1994

Georgetown University Law Center  
600 New Jersey Ave. N.W.  
Washington, D.C. 20001  
(202) 662-9525

For purposes of this survey, the term "LRW teacher" encompasses anyone whose primary responsibility is to teach LRW courses, including professors, associate professors, and instructors. The term does not encompass adjuncts, student teaching assistants, or tenure-track faculty who teach courses other than LRW courses.

**APPENDIX B****List of Schools Participating in the Surveys****1992 Survey Participants**

University of Akron, C. Blake McDowell Law Center  
The University of Alabama School of Law  
Albany Law School, Union University  
American University, Washington College of Law  
University of Arizona College of Law  
Arizona State University College of Law  
University of Arkansas, Fayetteville, Leflar Law Center  
University of Arkansas at Little Rock School of Law  
University of Baltimore School of Law  
Baylor University School of Law  
Boston College Law School  
Boston University School of Law  
University of Bridgeport School of Law  
Brigham Young University, J. Reuben Clark Law School  
Brooklyn Law School  
University of California at Berkeley School of Law  
University of California at Davis School of Law  
University of California, Hastings College of the Law  
University of California at Los Angeles School of Law  
California Western School of Law  
Capital University Law School  
Case Western Reserve University Law School  
The Catholic University of America School of Law  
University of Chicago Law School  
University of Cincinnati College of Law  
Cleveland Marshall College of Law  
Cleveland State University, Cleveland-Marshall College of Law  
University of Colorado School of Law  
Columbia University School of Law  
University of Connecticut School of Law  
Cornell Law School  
Creighton University School of Law  
Cumberland School of Law of Samford University  
University of Dayton School of Law  
University of Denver College of Law  
De Paul University College of Law  
University of Detroit Mercy School of Law  
Detroit College of Law at Michigan State University  
Dickinson School of Law

Drake University Law School  
Duke University School of Law  
Duquesne University School of Law  
Emory University School of Law  
University of Florida, College of Law  
Florida State University College of Law  
Fordham University School of Law  
George Mason University School of Law  
Georgetown University Law Center  
George Washington University National Law Center  
University of Georgia School of Law  
Golden Gate University School of Law  
Gonzaga University School of Law  
Hamline University School of Law  
Harvard University Law School  
University of Hawaii William S. Richardson School of Law  
University of Houston Law Center  
Howard University School of Law  
University of Idaho College of Law  
University of Illinois College of Law  
Illinois Institute of Technology - Chicago-Kent College of Law  
Indiana University School of Law, Bloomington  
Indiana University School of Law, Indianapolis  
University of Iowa College of Law  
University of Kansas School of Law  
University of Kentucky College of Law  
Lewis and Clark Northwestern School of Law  
Louisiana State University Law Center  
University of Louisville School of Law  
Loyola University School of Law, Chicago  
Loyola Law School  
Loyola University School of Law, New Orleans  
McGeorge School of Law, University of the Pacific  
University of Maine School of Law  
Marquette University Law School  
John Marshall Law School  
University of Maryland School of Law  
Mercer University Law School  
University of Miami School of Law  
The University of Michigan Law School  
University of Minnesota Law School  
Mississippi College School of Law  
University of Mississippi School of Law

University of Missouri-Columbia, School of Law  
University of Missouri-Kansas City School of Law  
William Mitchell College of Law  
University of Montana School of Law  
University of Nebraska College of Law  
University of New Mexico School of Law  
State University of New York at Buffalo School of Law  
New York Law School  
New York University School of Law  
University of North Carolina School of Law  
University of North Dakota School of Law  
Northeastern University School of Law  
Northern Illinois University College of Law  
Northern Kentucky University, Salmon P. Chase College of Law  
Northwestern University School of Law  
Notre Dame Law School  
Nova Southeastern University Shepard Broad Law Center  
Ohio Northern University, Pettit College of Law  
The Ohio State University College of Law  
University of Oklahoma Law Center  
University of Oregon School of Law  
Pace University School of Law  
University of Pennsylvania Law School  
Pepperdine University School of Law  
University of Pittsburgh School of Law  
University of Puerto Rico School of Law  
University of Puget Sound School of Law  
University of Richmond The T.C. Williams School of Law  
Rutgers, The State University of New Jersey School of Law,  
Camden  
Rutgers, The State University of New Jersey, S. I. Newhouse  
Center for Law & Justice  
St. John's University School of Law  
Saint Louis University School of Law  
St. Mary's University of San Antonio School of Law  
University of San Diego School of Law  
University of San Francisco School of Law  
Santa Clara University School of Law  
Seton Hall University School of Law  
University of South Carolina School of Law  
University of South Dakota School of Law  
University of Southern California Law Center  
Southern Illinois University School of Law

Southern Methodist University School of Law  
Southwestern University School of Law  
Stanford Law School  
Stetson University College of Law  
Suffolk University Law School  
Syracuse University College of Law  
Temple University School of Law  
University of Tennessee College of Law  
The University of Texas School of Law  
Texas Tech University School of Law  
University of Toledo College of Law  
Tulane University School of Law  
The University of Tulsa College of Law  
University of Utah College of Law  
Valparaiso University School of Law  
Vanderbilt University School of Law  
Vermont Law School  
Villanova University School of Law  
University of Virginia School of Law  
Wake Forest University School of Law  
Washburn University School of Law  
Washington and Lee University School of Law  
University of Washington School of Law  
Washington University School of Law  
Wayne State University Law School  
West Virginia University College of Law  
Western New England College School of Law  
Whittier Law School  
Widener University School of Law  
Willamette University College of Law  
College of William and Mary, Marshall-Whythe School of Law  
University of Wisconsin Law School  
University of Wyoming College of Law  
Yale Law School  
Yeshiva University, Benjamin N. Cardozo School of Law

## 1994 Survey Participants

Albany Law School, Union University  
American University, Washington College of Law  
University of Arizona College of Law  
Arizona State University College of Law  
University of Arkansas, Fayetteville, Leflar Law Center  
University of Arkansas at Little Rock Law School  
University of Baltimore School of Law  
Boston College Law School  
Brigham Young University, J. Reuben Clark Law School  
Brooklyn Law School  
University of California at Berkeley School of Law  
University of California at Davis School of Law  
University of California, Hastings College of the Law  
California Western School of Law  
Case Western Reserve University Law School  
The Catholic University of America School of Law  
University of Central Florida  
University of Chicago Law School  
University of Cincinnati College of Law  
Cleveland State University, Cleveland-Marshall College of Law  
University of Colorado School of Law  
Creighton University School of Law  
Cumberland School of Law of Samford University  
University of Dayton School of Law  
University of Denver College of Law  
DePaul University College of Law  
Drake University Law School  
Duke University School of Law  
Emory University School of Law  
University of Florida, College of Law  
Florida State University College of Law  
Fordham University School of Law  
George Washington University National Law Center  
Georgetown University Law Center  
Georgia State University College of Law  
Gonzaga University School of Law  
Hamline University School of Law  
Harvard University Law School  
University of Houston Law Center  
Howard University School of Law  
University of Idaho College of Law

University of Illinois College of Law  
Illinois Institute of Technology—Chicago-Kent College of Law  
Indiana University School of Law, Bloomington  
Indiana University School of Law, Indianapolis  
John Marshall Law School  
Lewis and Clark Northwestern School of Law  
University of Louisville School of Law  
Loyola Law School  
University of Maine School of Law  
Marquette University Law School  
University of Maryland School of Law  
McGeorge School of Law, University of the Pacific  
Mercer University Law School  
University of Miami School of Law  
The University of Michigan Law School  
University of Minnesota Law School  
University of Mississippi School of Law  
University of Missouri - Columbia, School of Law  
University of Missouri - Kansas City, School of Law  
William Mitchell College of Law  
University of Nebraska College of Law  
New England School of Law  
University of New Mexico School of Law  
New York Law School  
University of North Carolina School of Law  
University of North Dakota School of Law  
Northeastern University School of Law  
Northern Illinois University College of Law  
Northwestern University School of Law  
Nova Southeastern University Shepard Broad Law Center  
Ohio Northern University, Pettit College of Law  
The Ohio State University College of Law  
Oklahoma City University School of Law  
University of Oregon School of Law  
Pace University School of Law  
University of Pennsylvania Law School  
Pepperdine University School of Law  
University of Pittsburgh School of Law  
University of Puerto Rico School of Law  
Quinnipiac College School of Law (formerly University of Bridgeport)  
University of Richmond, The T.C. Williams School of Law  
Roger Williams University School of Law

Rutgers, The State University of New Jersey, S. I. Newhouse  
Center for Law and Justice  
St. John's University School of Law  
Saint Louis University School of Law  
St. Mary's University of San Antonio School of Law  
University of San Diego School of Law  
University of San Francisco School of Law  
San Joaquin University Law School  
Seattle University School of Law (formerly Puget Sound)  
Seton Hall University School of Law  
University of South Carolina School of Law  
University of South Dakota School of Law  
South Texas College of Law  
University of Southern California Law Center  
Southern Illinois University School of Law  
State University of New York at Buffalo School of Law  
Stetson University College of Law  
Suffolk University Law School  
Temple University School of Law  
University of Tennessee College of Law  
The University of Texas School of Law  
Texas Tech University School of Law  
Texas Wesleyan University School of Law  
Thomas H. Cooley Law School  
University of Toledo College of Law  
Touro College Jacob D. Fuchsberg Law Center  
Tulane University School of Law  
The University of Tulsa College of Law  
University of Utah College of Law  
Valparaiso University School of Law  
Vermont Law School  
Villanova University School of Law  
University of Virginia School of Law  
Wake Forest University School of Law  
Washburn University School of Law  
University of Washington School of Law  
Washington University School of Law  
Washington and Lee University School of Law  
Wayne State University Law School  
West Los Angeles School of Law  
West Virginia University College of Law  
Western New England College School of Law  
Western State University College of Law



Whittier Law School

Widener University School of Law

Williamette University College of Law

University of Wyoming College of Law

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 School: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

## PART I. PROGRAM STRUCTURE

### A. First-Year Structure

1. How many students are in your school (J.D. students only)?

<input type="checkbox"/> a) 100 or fewer	<input type="checkbox"/> i) 801 - 900
<input type="checkbox"/> b) 101 - 200	<input type="checkbox"/> j) 901 - 1000
<input type="checkbox"/> c) 201 - 300	<input type="checkbox"/> k) 1001 - 1100
<input type="checkbox"/> d) 301 - 400	<input type="checkbox"/> l) 1101 - 1200
<input type="checkbox"/> e) 401 - 500	<input type="checkbox"/> m) 1201 - 1300
<input type="checkbox"/> f) 501 - 600	<input type="checkbox"/> n) 1301 - 1400
<input type="checkbox"/> g) 601 - 700	<input type="checkbox"/> o) over 1400
<input type="checkbox"/> h) 701 - 800	

2. How many students are in your graduate school?

<input type="checkbox"/> a) 100 or fewer	<input type="checkbox"/> i) 801 - 900
<input type="checkbox"/> b) 101 - 200	<input type="checkbox"/> j) 901 - 1000
<input type="checkbox"/> c) 201 - 300	<input type="checkbox"/> k) 1001 - 1100
<input type="checkbox"/> d) 301 - 400	<input type="checkbox"/> l) 1101 - 1200
<input type="checkbox"/> e) 401 - 500	<input type="checkbox"/> m) 1201 - 1300
<input type="checkbox"/> f) 501 - 600	<input type="checkbox"/> n) over 1300
<input type="checkbox"/> g) 601 - 700	<input type="checkbox"/> o) no graduate program
<input type="checkbox"/> h) 701 - 800	

3. What is the size of the first-year class?

<input type="checkbox"/> a) 1 - 50	<input type="checkbox"/> e) 301 - 400
<input type="checkbox"/> b) 51 - 100	<input type="checkbox"/> f) 401 - 500
<input type="checkbox"/> c) 101 - 200	<input type="checkbox"/> g) 501 - 600
<input type="checkbox"/> d) 201 - 300	<input type="checkbox"/> h) over 600

4. Your school is which of the following?

<input type="checkbox"/> a) state school	<input type="checkbox"/> b) private school
--	--

5. Your school is located in what region?
- |  |                                       |
|--|---------------------------------------|
| <input type="checkbox"/> a) Northeast    | <input type="checkbox"/> g) Southwest |
| <input type="checkbox"/> b) Mid-Atlantic | <input type="checkbox"/> h) West      |
| <input type="checkbox"/> c) Southeast    | <input type="checkbox"/> i) Alaska    |
| <input type="checkbox"/> d) Midwest      | <input type="checkbox"/> j) Hawaii    |
| <input type="checkbox"/> e) South        | <input type="checkbox"/> k) Canada    |
| <input type="checkbox"/> f) Northwest    | <input type="checkbox"/> l) Other     |
6. How many semesters of Legal Research and Writing (LRW) are required?
- |   |  |
|---|--|
| <input type="checkbox"/> a) none            | <input type="checkbox"/> e) four semesters           |
| <input type="checkbox"/> b) one semester    | <input type="checkbox"/> f) more than four semesters |
| <input type="checkbox"/> c) two semesters   | <input type="checkbox"/> g) other                    |
| <input type="checkbox"/> d) three semesters |  |
7. When are students required to take LRW?
- |  |  |
|--|--|
| <input type="checkbox"/> a) all of the first year only             | <input type="checkbox"/> d) all of the first plus part of another year |
| <input type="checkbox"/> b) first semester of the first year       |  |
| <input type="checkbox"/> c) second semester of the first year only |  |
8. How many semester credit hours are allocated to LRW?
- |   |   |
|---|---|
| <input type="checkbox"/> a) no credits  | <input type="checkbox"/> d) three credits |
| <input type="checkbox"/> b) one credit  | <input type="checkbox"/> e) four credits  |
| <input type="checkbox"/> c) two credits | <input type="checkbox"/> f) other _____   |
9. If legal research is taught separately, who teaches the course?
- |   |   |
|---|---|
| <input type="checkbox"/> a) librarians                      | <input type="checkbox"/> c) other _____ |
| <input type="checkbox"/> b) legal research instructors only |   |
10. If legal research is taught separately, how many credit hours are allocated to it?
- |   |   |
|---|---|
| <input type="checkbox"/> a) no credits  | <input type="checkbox"/> d) three credits |
| <input type="checkbox"/> b) one credit  | <input type="checkbox"/> e) other _____   |
| <input type="checkbox"/> c) two credits |   |

11. How is LRW graded?
- |  |   |
|--|---|
| <input type="checkbox"/> a) graded by letter averaged into GPA         | <input type="checkbox"/> d) graded by numbers but not averaged into GPA |
| <input type="checkbox"/> b) graded by letter but not averaged into GPA | <input type="checkbox"/> e) graded pass/fail or s/u                     |
| <input type="checkbox"/> c) graded by numbers averaged into GPA        | <input type="checkbox"/> f) graded honors/pass/fail                     |
|  | <input type="checkbox"/> g) other _____                                 |
12. Is moot court part of the first-year LRW course?
- |                                 |                                |
|---------------------------------|--------------------------------|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> b) no |
|---------------------------------|--------------------------------|
13. Are legal writing assignments coordinated with assignments in other first-year courses?
- |                                 |                                |
|---------------------------------|--------------------------------|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> b) no |
|---------------------------------|--------------------------------|
14. If yes, how many writing assignments are coordinated with assignments in other first-year courses?
- |   |   |
|---|---|
| <input type="checkbox"/> a) none            | <input type="checkbox"/> d) three assignments     |
| <input type="checkbox"/> b) one assignment  | <input type="checkbox"/> e) four assignments      |
| <input type="checkbox"/> c) two assignments | <input type="checkbox"/> f) over four assignments |
15. What other services are provided for first-year students?
- |  |   |
|--|---|
| <input type="checkbox"/> a) tutorial                                     | <input type="checkbox"/> c) other _____ |
| <input type="checkbox"/> b) student teaching assistants helping students |   |
16. How many individuals teach first-year LRW (excluding part-time student teaching assistants)?
- |                                   |  |
|-----------------------------------|--|
| <input type="checkbox"/> a) one   | <input type="checkbox"/> d) four         |
| <input type="checkbox"/> b) two   | <input type="checkbox"/> e) five or more |
| <input type="checkbox"/> c) three |  |
17. How many full-time LRW teachers (total) are employed by your school?
- |                                   |  |
|-----------------------------------|--|
| <input type="checkbox"/> a) 1     | <input type="checkbox"/> e) 8 - 9      |
| <input type="checkbox"/> b) 2 - 3 | <input type="checkbox"/> f) 10 or more |
| <input type="checkbox"/> c) 4 - 5 |  |
| <input type="checkbox"/> d) 6 - 7 |  |

18. How many first-year students are there for each LRW teacher?
- |                |                  |
|----------------|------------------|
| ___ a) 1 - 10  | ___ f) 76 - 100  |
| ___ b) 11 - 20 | ___ g) 101 - 125 |
| ___ c) 21 - 35 | ___ h) 126 - 150 |
| ___ d) 36 - 50 | ___ i) over 150  |
| ___ e) 51 - 75 |                  |
19. How many times per week does the LRW teacher meet with students?
- |                           |                              |
|---------------------------|------------------------------|
| ___ a) once a week        | ___ d) once every other week |
| ___ b) twice a week       | ___ e) other _____           |
| ___ c) three times a week |                              |
20. How many first-year LRW students are there for each LRW student teaching assistant?
- |                |                |
|----------------|----------------|
| ___ a) 1 - 10  | ___ c) 15 - 20 |
| ___ b) 10 - 15 | ___ d) 20 - 25 |
21. How many times per week do student teaching assistants meet with students?
- |                           |                              |
|---------------------------|------------------------------|
| ___ a) once a week        | ___ d) once every other week |
| ___ b) twice a week       | ___ e) other _____           |
| ___ c) three times a week |                              |

*B. First-Year Content*

22. What research assignments are required in the first-year LRW course?
- |   |                                    |
|---|------------------------------------|
| ___ a) open library research                          | ___ e) legislative histories       |
| ___ b) closed packet research                         | ___ f) administrative law research |
| ___ c) combination of open and closed packet research | ___ g) Westlaw/Lexis training      |
| ___ d) research projects on specific tasks            | ___ h) citations                   |
|   | ___ i) other _____                 |
23. What writing assignments are required in the first-year LRW course?
- |                         |                             |
|-------------------------|-----------------------------|
| ___ a) client letters   | ___ f) law review articles  |
| ___ b) legal memoranda  | ___ g) drafting documents   |
| ___ c) pretrial briefs  | ___ h) drafting legislation |
| ___ d) trial briefs     | ___ i) other _____          |
| ___ e) appellate briefs |                             |

24. What speaking skills are covered in the first-year LRW course?
- |  |  |
|--|--|
| <input type="checkbox"/> a) pretrial motion argument   | <input type="checkbox"/> d) in-class presentations |
| <input type="checkbox"/> b) appellate brief argument   | <input type="checkbox"/> e) other _____            |
| <input type="checkbox"/> c) objective argument (e.g. report to partner on research findings) |  |
25. Do you require rewrites of assignments?
- |   |   |
|---|---|
| <input type="checkbox"/> a) yes, all assignments require at least one rewrite | <input type="checkbox"/> b) yes, but not all: _____ % |
|   | <input type="checkbox"/> c) no                        |
26. How many times do students receive written feedback per year?
- |   |                                       |
|---|---------------------------------------|
| <input type="checkbox"/> a) less than two | <input type="checkbox"/> d) four      |
| <input type="checkbox"/> b) two           | <input type="checkbox"/> e) over four |
| <input type="checkbox"/> c) three         |                                       |
27. Who comments on papers?
- |   |   |
|---|---|
| <input type="checkbox"/> a) LRW teachers                | <input type="checkbox"/> d) fellow students |
| <input type="checkbox"/> b) student teaching assistants | <input type="checkbox"/> e) other _____     |
| <input type="checkbox"/> c) both                        |   |
28. If you answered both to the above, on what percentage of the papers do LRW teachers comment?
- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> a) 0 - 25%  | <input type="checkbox"/> c) 51 - 75%  |
| <input type="checkbox"/> b) 26 - 50% | <input type="checkbox"/> d) 76 - 100% |
29. How many conferences with students are held per semester?
- |   |                                       |
|---|---------------------------------------|
| <input type="checkbox"/> a) less than two | <input type="checkbox"/> d) four      |
| <input type="checkbox"/> b) two           | <input type="checkbox"/> e) over four |
| <input type="checkbox"/> c) three         |                                       |
30. Who conducts conferences with students?
- |   |   |
|---|---|
| <input type="checkbox"/> a) LRW teachers                | <input type="checkbox"/> c) both        |
| <input type="checkbox"/> b) student teaching assistants | <input type="checkbox"/> d) other _____ |
31. If you answered both to the above, what percentage of conferences are conducted by the LRW teachers?
- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> a) 0 - 25%  | <input type="checkbox"/> c) 51 - 75%  |
| <input type="checkbox"/> b) 26 - 50% | <input type="checkbox"/> d) 76 - 100% |

*C. Upper-Level Courses Taught Through LRW Departments*

32. What second- or third-year courses on LRW are required in the LRW department?
- |  |   |
|--|---|
| <input type="checkbox"/> a) none required      | <input type="checkbox"/> e) seminars                    |
| <input type="checkbox"/> b) legal drafting     | <input type="checkbox"/> f) specialized writing courses |
| <input type="checkbox"/> c) advanced research  | <input type="checkbox"/> g) other _____                 |
| <input type="checkbox"/> d) appellate advocacy |   |
33. How many students are there for each LRW teacher of upper-level courses?
- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> a) 1 - 10  | <input type="checkbox"/> d) 21 - 25 |
| <input type="checkbox"/> b) 11 - 15 | <input type="checkbox"/> e) over 25 |
| <input type="checkbox"/> c) 16 - 20 |                                     |
34. What upper-level LRW courses are offered as electives by the LRW department?
- |  |   |
|--|---|
| <input type="checkbox"/> a) none               | <input type="checkbox"/> e) seminars or workshops       |
| <input type="checkbox"/> b) legal drafting     | <input type="checkbox"/> f) specialized writing courses |
| <input type="checkbox"/> c) advanced research  | <input type="checkbox"/> g) other _____                 |
| <input type="checkbox"/> d) appellate advocacy |   |
35. In the required courses, do LRW teachers comment on drafts?
- |                                 |  |
|---------------------------------|--|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> c) not applicable |
| <input type="checkbox"/> b) no  |  |
36. If so, on how many drafts do students receive comments?
- |                                 |   |
|---------------------------------|---|
| <input type="checkbox"/> a) one | <input type="checkbox"/> c) one draft and the final |
| <input type="checkbox"/> b) two | <input type="checkbox"/> d) final draft only        |

*D. Upper-Level Courses Not Taught Through LRW Departments*

37. What second- or third-year courses on LRW are required in departments other than the LRW department?
- |  |   |
|--|---|
| <input type="checkbox"/> a) none required      | <input type="checkbox"/> e) seminars                    |
| <input type="checkbox"/> b) legal drafting     | <input type="checkbox"/> f) specialized writing courses |
| <input type="checkbox"/> c) advanced research  | <input type="checkbox"/> g) other _____                 |
| <input type="checkbox"/> d) appellate advocacy |   |
38. If there are required courses, do papers have to be a specific length?
- |                                 |  |
|---------------------------------|--|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> c) not applicable |
| <input type="checkbox"/> b) no  |  |

39. If so, of what length are the papers?

\_\_\_ a) 1 - 10 pages  
 \_\_\_ b) 11 - 20 pages  
 \_\_\_ c) 21 - 30 pages

\_\_\_ d) 31 - 40 pages  
 \_\_\_ e) over 40 pages  
 \_\_\_ f) not applicable

40. What upper-level LRW courses are offered as electives by departments other than the LRW department?

\_\_\_ a) none  
 \_\_\_ b) legal drafting  
 \_\_\_ c) advanced research  
 \_\_\_ d) appellate advocacy\*

\_\_\_ e) seminars or workshops  
 \_\_\_ f) specialized writing courses  
 \_\_\_ g) other \_\_\_\_\_

## PART II. PROFESSIONAL STATUS

### A. LRW Teachers

41. Who teaches LRW courses?

\_\_\_ a) full-time tenure-track faculty -  
     LRW teacher  
 \_\_\_ b) tenure-track faculty - non-LRW  
     teacher  
 \_\_\_ c) full-time contract-track faculty -  
     LRW teacher

\_\_\_ d) full-time contract-track faculty -  
     non-LRW teacher  
 \_\_\_ e) adjuncts  
 \_\_\_ f) students teaching exclusively  
 \_\_\_ g) other \_\_\_\_\_

42. On the average, how many years do LRW teachers practice before entering the field of LRW?

\_\_\_ a) 0 - 3  
 \_\_\_ b) 4 - 7

\_\_\_ c) 7 - 10  
 \_\_\_ d) over 10

43. If you use them, what is the salary range for full-time tenure-track LRW teachers?

\_\_\_\_\_

44. If you use them, what is the salary range for full-time contract-track LRW teachers?

\_\_\_\_\_

45. If you use them, what is the salary range for adjunct faculty?

\_\_\_\_\_

46. If you use them, what is the salary range for students who have sole responsibility for teaching LRW?

\_\_\_\_\_



47. How long are the contracts for contract-track LRW teachers?
- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> a) 1 year  | <input type="checkbox"/> d) 4 years      |
| <input type="checkbox"/> b) 2 years | <input type="checkbox"/> e) 5 years      |
| <input type="checkbox"/> c) 3 years | <input type="checkbox"/> f) over 5 years |
48. Are the contracts renewable?
- |                                 |                                |
|---------------------------------|--------------------------------|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> b) no |
|---------------------------------|--------------------------------|
49. On the average, how many years do LRW teachers remain on the faculty?
- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> a) 1 year  | <input type="checkbox"/> e) 5 years      |
| <input type="checkbox"/> b) 2 years | <input type="checkbox"/> f) 6 years      |
| <input type="checkbox"/> c) 3 years | <input type="checkbox"/> g) 7 years      |
| <input type="checkbox"/> d) 4 years | <input type="checkbox"/> h) over 7 years |
50. Is there any imposed limit on the number of years LRW teachers may stay?
- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> a) 1 year  | <input type="checkbox"/> f) 6 years      |
| <input type="checkbox"/> b) 2 years | <input type="checkbox"/> g) 7 years      |
| <input type="checkbox"/> c) 3 years | <input type="checkbox"/> h) over 7 years |
| <input type="checkbox"/> d) 4 years | <input type="checkbox"/> i) none         |
| <input type="checkbox"/> e) 5 years |  |
51. Are full-time tenure-track faculty allowed to vote in faculty meetings?
- |                                 |                                |
|---------------------------------|--------------------------------|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> b) no |
|---------------------------------|--------------------------------|
52. Are full-time non-tenure-track faculty allowed to vote in faculty meetings?
- |                                 |                                |
|---------------------------------|--------------------------------|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> b) no |
|---------------------------------|--------------------------------|
53. Are clinicians allowed to vote in faculty meetings?
- |                                 |                                |
|---------------------------------|--------------------------------|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> b) no |
|---------------------------------|--------------------------------|
54. Are LRW teachers eligible for sabbaticals?
- |                                 |                                |
|---------------------------------|--------------------------------|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> b) no |
|---------------------------------|--------------------------------|
55. What is the difference between the mean salaries of faculty members and LRW teachers?
- |   |   |
|---|---|
| <input type="checkbox"/> a) 0 - \$10,000        | <input type="checkbox"/> d) \$20,001 - \$25,000 |
| <input type="checkbox"/> b) \$10,001 - \$15,000 | <input type="checkbox"/> e) \$25,001 - \$30,000 |
| <input type="checkbox"/> c) \$15,001 - \$20,000 | <input type="checkbox"/> f) over \$30,000       |

56. What is the difference between the mean salaries of clinicians and LRW teachers?
- |   |   |
|---|---|
| <input type="checkbox"/> a) 0 - \$10,000        | <input type="checkbox"/> d) \$20,001 - \$25,000 |
| <input type="checkbox"/> b) \$10,001 - \$15,000 | <input type="checkbox"/> e) \$25,001 - \$30,000 |
| <input type="checkbox"/> c) \$15,001 - \$20,000 | <input type="checkbox"/> f) over \$30,000       |
57. How many students do LRW teachers teach compared to the number taught by other full-time faculty members?
- |   |  |
|---|--|
| <input type="checkbox"/> a) in excess of 45 more students | <input type="checkbox"/> f) 1 - 15 fewer students          |
| <input type="checkbox"/> b) 31 - 45 more students         | <input type="checkbox"/> g) 16 - 30 fewer students         |
| <input type="checkbox"/> c) 16 - 30 more students         | <input type="checkbox"/> h) 31 - 45 fewer students         |
| <input type="checkbox"/> d) 1 - 15 more students          | <input type="checkbox"/> i) in excess of 45 fewer students |
| <input type="checkbox"/> e) same number of students       |  |
58. How many courses do LRW teachers teach compared to the number taught by other full-time faculty members?
- |   |  |
|---|--|
| <input type="checkbox"/> a) in excess of 4 more courses | <input type="checkbox"/> e) 1 - 2 fewer courses          |
| <input type="checkbox"/> b) 3 - 4 more courses          | <input type="checkbox"/> f) 3 - 4 fewer courses          |
| <input type="checkbox"/> c) 1 - 2 more courses          | <input type="checkbox"/> g) in excess of 4 fewer courses |
| <input type="checkbox"/> d) same number of courses      |  |
59. Do LRW teachers teach courses other than LRW?
- |  |   |
|--|---|
| <input type="checkbox"/> a) yes                    | <input type="checkbox"/> c) no, they are not allowed to |
| <input type="checkbox"/> b) no, they choose not to |   |
60. What is the percentage of female LRW teachers (excluding student assistants)?
- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> a) 0 - 25%  | <input type="checkbox"/> c) 51 - 75%  |
| <input type="checkbox"/> b) 26 - 50% | <input type="checkbox"/> d) 76 - 100% |
61. Are female and male LRW teachers paid the same salary for equivalent years of employment as LRW teachers?
- |                                 |  |
|---------------------------------|--|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> b) no - Discrepancy _____ |
|---------------------------------|--|
62. How many research assistants are hired within the LRW department?
- |                                 |  |
|---------------------------------|--|
| <input type="checkbox"/> a) one | <input type="checkbox"/> c) three        |
| <input type="checkbox"/> b) two | <input type="checkbox"/> d) four or more |
63. What percentage of the LRW teaching load consists of teaching LRW courses?
- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> a) 0 - 25%  | <input type="checkbox"/> d) 76 - 99% |
| <input type="checkbox"/> b) 26 - 50% | <input type="checkbox"/> e) 100%     |
| <input type="checkbox"/> c) 51 - 75% |                                      |

64. Are LRW courses taught on a rotation basis?  
\_\_\_ a) yes \_\_\_ b) no
65. If yes, how often do teachers rotate?  
\_\_\_ a) every other semester \_\_\_ c) every two years  
\_\_\_ b) every other year \_\_\_ d) every four or more years
66. What is the average, yearly departmental LRW budget (not including salaries)?  
\_\_\_ a) \$0 - \$50,000 \_\_\_ c) \$100,000 - \$150,000  
\_\_\_ b) \$50,000 - \$100,000 \_\_\_ d) over \$150,000

*B. Law Students Who Assist LRW Teachers*

67. Do you use students to assist in teaching LRW?  
\_\_\_ a) yes \_\_\_ b) no (if no, proceed to section C)
68. If yes, at what level are these student teaching assistants?  
\_\_\_ a) first year \_\_\_ d) graduate  
\_\_\_ b) second year \_\_\_ e) other \_\_\_\_\_  
\_\_\_ c) third year
69. What is the compensation for these student teaching assistants?  
\_\_\_ a) salary \_\_\_ c) combination of salary and credits  
\_\_\_ b) credits \_\_\_ d) other \_\_\_\_\_
70. Do these student teaching assistants receive a tuition waiver?  
\_\_\_ a) yes \_\_\_ b) no
71. How many semesters are these student teaching assistants allowed to teach LRW?  
\_\_\_ a) one \_\_\_ d) four  
\_\_\_ b) two \_\_\_ e) five or more  
\_\_\_ c) three
72. On average, how many semesters do student teaching assistants stay to teach LRW?  
\_\_\_ a) one \_\_\_ d) four  
\_\_\_ b) two \_\_\_ e) five or more  
\_\_\_ c) three

*C. Law Students Who Have Sole Responsibility For Teaching LRW*

73. Who supervises the students?
- |  |  |
|--|--|
| <input type="checkbox"/> a) tenure-track faculty - LRW teacher   | <input type="checkbox"/> d) contract-track faculty - non LRW teacher |
| <input type="checkbox"/> b) tenure-track - non-LRW teacher       | <input type="checkbox"/> e) no one                                   |
| <input type="checkbox"/> c) contract-track faculty - LRW teacher | <input type="checkbox"/> f) other _____                              |
74. Does the supervisor have a J.D.?
- |                                 |                                |
|---------------------------------|--------------------------------|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> b) no |
|---------------------------------|--------------------------------|
75. At what level are the students?
- |   |   |
|---|---|
| <input type="checkbox"/> a) first year  | <input type="checkbox"/> d) graduate    |
| <input type="checkbox"/> b) second year | <input type="checkbox"/> e) other _____ |
| <input type="checkbox"/> c) third year  |   |
76. What is the compensation for student instructors?
- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/> a) salary  | <input type="checkbox"/> c) combination of salary and credits |
| <input type="checkbox"/> b) credits | <input type="checkbox"/> d) other _____                       |
77. Do the student instructors receive a tuition waiver?
- |                                 |                                |
|---------------------------------|--------------------------------|
| <input type="checkbox"/> a) yes | <input type="checkbox"/> b) no |
|---------------------------------|--------------------------------|
78. How many semester credit hours do law student instructors receive?
- |                                 |                                   |
|---------------------------------|-----------------------------------|
| <input type="checkbox"/> a) one | <input type="checkbox"/> c) three |
| <input type="checkbox"/> b) two | <input type="checkbox"/> d) four  |
79. What is the percentage of female law student instructors?
- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> a) 0 - 25%  | <input type="checkbox"/> c) 51 - 75%  |
| <input type="checkbox"/> b) 26 - 50% | <input type="checkbox"/> d) 76 - 100% |
80. How many semesters are students allowed to teach LRW?
- |                                   |  |
|-----------------------------------|--|
| <input type="checkbox"/> a) one   | <input type="checkbox"/> d) four         |
| <input type="checkbox"/> b) two   | <input type="checkbox"/> e) five or more |
| <input type="checkbox"/> c) three |  |

## PART III. DIRECTORS AND SPECIALISTS

81. Is there a separate Director of LRW?  
 \_\_\_ a) yes  
 \_\_\_ b) no
82. What is the Director's background?  
 \_\_\_ a) J.D.  
 \_\_\_ b) Ph.D. in English  
 \_\_\_ c) J.D. and Ph.D. in English  
 \_\_\_ d) other \_\_\_\_\_
83. Is the Director of LRW tenure track?  
 \_\_\_ a) yes  
 \_\_\_ b) no
84. If no, how long is the Director's contract?  
 \_\_\_ a) one year  
 \_\_\_ b) two years  
 \_\_\_ c) three years  
 \_\_\_ d) four years  
 \_\_\_ e) five years  
 \_\_\_ f) six years  
 \_\_\_ g) seven years  
 \_\_\_ h) other \_\_\_\_\_
85. Is the Director's contract renewable?  
 \_\_\_ a) yes  
 \_\_\_ b) no
86. What is the Director's salary?  
 \_\_\_ a) \$0 - \$20,000  
 \_\_\_ b) \$20,000 - \$30,000  
 \_\_\_ c) \$30,001 - \$40,000  
 \_\_\_ d) \$40,001 - \$50,000  
 \_\_\_ e) \$50,001 - \$60,000  
 \_\_\_ f) \$60,001 - \$70,000  
 \_\_\_ g) \$70,001 - \$80,000  
 \_\_\_ h) over \$80,000
87. Does the Director teach?  
 \_\_\_ a) full LRW load  
 \_\_\_ b) part LRW load  
 \_\_\_ c) part LRW load plus other courses  
 \_\_\_ d) only other courses  
 \_\_\_ e) no  
 \_\_\_ f) other \_\_\_\_\_
88. Does the Director have publishing responsibilities?  
 \_\_\_ a) Yes - Please specify:  
 \_\_\_\_\_  
 \_\_\_ b) No
89. Do non-J.D., non-Ph.D. writing specialists work in the program?  
 \_\_\_ a) no  
 \_\_\_ b) yes, part-time  
 \_\_\_ c) yes, full-time

90. Do non-J.D., Ph.D. writing specialists work in the program?

\_\_\_ a) no

\_\_\_ c) yes, full-time

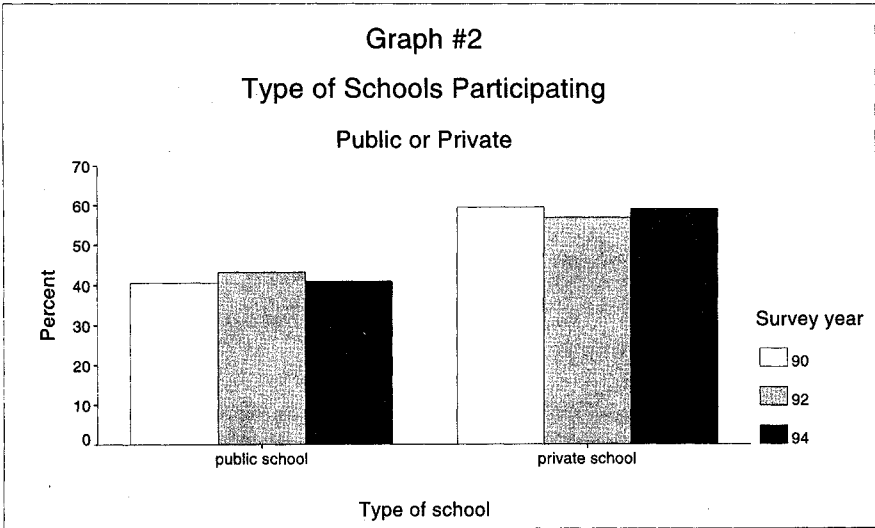
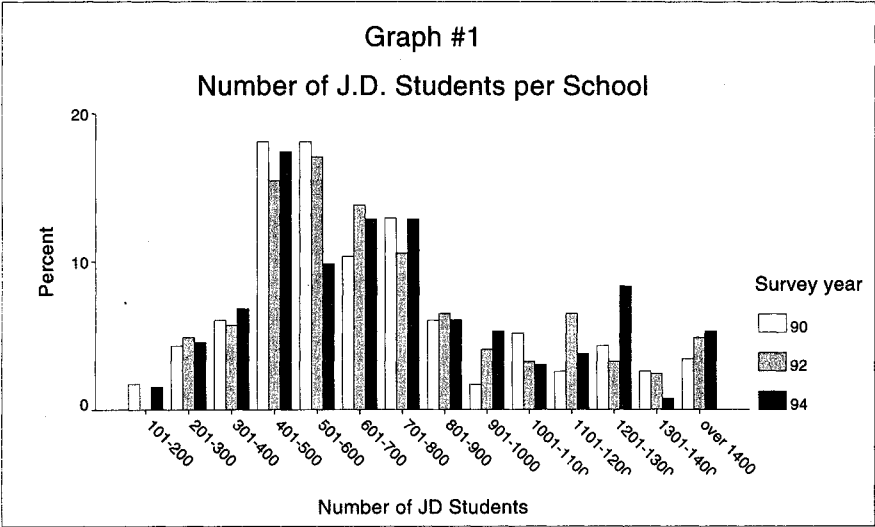
\_\_\_ b) yes, part-time

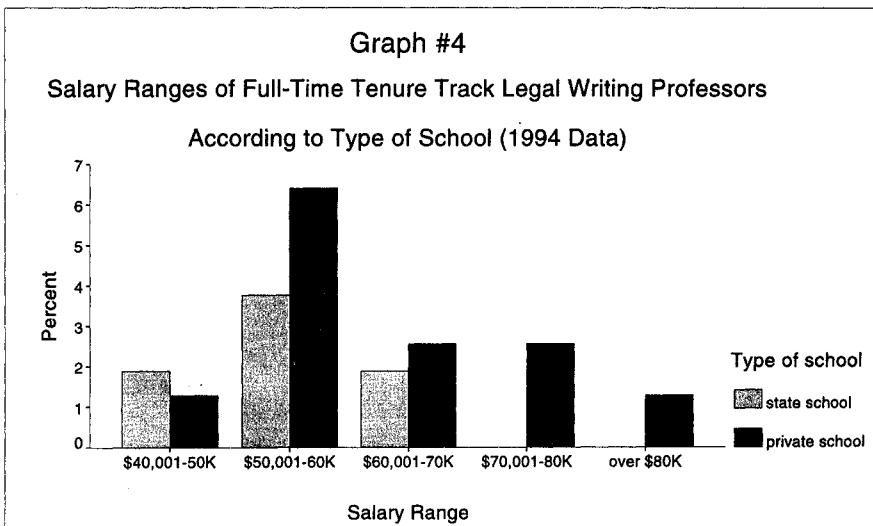
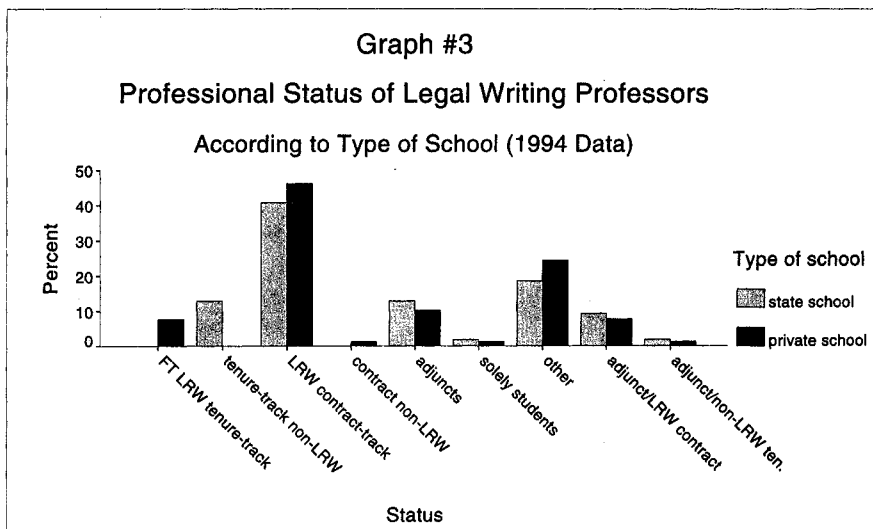
91. Do J.D., Ph.D. writing specialists work in the program?

\_\_\_ a) no

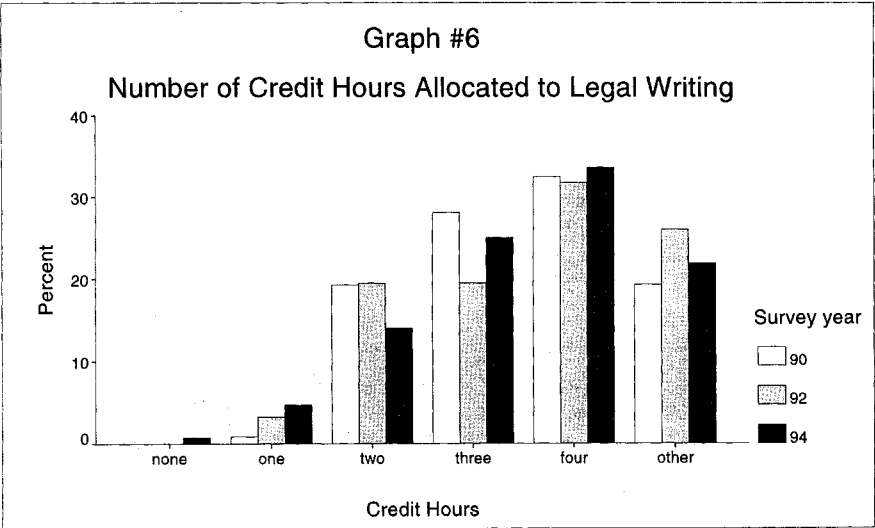
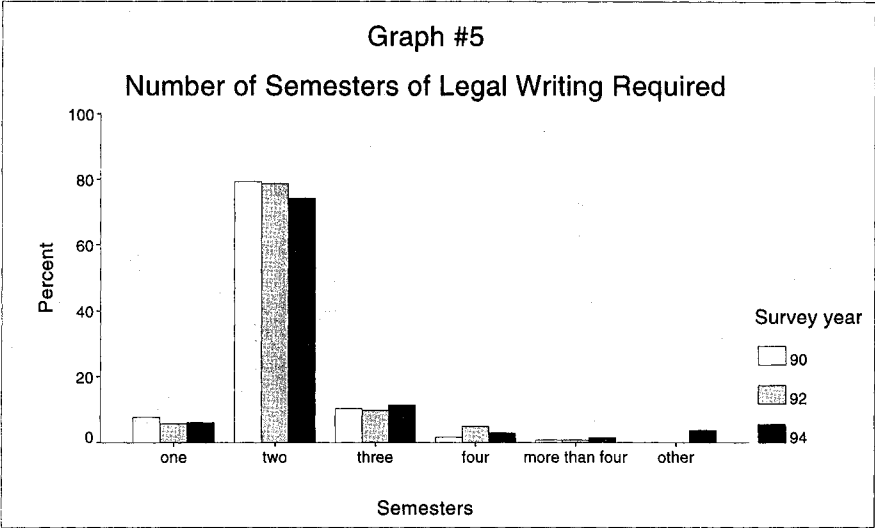
\_\_\_ c) yes, full-time

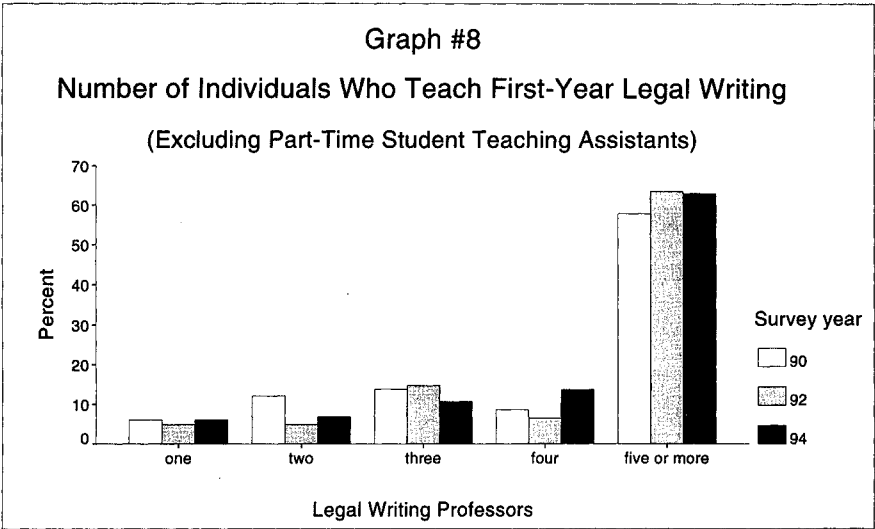
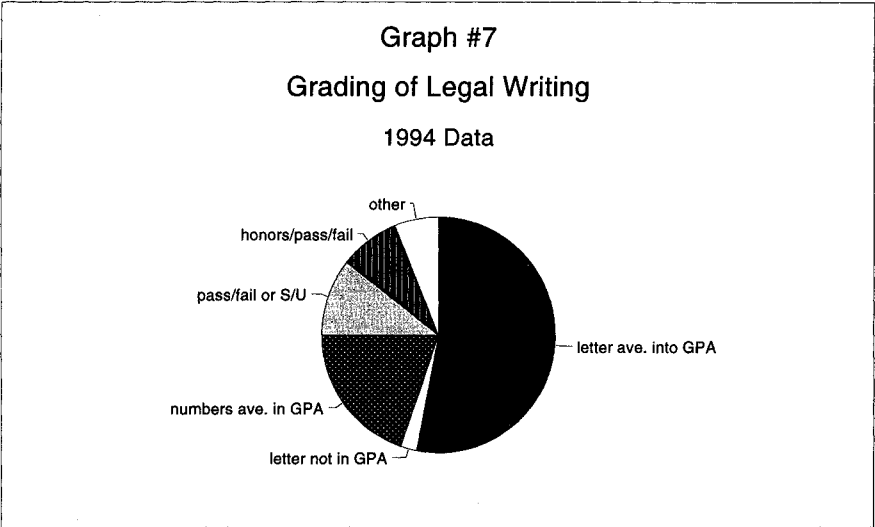
\_\_\_ b) yes, part-time







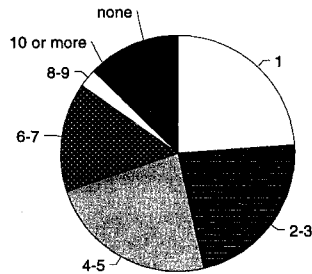




Graph #9

## Number of Full-Time Legal Writing Professors at the School

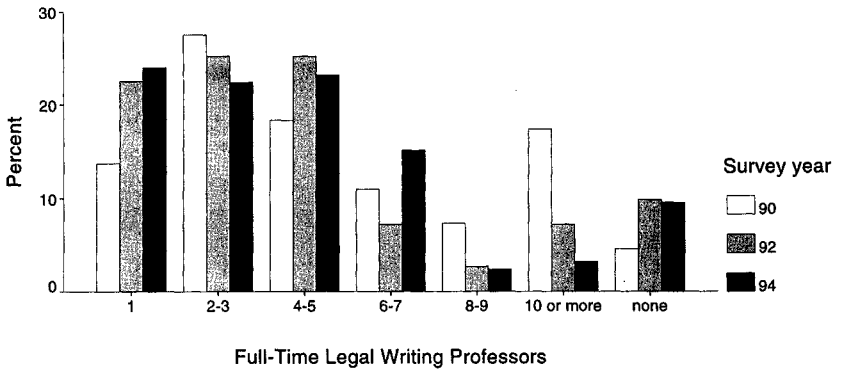
1994 Data

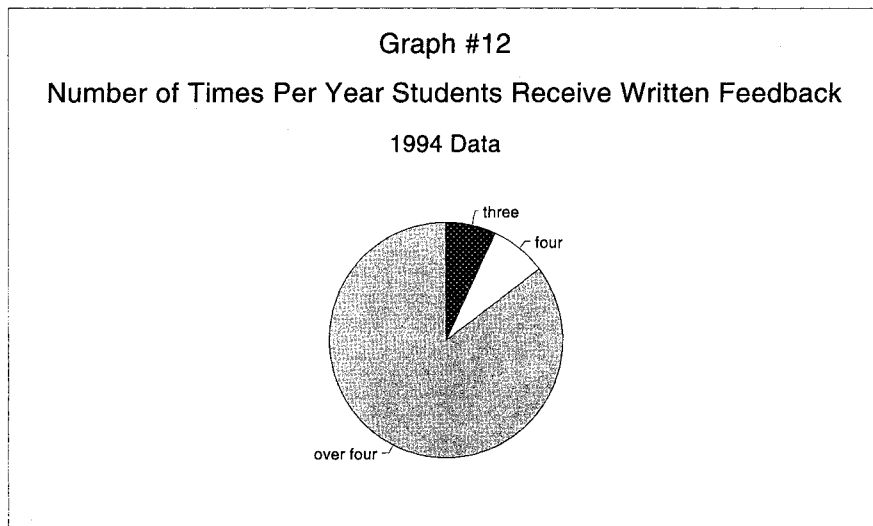
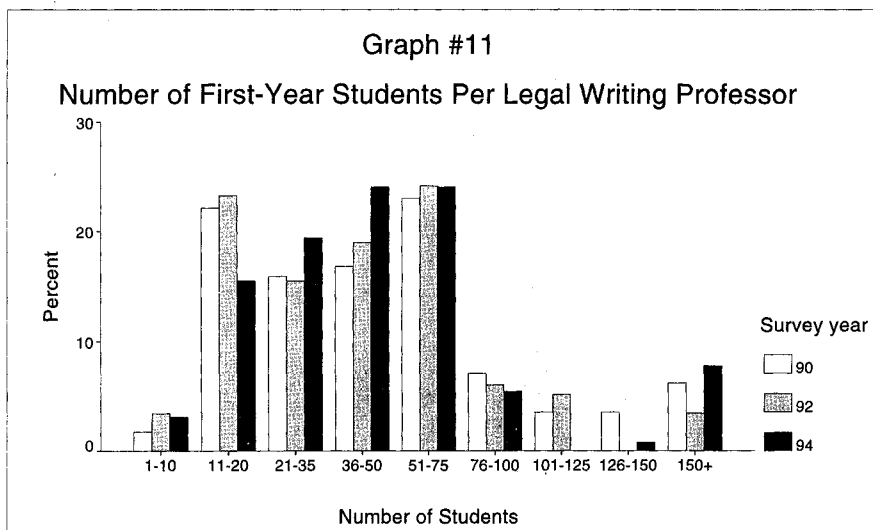


Graph #10

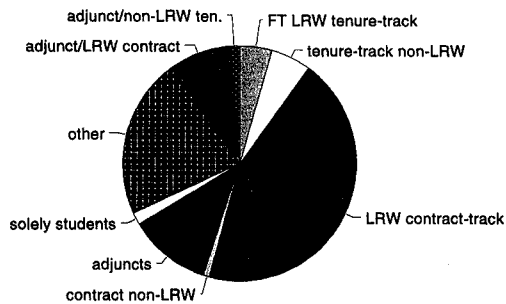
## Number of Full-Time Legal Writing Professors

Employed at the School

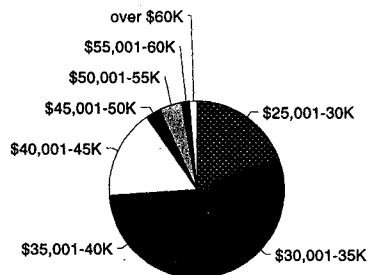


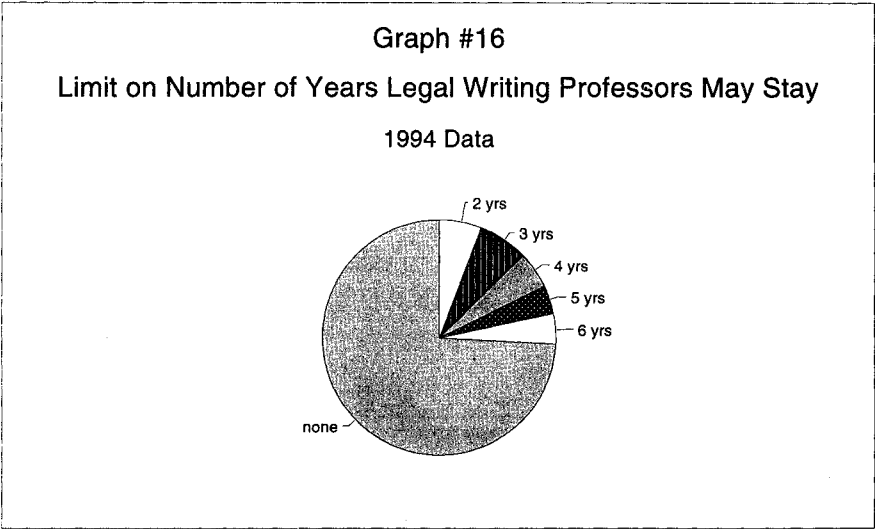
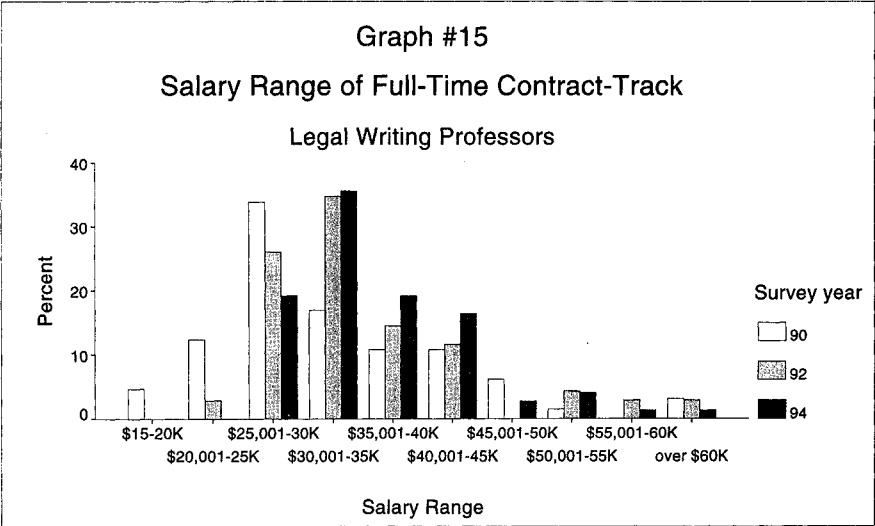


Graph #13  
Who is Teaching the Legal Writing Courses  
1994 Data



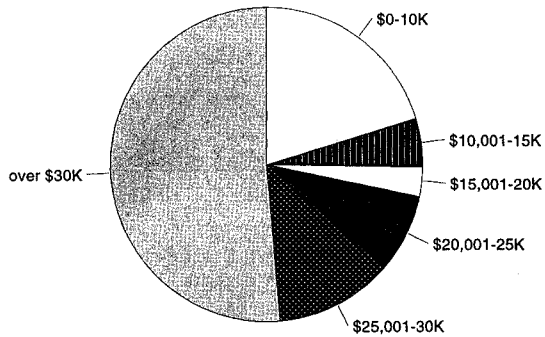
Graph #14  
Salary Range of Full-Time Contract-Track  
Legal Writing Professors (1994 Data)





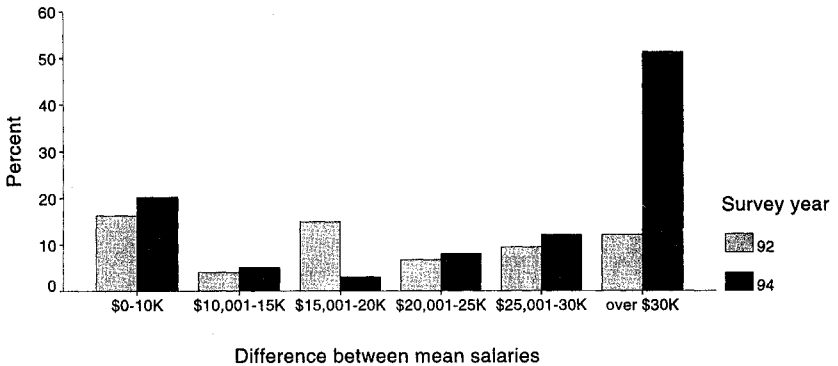
Graph #17

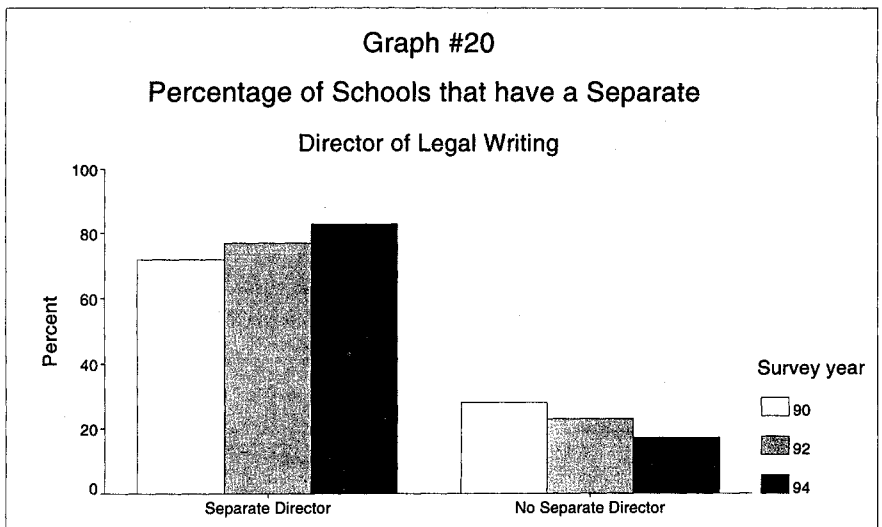
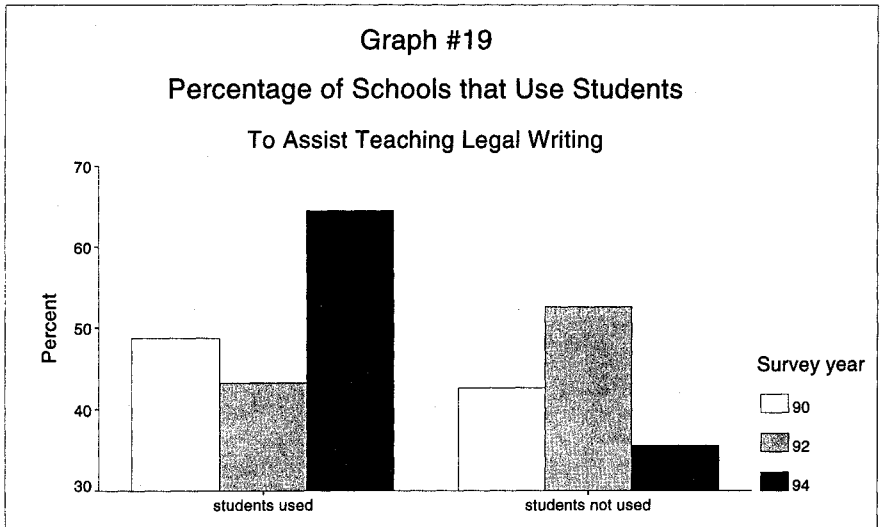
Difference Between Mean Salaries of Legal Writing Professors  
and Other Faculty Members (1994 Data)



Graph #18

Difference Between the Mean Salaries of Faculty Members  
and Legal Writing Professors







**Table 1**  
Number of Full-Time Legal Writing Professors by School Tier

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
None	4 26.7%	3 16.7%	1 3.7%	4 11.8%	0 0.0%	12 9.9%
1	5 33.3%	4 22.2%	8 29.6%	5 17.9%	6 22.2%	28 23.1%
2-3	2 13.3%	5 27.8%	2 7.4%	10 29.4%	8 29.6%	27 22.3%
4-5	2 13.3%	5 27.8%	7 25.9%	10 29.4%	5 18.5%	29 24.0%
6-7	2 13.3%	1 5.6%	6 22.2%	3 8.8%	6 22.2%	18 14.9%
8-9	0 0.0%	0 0.0%	1 3.7%	1 2.9%	1 3.7%	3 2.5%
10 or More	0 0.0%	0 0.0%	2 7.4%	1 2.9%	0 0.0%	4 3.3%

Note: Percentages provided indicate the percentage of schools *within that tier* that employ that number of full-time legal writing professors.

**Table 2**  
Eligibility of Legal Writing Professors for Sabbatical by School Tier

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
Eligible	0 0.0%	1 6.3%	4 16.7%	5 18.5%	9 36.0%	19 18.8%
Not Eligible	9 100%	15 93.8%	20 83.3%	22 81.5%	16 64.0%	82 81.2%

Note: Percentages provided indicate the percentage of schools *within that tier* whose legal writing professors are eligible for sabbatical.

**Table 3**  
**People who Comment on Student Papers by School Tier**

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
Legal Writing Professors	5 33.3%	6 30.0%	16 55.2%	23 65.7%	19 67.9%	69 54.3%
Student TAs	2 13.3%	1 5.0%	1 3.4%	0 0.0%	0 0.0%	4 3.1%
Professors and TAs	7 46.7%	11 55.0%	11 37.9%	10 28.6%	7 25.0%	46 36.2%
Fellow Students	0 0.0%	0 0.0%	1 3.4%	0 0.0%	0 0.0%	1 .8%
Other	1 6.7%	2 10.0%	0 0.0%	2 5.7%	2 7.1%	7 5.5%

Note: Percentages provided indicate the percentage of schools *within that tier* that have those people comment on student papers.

**Table 4**  
**Number of Research Assistants in the Legal Writing Department by School Tier**

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
None	4 50.0%	5 27.8%	2 8.7%	6 18.8%	8 33.3%	25 23.8%
1	1 12.5%	2 11.1%	4 17.4%	6 18.8%	3 12.5%	16 15.2%
2	1 12.5%	2 11.1%	3 13.0%	4 12.5%	3 12.5%	13 12.4%
3	0 0.0%	0 0.0%	1 4.3%	5 15.6%	1 4.2%	7 6.7%
4 or more	2 25.0%	9 50.0%	13 56.5%	11 34.4%	9 37.5%	44 41.9%

Note: Percentages provided indicate the percentage of schools *within that tier* that employ that number of research assistants.

**Table 5**  
Grading of Legal Research and Writing Course by School Tier

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
Letter	0 0.0%	9 45.0%	13 44.8%	29 80.6%	17 60.7%	68 53.1%
Letter	0 0.0%	2 10.0%	0 0.0%	0 0.0%	1 3.6%	3 2.3%
Number	3 20.0%	3 15.0%	8 27.6%	5 13.9%	6 21.4%	25 19.5%
Pass/Fail	6 40.0%	2 10.0%	4 13.8%	0 0.0%	2 7.1%	14 10.9%
Honors/Pass/ Fail	4 26.7%	2 10.0%	3 10.3%	1 2.8%	0 0.0%	10 7.8%
Other	2 13.3%	2 10.0%	1 3.4%	1 2.8%	2 7.1%	8 6.3%

Note: Percentages provided indicate the percentage of schools *within that tier* that use that grading system.

**Table 6**  
Availability of Student Help for First-Year Students by School Tier

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
Help Not Provided	4 28.6%	5 26.3%	12 41.4%	18 50.0%	16 57.1%	55 43.7%
Help Provided	10 71.4%	14 73.7%	17 58.6%	18 50.0%	12 42.9%	71 56.3%

Note: Percentages provided indicate the percentage of schools *within that tier* that provide or do not provide student help for first-year students

**Table 7**  
**Tenure-Track Status of Legal Writing Directors by School Tier**

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
Tenure Track	1 8.3%	7 38.9%	10 43.5%	14 51.9%	9 45.0%	41 41.0%
Not Tenure Track	11 91.7%	11 61.1%	13 56.5%	13 48.0%	11 55.0%	59 59.0%

Note: Percentages provided indicate the percentage of schools *within that tier* whose legal writing directors are or are not tenure-track.

**Table 8**  
**Percentage of Female Legal Writing Professors by School Tier**

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
0-25%	0 0.0%	1 5.9%	1 3.7%	1 3.3%	0 0.0%	3 2.1%
26-50%	5 50.0%	3 17.6%	2 7.4%	8 26.7%	6 22.2%	24 21.6%
51-75%	1 10.0%	5 29.4%	16 59.3%	12 40.0%	7 25.9%	41 36.9%
76-100%	4 40.0%	8 47.1%	8 29.6%	0 30.0%	14 51.9%	43 38.7%

Note: Percentages provided indicate the percentage of schools *within that tier* that have that percentage of female legal writing professors.

**Table 9**  
**Requirement of Closed Packet Research by School Tier**

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
Do Not Require	9 60.0%	10 50.0%	12 41.4%	14 40.0%	19 67.9%	64 50.4%
Require	6 40.0%	10 50.0%	17 58.6%	21 60.0%	9 32.1%	63 49.6%

Note: Percentages provided indicate the percentage of schools *within that tier* that require closed packet research.

**Table 10**  
Requirement of Drafting Documents in First-Year Legal Writing by School Tier

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
Do Not Require	13 86.7%	17 85.0%	22 75.9%	25 69.4%	24 85.7%	101 78.9%
Require	2 13.3%	3 15.0%	7 24.1%	11 30.6%	4 14.3%	27 21.1%

Note: Percentages provided indicate the percentage of schools *within that tier* that require drafting documents.

**Table 11**  
Covering of Pretrial Motion Arguments in First-Year Legal Writing by School Tier

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
Do Not Cover	12 80.0%	13 65.0%	18 62.1%	26 72.2%	23 82.1%	92 71.9%
Cover	3 20.0%	7 35.0%	11 37.9%	10 27.8%	5 17.9%	36 28.1%

Note: Percentages provided indicate the percentage of schools *within that tier* that cover pretrial motion arguments.

**Table 12**  
Requirement of Seminars That Include a Writing Component in the Second or Third Year by School Tier

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
Not Required	12 85.7%	14 73.7%	15 57.7%	27 77.1%	22 81.5%	90 74.4%
Required	2 14.3%	5 26.3%	11 42.3%	8 22.9%	5 18.5%	31 25.6%

Note: Percentages provided indicate the percentage of schools *within that tier* that require seminars in the second or third year.

**Table 13**  
Availability of Upper-Level Legal Writing Electives by School Tier

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
Not Available	10 76.9%	15 78.9%	15 57.7%	24 68.6%	20 74.1%	84 70.0%
Available	3 23.1%	4 21.1%	11 42.3%	11 31.4%	7 25.9%	36 30.0%

Note: Percentages provided indicate the percentage of schools *within that tier* that offer upper-level legal writing electives.

**Table 14**  
Number of Semesters Students Stay to Teach by School Tier

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
1	2 25.0%	3 20.0%	4 20.0%	3 17.6%	3 37.5%	15 22.1%
2	6 75.0%	9 60.0%	14 70.0%	10 58.8%	5 62.5%	44 64.7%
3	0 0.0%	2 13.3%	0 0.0%	3 17.6%	0 0.0%	5 7.4%
4	0 0.0%	1 6.7%	2 10.0%	1 5.9%	0 0.0%	4 5.9%

Note: Percentages provided indicate the percentage of schools *within that tier* that have student teachers stay that many semesters.

**Table 15**  
**Number of First-Year Students per Legal Writing Professor by School Tier**

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Total
1-10	2 7.1%	0 0.0%	1 3.6%	1 2.9%	1 3.6%	4 3.2%
11-20	3 21.4%	4 20.0%	3 10.7%	5 14.3%	4 14.3%	19 15.2%
21-35	3 21.4%	4 20.0%	6 21.4%	6 17.1%	4 14.3%	23 18.4%
36-50	1 7.1%	4 20.0%	8 28.6%	9 25.7%	8 28.6%	30 24.0%
51-75	1 7.1%	4 20.0%	7 25.0%	12 34.3%	7 25.0%	31 24.8%
76-100	0 0.0%	2 10.0%	2 7.1%	2 5.7%	1 3.6%	7 5.6%
126-150	1 7.1%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.8%
Over 150	4 28.6%	2 10.0%	1 3.6%	0 0.0%	3 10.7%	10 8.0%

Note: Percentages provided indicate the percentage of schools *within that tier* that have that number of students for each legal writing professor.