

2011

## Plotting A Teacher's Journey: From Courtrooms to Classrooms

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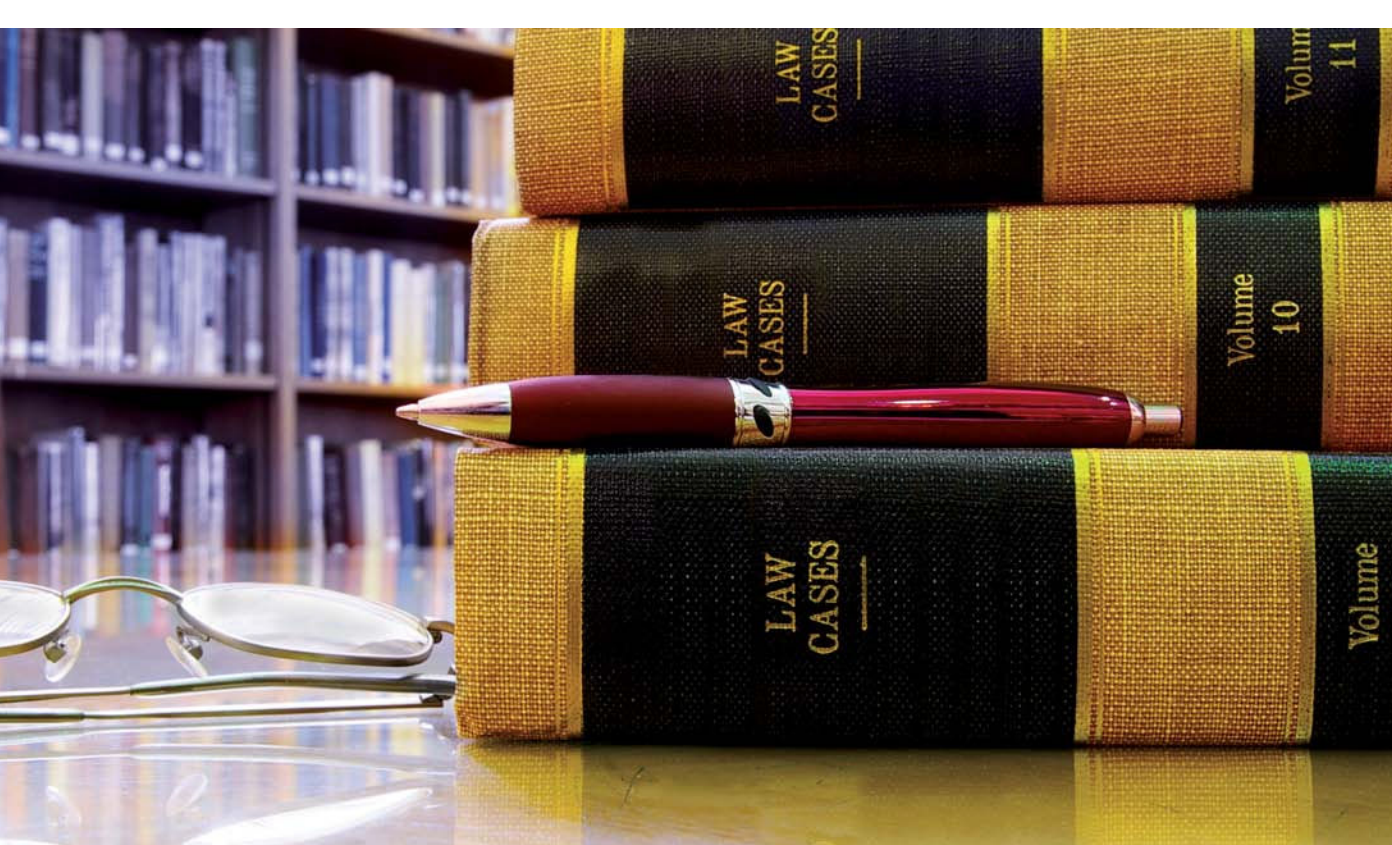
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# Plotting a Teacher's Journey: From Courtrooms to Classrooms

By William M. Janssen

It lies idyllically amidst the sloshing waves of an imagination made fertile by too many sleepless nights crowded out with billable hours, nervous witnesses, unfinished briefs, client trolling, unanswered discovery and uncivil depositions. It is a sanctuary of corduroy pants and tieless shirts. And maybe even tan Wallaby shoes. Of strolling along a freshly-cut, emerald green quadrangle as students dive for Frisbees on a golden morning (one that began, not all that early, with the aroma of a freshly brewed cup of coffee and a leisurely read through the sports section, before finally setting off). The travail of the day is an hour or so spent engaging energetic, bright and imaginative young men and women in the mysteries of the law, and waxing eloquent of the law's majestic power to do

good, to make a difference, to change the world. Then, maybe a spot of reading through the deep thoughts of fellow academics,<sup>1</sup> and the day then done, it's off to lunch.

Some vision.

Stir in a recollection or two of memorable teachers who transfixed and inspired our pasts, dull the memories of all-nighters, exam panic and empty wallets, add some nostalgia of a youthful time in our lives that we remember as simpler, easier and satisfying, and an idea is sparked. Become a law professor! Come to think of it, it really would be a perfect career move. A return to law school—but this time we'd arrive inoculated (through our own years of lawyering experience) from the stress that felt so overpowering back then. Law school teaching, here I come!

Before rapture engulfs you as this nascent idea takes hold, there may be one or two details that may merit your consideration. Well, maybe more than one or two.

## Six Realities of Becoming a Law Professor

**Reality No. 1: Landing A Job As A Law Professor Is Really, Really Tough.** From an accomplished practitioner's perspective, the wealth of experience earned from having toiled for



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years in the fields of the practice of law (combined with the numerous achievements and accolades gathered there) would seem to ensure a withering advantage in the marketplace for new educators. But that is usually not the case. More likely, the advantage tilts *against* the long-time practitioner, as someone perceived to have developed inclinations and a focus deemed imprudent for admission into the cadre of law teachers. Additionally, law professor jobs, once acquired, are rarely abandoned. This, in turn, means that each year, there are only a tiny few full-time, tenure-track positions that open on law faculties, and there are boxcars of candidates vying to fill them.<sup>2</sup> Having participated in the faculty recruiting ritual from both sides now, I can personally attest that the numbers are daunting. The law schools that have open faculty slots to fill (and, each year, many of them will not) will review well over a thousand applications from prospective new law professors each summer. From that sea of resumes, a list of candidates meeting that law school's peculiar teaching needs for that year will be culled. From that list, a small handful of candidates will be invited to a twenty-minute interview with law school representatives. From those interviews, maybe five candidates will be invited to come back to the school's campus for day-long series of interviews, all to fill one or two open tenure-track slots. The credentials among most of the candidates are glittering: prior teaching experience (replete with pages of student and fellow faculty evaluations); an outstanding educational background (often supplemented by federal judicial clerkship and advanced degrees); a demonstrated track record of published legal scholarship; professional practice experience (but not too much)

in whatever course areas the school is then looking to fill and a smattering of other distinguishing resume events (like sterling military service or a Peace Corps tour). By any measure, it is quite a gauntlet.

**Reality No. 2: *Landing The Job Locally Is Even Tougher Still.*** The practitioner's idyllic imaginings of legal education are often buoyed by the calming thought that this career jump can be made from home. After all, many cities have more than one law school, and some cities seem loaded with them. Maybe this move can be made without taking the kids out of school or forcing your spouse to change jobs. For most of us in the corps of law professors, this allure is a complete mirage. Because so few tenure-track positions open each year, and because of the prevalent desire among law schools to geographically diversify their faculty, a "local" getting hired into legal education is very rare.

**Reality No. 3: *Special Financial Arrangements Are Almost Unheard Of.*** Not only does a long, distinguished law practice not offer a consistently reliable entre into legal education, it also does not carry with it compensation advantages. Although the occasional White House Chief of Staff or senior diplomat may merit a special arrangement, most new law professors are hired at salaries that may lag behind what experienced legal secretaries can command. That's not to say, of course, that new professors are starving, but they also rarely are able to bring with them into legal education the standard of living they and their family may have grown accustomed to enjoying from practice.

**Reality No. 4: *Being A Law Professor Is Not Just Spontaneous Eloquence And Lunch.*** There is more to being a law professor than that idealized Frisbee walk

across the quadrangle. Tenure-track law professors typically busy themselves with five tasks – (a) preparing for each class session; (b) meeting with and mentoring students; (c) drafting (and grading) course assignments and exams; (d) producing high-grade legal scholarship and (e) providing service to the law school and the community. Each task is expected of tenure-track professors at most law schools.

Class preparation involves both course architecture and individual class design. The former sets the objectives and structure for the entire course; the latter constructs the plan of learning for each class meeting. Very little in any successful course occurs by accident, and the task of macro and micro design is often an intricate (and time-consuming) one. With the shortened attention spans of 21<sup>st</sup> century law students and their iPad- and Wii-instilled expectations for higher-end classroom technology, the class preparation task has probably never been more demanding or elaborate.

Student visits are a highlight in most law professors' days. Students visit their teachers to seek clarification on course material, guidance on selecting topics for papers, advice on studying techniques or choosing next semester's courses, anticipated pearls of wisdom on careers and career direction, personal matters and myriad other reasons. These are wonderful opportunities to mentor the next generation.

Drafting course assignments and exams brings special challenges to new law professors. These metrics of individual student performance will have enormous career impacts in the short term—from law review and other school honors, to summer jobs, judicial clerkships and LL.M. programs. The

professor's task is to achieve, as nearly as possible, that optimal mix of educational vigor and complexity, comprehensiveness to allow a fulsome demonstration of each student's learning and fairness and uniformity of evaluation. Getting student assessment right is every professor's worry, and is often addressed with elaborate pre-exam preparation and copiously-detailed grading matrices.

High-grade legal scholarship is not produced quickly or, especially for the new professor, easily. Accomplished practitioners will have likely written scores of boundary-pressing memoranda and briefs, and may well have a shelf full of court decisions where the law was changed through the force and sophistication of those lawyers' written work. Legal scholarship begins with much the same objective, but the expected product has an intricacy of nuance that distinguishes it from even this sort of highly-skilled briefing work. Professors are expected to produce this grade of scholarship regularly, have their scholarship well received within the academic community and pursue opportunities to discuss their scholarship.

Finally, law professors are expected to provide "service" to their law schools. The variety of these calls-to-duty are too numerous to catalog, but likely will include serving as chairs and members of numerous school committees, as advisors to student organizations, as moot court/mock trial coaches and practice judges, as symposia hosts and presenters, as school representatives at orientations and open-houses, as officially-assigned student advisors, as attendees at oodles of official and unofficial school functions and so on.

**Reality No. 5: Often, You Skip Lunch.** The summer just before I began full-time teaching, I attended a new

law professors conference and listened to advice from all sorts of teachers—brand-newbies, two- or three-year assistant professors, young tenured professors and established "chaired" full professors. One common theme was this—apart from everything else that is expected of you as a law professor, you should expect in your first few years to spend about 15 hours in preparation for every 1-hour of class time. I scoffed at that patently ridiculous (but oft-repeated) estimate. Surely, this advice was better directed to those who quake at the spectre of public speaking, who did not have the rich years of professional experience to rely on, or who plainly didn't understand what they were about to teach. Well, as it turned out, the estimate was right on the button. When you consider that classroom time is only one of the five tasks expected of every law professor, the days, evenings, late nights, early mornings and weekends become quickly accounted for. Even today, some of us often never make it to lunch as final touches get added to increasingly polished classroom preparations.

### Improving the Odds

This is all not to suggest that long-practicing attorneys are bereft of hope in entering the legal academy. We do make it in more than occasionally. But it remains a rare occurrence. If none of this reality has taken the edge off your enthusiasm, there are five steps you can take that will improve your odds—as a currently practicing professional—of landing a tenure-track position:

**Seek and then Excel as an Adjunct:** Law schools generally want some actual confirmation that you can teach effectively and that you enjoy it. Fortunately, most law schools hire fair numbers of adjunct and visiting professors each academic year to fill certain needs.

Those are ideal opportunities to polish your teaching skills and gather student and faculty evaluations. Contact every law school in your area, meet with the administrator in charge of hiring adjuncts and visitors, learn their needs and propose a course or two (with a draft syllabus, if the course is one of your own design). You won't receive a big paycheck for adjunct teaching, but it will answer some of the threshold questions prospective law schools will almost certainly come asking.

**Publish:** Law schools also want confirmation that you either are an author who likes to publish in the law, or have scholarly inclinations and aptitude. The clearest way to showcase your interest as a scholar is to do it. This is a time-commanding exercise for someone with an active practice, but it is essential to becoming a credible candidate for a tenure-track position. Bar journal articles, continuing legal education materials and smaller practitioner pieces are not always credited as legal scholarship, so you will want to write pieces that undisputedly qualify, and that means law reviews. There is now an electronic submission portal welcomed by many law journals called *ExpressO*. Read more about it here: <http://law.bepress.com/expresso/>

**Buy *Becoming A Law Professor: A Candidate's Guide* (ABA 2010) by Professors Denning, McCormick, and Lipshaw:** This is a new title from the ABA that does a terrific job in outlining in greater detail the law professor hiring process, along with helpful information and advice. Although a bit pricey, it is a wonderfully comprehensive resource for someone beginning this hunt.

**Visit the AALS "Faculty Recruitment" Website:** To enable both law schools and prospective law professors



to meet one another in one convenient setting, the Association of American Law Schools each fall hosts its annual Faculty Recruitment Conference in Washington, D.C. Most law schools attend and interview candidates at this forum, but nearly all interviews are scheduled in advance. To become a candidate for such interviews, prospective professors complete and submit a candidate's form (which then is included in the "Faculty Appointments Register," a massive set of resumes that each law school accesses as it begins its hiring process each year). To learn more about this AALS program, visit their website: [http://www.aals.org/services\\_recruitment.php](http://www.aals.org/services_recruitment.php)

**Pursue an Additional Degree or Teaching Fellowship:** Obtaining an advanced legal degree (for example, an LL.M. from an elite law school) or serving as a teaching fellow will enhance your odds.<sup>3</sup> But either option will almost certainly require you to abandon your law practice for a year or more, and without a guarantee of permanent teaching.

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Oops. I almost forgot the sixth reality of becoming a law professor –

**Reality No. 6: *The Reality Is Even Better Than You Can Imagine.*** I am now firm in the belief that I have the best job on the planet. Unlike the mirage of law teaching, being a law professor is an enormous commitment of time and forfeiture of earning capacity. But it has been, for me, a far more enormous source of professional satisfaction. The opportunity to teach and mentor new lawyers gives me an inarticulably large allowance of daily joy. Building connections between legal concepts and translating theory into practice realities for my students creates a sense of genu-

ine contribution to their career paths. Getting to know them, watching them excel and helping guide them through difficult times warms my days. Having the luxury of summer time to cogitate, research and write in the law (and to a depth that would be time-prohibitive while in full-time practice) has been thoroughly rewarding. And getting to know, and stand shoulder-to-shoulder with, an amazing group of talented colleagues I share teaching duties with has been just plain fun.

So, the days are long (as are the weeks and months). I've walked past Frisbee playing, yet only occasionally. I seem to have a more unrelenting email flow than I did in practice, and my calendar seems as full as ever. But, then again, it all hardly feels like work. ▲

[http://www.law.temple.edu/Pages/Prospective\\_Students/Prospective\\_Grad\\_Teach\\_Fellow.aspx](http://www.law.temple.edu/Pages/Prospective_Students/Prospective_Grad_Teach_Fellow.aspx), and the Westerfield Fellows Program at Loyola in New Orleans, <http://law.loyno.edu/westerfield-fellows-program>.

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- 1 For example, in a thoroughly enjoyable article, the anti-footnote missionary Judge Abner Mikva once wrote: "If footnotes were a rational form of communication, Darwinian selection would have resulted in the eyes being set vertically rather than on an inefficient horizontal plane." Abner J. Mikva, *Goodbye To Footnotes*, 56 U. Colo. L. Rev. 647, 648 (1985). Who doesn't want to enjoy a late morning devoted to reading prose like that?
  - 2 This article principally concerns "tenure-track" faculty positions – that is, full-time appointments to a law school's permanent faculty with the appointee expected to contribute as every other permanent faculty member would, and with the further expectation that the appointee will pursue the levels of teaching, scholarship, and service excellence that will warrant a permanent, "tenured", faculty seat. "Visiting" faculty positions open a bit more frequently than tenure-track positions do, and ordinarily are full-time but temporary appointments (for a semester or two), with no settled expectation of permanence. "Adjunct" faculty positions open far more often and are far more numerous – they are part-time appointments (generally on a semester by semester basis), with generally no scholarship or service expectations. To be clear, though easier to land than "tenure-track" appointments, the annual scramble for "adjunct" and "visiting" appointments is still highly competitive.
  - 3 Teaching Fellows are lawyers who are enrolled in LL.M. degree programs, but during their studies are also being given actual law school teaching assignments and learning classroom and scholarship skills. Two fine examples of such teaching fellowships are the Abraham L. Freedman Teaching Fellowship Program at Temple in Philadelphia,