

# PROCEEDINGS

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ONLINE JOURNAL OF LEGAL WRITING CONFERENCE PRESENTATIONS

VOLUME 2, ISSUE 3

SPRING 2022

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NAVIGATING EARLY CAREERS IN LEGAL WRITING

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## NAVIGATING EARLY CAREERS IN LEGAL WRITING

*This issue memorializes and expands on Oregon Law's December 2021 LWI One-Day Workshop. The workshop focused on visiting assistant professors (VAPs) and featured presentations on teaching, scholarship, the job search, and service and connections to the national community. The issue begins with short essays from four current VAPs. Their pieces share ideas and insights for bringing law practice into the legal writing classroom and highlight the significant value newcomers bring to the discipline. Next, two former visiting professors share their advice on successfully transitioning from VAP to tenure-track professor. The issue concludes with essays from two veteran legal writing professors, who explore opportunities for newcomers to engage in the national legal writing community and their broader legal communities.*

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## FROM THE COURTROOM TO THE CLASSROOM: REFLECTING ON THE TRANSITION FROM PRACTICE TO PROFESSOR

DANIELLE J. LEWIS<sup>1</sup>

As an eager law student, I never imagined myself standing at the front of the classroom in my professors' shoes. Frankly, that career path never occurred to me. I came to law school to be a litigator—and litigate I did, for more than a decade.

In early 2020, I learned about an opportunity to teach an introductory class for 1Ls at my alma mater. By this point, I had realized that mentoring students and young lawyers was something that “filled my cup.” Unfortunately, the demands of an active litigation practice while raising two young children left little time for the professional networking and volunteer service opportunities I enjoyed in my early days as an attorney. Teaching law students seemed like a great way to get back to that, and I jumped at the chance.

After one year as an adjunct professor, I had the opportunity to transition to a visiting assistant professor role, teaching legal writing. I am happy to say that after nearly two years of teaching, I love the work even more than I thought I would. Of course, the COVID-19 pandemic threw us all—practitioners, law students, law professors—for a loop. However, I found that my experience as a practicing litigator proved extremely helpful as I transitioned to my new role of law professor in the midst of a global pandemic. As I reflect on the experience, I can identify several transferrable skills

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<sup>1</sup> Danielle J. Lewis is a Visiting Assistant Professor at Northern Kentucky University Salmon P. Chase College of Law.

that supported my transition, and a couple of key lessons that I've learned on the job that will inform my teaching moving forward.

### **Drawing on Practice Experience in the Classroom**

First, being a litigator teaches you to be flexible and to adapt. In the courtroom, I was usually adapting to new facts or new arguments from the other side. In the classroom, I remained flexible in the face of changing circumstances and adapted as new needs arose. I found that my willingness to alter my teaching methods to students' different learning needs and styles helped students better understand the material. And my practice-honed adaptability skills also helped when COVID-related issues arose. (To anyone who had to homeschool or care for young children while also working or going to school themselves, *I see you.*) Thanks to my experience as a nimble litigator, I could navigate those issues and adjust to teaching remotely in a way that did not inhibit students' overall success.

Second, being a litigator gave me ample real-world examples to share with my classes and the confidence to connect abstract ideas with concrete situations. Explaining to my students *why* they should think about a problem or legal issue in a certain way (or usually, in many different ways) was so much easier when I could give them real-world examples. In a time when law schools are increasingly focused on training students for practice (as opposed to simply teaching legal theories), having experienced practitioners like me in the classroom to connect ideas to their practical applications may be more important than ever.

Another skill I took from the courtroom to the classroom is consistency in demeanor and tone. As a litigator, I had to "on" during trial or a big hearing, no matter what else was happening in the background. Being able to apply this skill was even more important for class sessions that were held virtually. We all have bad days, or low energy days, or days when we just don't think we can take on one more task. I think for most of us, this has never been

truer than during the pandemic. I quickly realized that my time with students was relatively brief (one class session a week). Whatever else was happening, I needed to be “on”—engaging, pleasant, and enthusiastic—during that time so that students knew I cared about the class and their success. I wanted to encourage students to approach me with questions or concerns at any time, and I realized that being engaging and approachable during our class sessions was a fundamental way I could reinforce that goal.

### **Some Things I Learned on the Job**

Of course, teaching also taught me what I didn’t know (and what I didn’t know I didn’t know!). I learned very quickly that clarity and consistency are key. Being consistent in your expectations of students and communicating those expectations from the outset are vitally important (but see the above discussion on being able to adapt). Transparency about how the course will be structured and graded, even before the class begins (i.e., in the syllabus), is extremely important to setting the students and professor up for success. Students need to know what the professor expects from the beginning so that they can achieve and demonstrate understanding of the course principles and concepts in a way that meets the professor’s expectations.

Finally, I would be remiss not to mention what I’ve learned about the importance, as a new law professor, of finding and cultivating relationships with experienced and trusted mentors. I still have so much to learn about teaching and legal academia in general. Seeking out information, opinions, and resources from more experienced legal professors is crucial, and I have been lucky to have wonderful mentors helping me on that path.

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## SATISFACTION AND SELF-WORTH: TEAM EDITION

KATRINA ROBINSON<sup>1</sup>

When I started teaching this past fall, I was surprised to learn that students wanted to hear more about my prior work experience. I had assumed “war stories” were for trial lawyers with decades of experience, not someone like me, who was lucky enough to enter academia—my dream job—after practicing for six years as a litigation associate at two international law firms and a law clerk for two federal judges. But when I paused to reflect on what I could share with students from my practice, dozens of memories cropped up. The trouble was that none of my memories fit in to the made-for-TV mold. Or at least I haven’t seen any scenes like these on TV...

*Me, sitting in a shared office with my co-clerk, swapping ideas about why another judge on the panel had returned certain edits to our judge’s opinion that were wrong and how we would approach discussing this with our judge later that day.*

*Me, sitting in the gallery of the courtroom, watching the partner argue a motion for our client, listening to him artfully raise an argument I had helped craft that was based on authority I had researched.*

All my share-worthy memories are winding stories that revolve around interactions with my colleagues. I had high moments, like when a supervisor praised a draft of my writing, and

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<sup>1</sup> Katrina Robinson is a Visiting Assistant Professor at University of Oregon School of Law.

low moments, like when a peer identified flaws in my work product. Simply put, the people I worked for and with shaped my experiences as a young attorney.

Although most of the major assignments my students complete in their first-year legal research and writing course involve independent work, I explain to my students that they will likely do these types of tasks—or use these types of skills—in a team setting when they are in practice. I aim to prepare students for the highs, lows, and all the moments in between that come from working as a member of a team. My hope is that in doing so, I not only help students prepare to be excellent attorneys, but also help them prepare to find satisfaction in their careers and maintain a healthy perspective about their own self-worth.

### **Research Rigamarole**

I talk at length with my students about the importance of developing efficient processes and record-keeping habits for their research because in practice, “research” often means divvying up discrete questions amongst a number of associates. Each associate toils away on their own, leaving no stone unturned in searching for the answers to their assigned questions; each associate then shares their findings with the team; and then some associates double (triple, quadruple) check their findings when creative colleagues have thoughtful follow-up questions about those findings. Oh, and of course, those steps usually all happen on a tight deadline.

To function and excel in this kind of workstream, lawyers need to be able to articulate a plan for the sequence of steps they will follow, and they need to be able to defend the strategy or theory behind their plan to colleagues who are working alongside them and counting on them to complete their portion of the work. I warn students that it is normal for colleagues to “kick the tires” and “look under the hood,” so to speak, when discussing each other’s research results. I want students to know that these follow-up questions are

often routine, so students shouldn't interpret such questions to mean their colleague distrusts their findings. And I warn students about how frustrating it can be to have to retrace your steps when a colleague asks a clarifying question that you can't answer because you don't have a clear record of what filters you used and what types of sources you reviewed to arrive at your answer. Having a good record-keeping system is key. Connecting this skill to practice can help students understand the method behind legal research assignments that can otherwise seem tedious.

### **Easy Edits**

Like all legal writing professors, I provide extensive individual feedback to students on their writing. The feedback process is one of my favorite parts of the job. But I tell my students that receiving feedback on their writing will look quite different in practice. For starters, most of their written product in practice will not be solely their own. Even if they are the lead drafter on a project, other attorneys (and certainly the client) will have input. Typically, team writing involves at least one associate expending significant time and effort on a written work product, sharing what they thought was a near-final draft with a colleague, and without fail, the colleague making a zillion edits to that near-final draft. Rinse and repeat a few times, depending on the size of the team. (I spare my students the rant about some colleagues refusing to track their changes and flouting all document version control efforts.)

I don't sugarcoat it; I'm honest with students that it can be discouraging when you share thoughtful, thorough, error-free work with colleagues, only to receive a sea of changes in return. But I tell them to always expect edits because even the best writing inspires edits. I coach my students to adjust their expectations and be an "easy edits" associate—someone who doesn't flinch at every suggestion or change. Adopting that mindset will save them a lot of handwringing. Then, they can channel that extra energy towards the

real work of deciphering the reasons behind their colleagues' edits and using those lessons to continue improving their own writing. Viewing constructive feedback as a gift, not a personal affront, is the secret to enjoying the practice of law.

### **Conclusion**

The most rewarding moments of my practice were made possible because of the talented and special people I worked for and with. But it can be difficult to find your place on a “team” as a young attorney. I hope that in addition to offering my students the critical legal analysis, writing, and research skills they need to succeed as attorneys, I also provide them with the tools to meaningfully contribute to the team—and have confidence in the value they add to the team—so that they can enjoy the journey along the way.

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## BRINGING TWENTY-FIRST CENTURY LAW PRACTICE INTO THE CLASSROOM

LUKE REPICI<sup>1</sup>

Stepping back into the classroom with two decades of practice experience can be both a blessing and a curse. Many of us have experienced continuing legal education or other presentations where the “war story” amounts to little more than the speaker communicating “look how great/cool/innovative I am.” I knew enough from years of running my former firm’s associates’ litigation training program that I needed to do much more than that. Since venturing back into academia as a visiting assistant professor, I’ve found my practice experience is most useful when it informs and gives meaning to the work we are doing in the classroom. Two examples are illustrative.

### **Clarity and Concision**

My students hear me say repeatedly that their two “north stars” are clarity and concision. We discuss summaries and headings as two “tools in the toolbox” legal writers can use to help their audience understand and assess the information provided.

I explain to my students what I learned in practice: a good summary—a digestible sentence or paragraph that clearly and succinctly informs the reader of a memo or brief’s main point—is invaluable. Long wind-ups and other suspense-building strategies are not necessary. Give your audience the punch line first. I like to note that an executive summary is no longer limited to lengthy documents or formal papers. Including an executive summary or

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“headline” in key e-mails, for example, provides the reader with the most salient information in only a few seconds. Headings similarly allow the reader to find and digest information more easily and quickly. Like hyperlinks—an analogy students quickly grasp—headings show the reader where they can find more information about a specific issue, and hopefully, the author’s view on the particular topic.

In explaining to students why clarity and concision are so important, I endeavor to situate twenty-first century law practice in the larger societal context of the digital information revolution. Most Americans are drowning in more information than can possibly be absorbed by any one person in a lifetime. The “technological revolution of computers, the Internet, and mobile telephony,” which began in the 1970s,<sup>2</sup> matured into the Information Age by the twenty-first century. Over 200 billion e-mails are sent each day.<sup>3</sup> Ninety percent of data in existence “has been collected in just the last two years. Last year alone, more personal data was harvested than in the previous 5,000 years of human history.”<sup>4</sup> Given this reality, I emphasize how new legal writers can distinguish themselves to more senior attorneys and clients by distilling the deluge of information into digestible e-mails, memos, and briefs. Judges and their clerks, daunted by overflowing dockets, similarly appreciate filings which appropriately narrow issues down to their critical components.

By framing legal writing strategies and techniques within the realities of the modern workplace, I hope to move students’ conceptions of clarity and concision beyond “because Professor

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<sup>2</sup> Jeffrey Sachs, *The Price of Civilization: Reawakening American Virtue and Prosperity* 85 (2011).

<sup>3</sup> Samuel Gibbs, *How did email grow from messages between academics to a global epidemic?*, *The Guardian*, March 7, 2016, <https://www.theguardian.com/technology/2016/mar/07/email-ray-tomlinson-history>.

<sup>4</sup> Court Stroud, *What You Need To Know About Big Data, Stripped Of All The Gobbledygook*, *Forbes*, Apr. 27, 2018, <https://www.forbes.com/sites/courtstroud/2018/04/27/what-you-need-to-know-about-big-data-stripped-of-all-the-gobbledygook/#2e2b1d251a75>.

Repici told us to.” Instead, my students properly view clarity and concision as essential tools of the high-functioning practitioner.

### **Finding Teachable Moments**

Flexibility and adaptability are as valuable in the classroom as the courtroom. Another area where a long practice history has proven useful in teaching is the ability to adapt unanticipated developments into teachable moments.

For example, in mid-2021, with vaccines available and lowering case counts, many of my students and I had hoped for a return to pre-COVID normalcy. Enter Delta and Omicron, and suddenly the second half of 2021 felt eerily like the year before. We begrudgingly accepted the reinstatement of mask requirements, with the view that they were a necessary measure that unavoidably detracted from the learning process.

Thanks to the adaptation skills I sharpened in practice, however, I was able to turn this disappointing setback into a teachable moment. When I was an associate, my mentor had emphasized the importance of keeping my voice up in court. Later, surrounded by more senior lawyers during a multiparty trial, I began examining a key witness. My voice eked out the first question. Fortunately, the judge asked me to speak a little louder, reminding me of my mentor’s advice. After that successful examination, the lesson stuck with me. So, faced with the less-than-ideal masking requirement in classes, I shared this experience with my students. I offered that masks were a reminder of the importance of speaking audibly in class and in practice, an essential lesson and habit they could take with them long after the mask requirements are gone.

### **Conclusion**

Returning to my law school two decades after I graduated has been and continues to be a wonderful experience. My extensive practice experience has helped me better communicate the

importance of fundamental legal concepts with my students, provide them practical, real-world examples, and better prepare them for the realities of practicing in the twenty-first century.

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## EMBRACING FAILURES AND EMPLOYING HUMILITY

E. R. WRIGHT<sup>1</sup>

“I did my time at Papa John’s.” While this is not my six-word story,<sup>2</sup> these six words changed my life and shaped my approach to teaching.

It was February of 2014, and I had recently completed the 6.5-hour drive from Johnson City, Tennessee to Macon, Georgia to interview for a scholarship to law school. In my “real” life, I delivered pizzas every night of the week, as I had for the previous nine years since failing out after my first year of college.<sup>3</sup> In this new fantasy world I was pretending to belong in, however, I was a finalist for a full-ride-plus-stipend scholarship to attend a well-respected law school. I was among twelve finalists who had gathered for a long weekend to engage in a very polite, very Deep South version of the Hunger Games.<sup>4</sup> I had never felt so out of place or inadequate as I did walking into the lobby of the antebellum bed and breakfast<sup>5</sup> that hosted the finalists.

I was immediately greeted by my eager co-finalists, one of whom was in the middle of asking another finalist, “and where do

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<sup>2</sup> See Twitter, “Six-word stories,” <https://twitter.com/hashtag/sixwordstories>.

<sup>3</sup> To be clear, “delivered pizzas” connotes a more glamorous daily existence than the one I led. To avoid a self-indulgent recitation of the indignities of fast-ish food pizza chain employment, I merely submit my relief that my legal writing career has thus far involved many fewer layers of food-grade oil and filth than my previous professional endeavors.

<sup>4</sup> Suzanne Collins, *The Hunger Games* (2010).

<sup>5</sup> That’s an essay for another day.

you go to church?”<sup>6</sup> The other finalists were discussing their recent global travel and work experience in law offices, and I thought about the dirty Pizza Hut uniform draped across my back seat. I instantly knew I would never belong in this world of well-groomed, well-spoken professional students. Tempted though I was to execute a crisp about-face and run out into street, I stayed and joined my fellows for a welcome dinner, during which we were expected to somehow gracefully navigate a buffet while mingling with the Very Intimidating People who would soon decide our fates.

During dinner, we were treated to an inspiring sales pitch delivered by a previous scholarship winner who had been appointed to serve on the selection committee. With every minute that passed, I felt more and more like I had stumbled into the room by accident. Somewhere between my sixth misgendering and my third food stain, the tall, imposing man who spoke through dinner walked right up to me, stuck out his enormous hand, and said, “Hey, I’m Brian. I did my time at Papa John’s.” Almost immediately, I began to breathe easier. Brian had seen my application packet, matched it to my nametag, and sought me out because he knew that I was questioning whether I belonged in that room—whether I could ever overcome what I perceived as my inherent shortfalls. Brian spent hours that weekend talking to me about his failures and false starts. He shared his ups and his downs, which rang so familiar to my own journey, yet all I could see was a successful attorney.

For the first time, I began to see my “failures” as strengths. I began to understand that I was not behind my future classmates at all—in keys ways, I was ahead. Many of my classmates would enter law school having not yet experienced their first big screw up. They would be forced to endure the pain of their first experience underperforming their own and others’ expectations in the

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<sup>6</sup> In another example of the importance of humility, I will note that my initial negative impressions of this person—that they might harbor biases against LGBTQ people like me—were proven very wrong.

competitive environment of law school. Ultimately, I finished law school with a high GPA, but that average included more than a couple of very low grades. Because I had already experienced personal letdowns big and small, I was able to shake off those disappointments and approach my other classes with a fresh growth mindset.<sup>7</sup>

My “failures” left me with more than just grit, though; I had real-world, practical wisdom that informed my legal analysis and lawyering skills. I understood the logistical effects of labor laws on business decisions, because I’d managed so many crews and shifts. I knew the ways money and access rendered the real-world processes for criminal adjudication and civil litigation nearly unrecognizable from what was described in casebooks. When I clerked at a large firm over the summer, I researched new state wage garnishment procedures while my office mate worked on a collections matter. I was already quite familiar with garnishment from my work managing pizza restaurants, while my office mate did not yet grasp what a car payment was. I realized I had access to knowledge that some of my Ivy-educated colleagues lacked.

As a legal writing professor, I tell my students to bring all of their knowledge and experience to my classroom. I tell them to rely on their whole selves in their legal analysis, and I offer examples of the knowledge from my “past life” that directly improved my lawyering. I emphasize that, while legal writing conventions are unique and specific, what sets brilliant advocates apart is the outside-the-cubicle thinking that persuades judges, comforts clients, and adds value to businesses.

Inviting my students to bring their whole selves to class has generated phenomenal legal work and enriching class discussions. My students have shared knowledge from their experiences as farm workers, insurance adjusters, medical providers, foster children,

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<sup>7</sup> See Carol S. Dweck, *Mindset: The New Psychology of Success* (2006).

store clerks, and so many more. That knowledge exchange has been invaluable in shaping their understanding of everything from a totality-of-circumstances analysis to policymaking.

Finally, my “failures” give me the quality I depend on the most in my classroom: humility. I know that I am going to fail, and I know that I will learn from it. As a result, I can be honest with my students when I make mistakes, or when things I planned do not work out as intended. I can be unselfconsciously open with my students about my winding career path and about my past and present disappointments. As a result, my students are flexible and forgiving regarding class logistics, technology, and scheduling. Additionally, as my 1Ls begin interviewing—and ultimately losing out on some opportunities—for summer jobs, I can be candid with them about my own ups and downs on the academic job market. Knowing a professor they admire also experiences “failure” and rejection helps my students bounce back and keep working.

When I became a law teacher, I committed to embracing my students’ “failures” and to offering them the new perspective Brian had instilled in me. In practice, that approach kept me afloat and afforded me the type of perspective that made me a unique advocate. In the classroom, it multiplies opportunities to serve as a positive influence on my students’ professional development and makes me a better teacher.

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## FROM VISITING PROFESSOR TO TENURED PROFESSOR

AMANDA J. PETERS<sup>1</sup>

Even though the number of law professor job openings have increased over the last two years, the market for legal writing positions remains competitive. Many people are looking for opportunities to teach for the first time while others are looking to move from visitor positions to permanent positions. I'd like to share my journey—from practitioner to visiting professor to tenured professor—to provide insights and support to those hoping to take the same journey.

I was a trial and appellate attorney working in Houston when I learned that a former colleague had been hired as a tenure-track legal research and writing professor at South Texas College of Law Houston (STCLH). This sounded like my dream job! I had always loved writing and editing. But it wasn't until I served as an editor on a law review that I learned I also loved helping others improve their writing. I began to wonder whether I would enjoy teaching more than lawyering.

I decided to contact my former colleague and learn more about her job. Two years later, she informed me about two openings. I applied, and STCLH offered me an initial interview. The hiring committee narrowed more than 100 applicants down to seven, including me, and invited us to a second, all-day, on-campus interview and job talk. I first had to learn what a job talk was: a

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<sup>1</sup> Amanda J. Peters is the Godwin Lewis PC Research Professor and Professor of Law at South Texas College of Law Houston.

scholarly article presentation followed by questions from the faculty.

While I had written a lot as a lawyer, I had not published a scholarly article since law school. Knowing the faculty expected candidates to have recently published, I settled on a new article topic and began to research it before I applied. This paper became the basis of my job talk and my first published article as an academic. However, when I presented my job talk, the piece was still in rough draft form.

Unfortunately, I did not get an offer. Two better-qualified applicants accepted. Both had researched and written extensively as attorneys and had recently published law review articles. One had two years' experience as a visiting fellow teaching legal research, writing, and oral advocacy. Both had impressive academic pedigrees. Though I was disappointed, I understood why they were chosen over me. They presented more like academics whereas I looked more like a lawyer.

Three months later, I received a call from the associate dean, who told me a legal writing and research professor had recently left the school. She asked if I would be interested in a visiting professor position for one year. I accepted. It was May. I would begin teaching in August. I decided to wind down my solo practice, make an occasional court appearance, and work on a handful of cases.

I knew I needed to keep the academic door—with my foot in it—open. I created a checklist. First, I knew I had to publish. However, I had three young children. Thankfully, my husband, a teacher, was home that summer. He watched the kids while I wrote an article. The school provided a temporary office, a computer, and free Westlaw access. I quickly had to figure out the online scholarship submission process, which was new to me. And I had to prepare to teach my classes in the fall.

All my writing and research over the summer paid off; two weeks after the fall semester began, I accepted an offer of

publication. I crossed that off the list. The next tasks on my list involved making the most of my year-long visitorship. I focused on

- (1) being a good teacher.
- (2) being a good colleague.
- (3) finding faculty mentors who could help me adjust to academia, answer all my questions, and provide wise counsel when I faced a dilemma.
- (4) making an effort to attend events and meetings at my school. I attended all monthly faculty meetings and all job talks for other open positions (after checking with colleagues to make sure that was appropriate).

After the first year of teaching, I sat for an annual evaluation with administrators. I learned they would assess my performance based on teaching, scholarship, and service. (This is standard at all law schools.) I was asked to stay as a visitor for one more year. While I constantly sought to improve, I recognized this was a new field and I had a lot to learn. I also tried to give myself grace when I made mistakes.

Over the second summer, I wrote an article on a national topic (my first was on a Texas legal topic) to demonstrate I could write about broader issues with national significance and publication opportunities. I accepted a publication offer in the fall. When STCLH sought to fill the open position that spring, I applied and presented my job talk alongside three other applicants. I was offered the tenure-track position and accepted it. Six years later, I was tenured.

Before I offer hiring and application tips, I'd like to discuss visitorships more generally. First, understanding the difference between a visitor and visiting assistant professor (VAP) position is important. VAP programs are designed to be a springboard to teaching opportunities at other schools. STCLH has hired several

visitors from other schools' VAP programs over the years. While VAP programs tend to be structured, they can vary considerably depending on the institution and its goals. When you are hired as a visitor to merely fill a vacancy, like the position I filled, the experience is often what you make of it. Visitors of this kind may or may not have writing support, designated mentors, or an expected teaching curriculum to follow.

Whether applying to be a VAP or visitor, or for full-time employment of another kind, applicants who have a specific school in mind, like I did, should call and ask questions. I spoke to two faculty members, one of whom was also an administrator, before I applied. These conversations helped me understand what the law school desired in a new hire. I suggest reading faculty bios, CVs, and faculty bibliographies to see whether the legal writing faculty have published and if so, where. Increasingly, even programs staffed with non-tenure-track faculty are requiring their faculty to write and publish. Finding out if the institution expects its non-tenured faculty to publish is an important step.

I also advise those who, like me, have interviewed without success to objectively assess concerns academics may have about their readiness. When I compared myself to the people who were hired, I could identify areas for improvement. Some things I couldn't change; I worked on the things I could. Academics admire perseverance, so job seekers should consider applying again.

In my current role, I have served on the hiring committee twice when we sought to hire legal research and writing professors. Each time, between 100 and 150 people applied. Our wish list probably mirrors that of other schools with tenure-track legal writing programs. We desired to hire people who

- wanted to teach legal research and writing long term,
- had practical legal writing and research experience,

- could write and publish academic articles (we preferred applicants with recent publications),
- had a record of solid teaching or had potential to be good teachers,
- were collegial, hardworking, and contributed to our diversity,
- were dedicated to volunteering or serving others, and
- were interested in *us*.

Sometimes visitors face an uphill battle to get hired permanently with their employer. Some schools have a tight budget. Other schools may have policies that forbid hiring their own visitors in permanent positions. If that's the case, a person seeking permanent status must leave the school for an interim period and reapply. Schools may require a higher percentage faculty vote to hire visitors. Other schools treat visitors as they would any other applicant. If possible, find out the institution's policies before applying.

Schools may refuse their visitors an initial interview based on the person's own actions or inactions. Visitors at my school and other schools have lost interview opportunities because they

- failed to publish scholarship during their time at the school,
- weren't collegial,
- weren't engaged with or serving the institution,
- had poor teaching evaluations or were unavailable to students, or
- didn't abide by institutional norms or understand academic culture.

If you're seeking to enter academia from practice, take steps to make yourself the most competitive applicant possible. If you're

currently a visitor, don't take your opportunity for granted. If I can help you find your way to becoming a visiting professor or tenure-track professor, please contact me. I love my job. I love my employer. I love mentoring students and teaching them skills they will use for a lifetime in legal practice. This really is the best job in the world.

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## THE TOOLS FOR ENTRY TO LEGAL ACADEMIA

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After two years' experience teaching at my alma mater, Southern University Law Center, I attended the American Association of Law Schools (AALS) annual conference. The conference was both daunting and eye opening. I was surrounded by experienced professors who asked questions about my career aspirations and when I would go on "the market." I had no idea what they were referring to. I immediately employed the imposter syndrome victim's best friend—Google. Okay, first I cried and ordered cheesecake, and then I searched Google. I learned about the "meat market" and Prawfsblawg,<sup>2</sup> and I read articles on the process of becoming a law professor.<sup>3</sup> I thought I was ready, but after directly applying to specific schools, I received only two offers to interview.

Then, after speaking at the Southeast Association of Law School's (SEAL's) conference and learning about visitorships, I decided to apply for a visitor position. To my good fortune, I was hired for a one-semester visitor position at Stetson University. Mentorship, paid housing, and the beach—what more could one ask for? The downside was that I was still commuting back and forth from Florida to Louisiana to care for my young children. The commute affected the amount of time I could spend on scholarship and publication. So, after consulting with my spouse, I applied for a two-year visitor position with University of Oregon School of Law and was offered the position.

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<sup>2</sup> Prawfsblawg, <https://prawfsblawg.blogs.com/prawfsblawg/>.

<sup>3</sup> E.g., Association of American Law Schools, *Becoming a Law Teacher*, <https://teach.aals.org/clinical/hiring/>.

The team at Oregon prepared me for every phase of the market. With the team's assistance and a better understanding of myself and the keys to success in academia, I went on "the market." This time around, I received a number of initial interviews, callbacks, and even multiple job offers. In sum, the investments I made in preparing strategically for the process yielded a return.

This essay shares advice on successfully navigating the path to becoming a law professor in the "new normal" job market. As a first-generation, non-traditional, minority candidate, I am happy to share my journey to assist others seeking to open the door to legal academia.

### **"The Market" and FAR Form Process**

Aspiring law professors eager to join the ranks of law school faculty will undoubtedly experience five seasons: spring, summer, fall, winter, and "the market."<sup>4</sup> The legal teaching job market is unlike any other law-related job market. The process requires the best and brightest to compete each year for coveted and scarce positions in the academy.

Historically, the legal teaching market begins with the submission of the Faculty Appointments Registry (FAR) form. The FAR form is the gatekeeper to most tenure-track academic jobs. Following submission of the FAR form, applicants traditionally attend the AALS recruitment conference, also known as the "meat market," where hundreds of potential academic candidates gather in a Washington D.C. hotel to connect with hiring schools. The meat market acts as the impetus for the hiring season. After the meat

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<sup>4</sup> American Association of Law Schools, *Becoming a Law Professor*, Hiring Process, <https://teach.aals.org/clinical/hiring/>. Most law faculty hiring follows the average cycle of the academic hiring market: it is conducted on a national scale beginning in August and ending in late spring. Many schools seeking to fill clinical positions with unitary or programmatic tenure will follow the same timeline. Schools seeking teachers for other types of clinical positions may follow a different timeline altogether. This website also provides an estimated timeline.

market, schools generally start their initial callbacks. From there, candidates fly out to the schools to present their job talks and teaching demonstrations.

With the meat market cancelled due to the pandemic, my interviews and callbacks were nearly all virtual, so my experience differed substantially from the traditional process described above. Schools may decide to keep some elements of the remote hiring processes in future years, so applicants should be prepared for remote interviews, PowerPoint job talks over Zoom, Door Dash delivered dinner meetings, and perhaps even for making life-changing decisions about new jobs without ever physically experiencing the school or city.

### **The Tools**

As a candidate on the job market, I developed a set of tools that proved successful in my search. While these tools are referenced in various sources, this essay organizes them into a condensed summary and highlights the importance of each tool. The three tools include (1) the keys to entry to the market, (2) a mirror for self-reflection, and (3) a support team to call on throughout the process.

#### **Tool #1: The Keys for Entry to the Market**

First, every candidate needs access to the keys for navigating the market. Those keys include:

- Extensive practice experience
- A fellowship or visitorship
- A strong GPA from a quality school
- Recent publications
- A well-crafted FAR form
- A judicial clerkship
- Law review experience

The more keys a candidate possesses, the more doors they can unlock. Each key may have its own individual strength. For instance, a strong GPA from a Top-14<sup>5</sup> school will open a wide array of doors to institutions on all tiers. A strong alma mater paired with a federal clerkship or Supreme Court clerkship will open an elite set of doors. I would be remiss in my duties if I did not note that access to the above keys is not equal, and reliance on this collection of keys has historically denied and delayed equal access to some members of the academy. Minorities and women, in particular, have been blocked from achieving equal access to tenure and tenure-track positions and are often relegated to “pink ghettos.”<sup>6</sup>

However, candidates shouldn’t be discouraged, as institutions are making strides—though sometimes small—and many are advocating for increased pathways to the academy.<sup>7</sup> Often, other doors and windows that allow access to the academy can be opened.<sup>8</sup> For example, my journey included two visitor positions at top-ranked legal writing programs. The visitorships helped me develop as a candidate and produce publications, and they became an essential piece of the third tool discussed in the essay.

### **Tool #2: A Mirror for Self-Reflection**

The second tool is a mirror to reflect the candidate’s strengths and opportunities. Mentors can train their mentees in best practices for teaching or how to publish quality scholarship pieces; however, a person’s character, background, and personality are their unique attributes. The mirror metaphor helps candidates identify

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<sup>5</sup> U.S. News & World Report, *2023 Best Law Schools*, <https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings>.

<sup>6</sup> Renee Nicole Allen, Alicia Jackson, & Deshun Harris, *The ‘Pink Ghetto’ Pipeline: Challenges and Opportunities for Women in Legal Education*, 96 U. Det. Mercy L. Rev. 525 (2019).

<sup>7</sup> Meera E. Deo, *Trajectory of a Law Professor*, 20 Mich. J. Race & L. 441, 447 (2015).

<sup>8</sup> *Id.* at 448 (the article explains how the expansion of pathways can increase and retain minority faculty).

their special traits and contributions and to gauge their potential success at an institution.

My gaze into the mirror began with a deep Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis of myself.<sup>9</sup> Through this analysis, I understood the strengths and opportunities in my curriculum vitae, practice experience, teaching philosophy, and the assets I could offer an institution.

I engaged in the SWOT analysis because I wanted to present the best version of myself but also to have a way to evaluate prospective employers. I developed a spreadsheet with at least ten requirements for schools that aligned with my values and goals. I would rank the schools in each category after each callback. The spreadsheet is a particularly valuable tool when a candidate receives multiple offers because it provides real-time metrics that can assist in the decision-making process.

### **Tool #3: A Support Team**

The third tool is a team of mentors and advocates to guide a candidate through the distinct phases of the legal market process. The team should consist of

- Offense team members, who help prepare the candidate for the market,
- Defense team members, who act as references, and
- Special teams, or anyone in the academy or legal field that the school may call upon.

One of the unique aspects of the legal academy is the weight and scope of references. The FAR form and most applications require, at a minimum, three references. Those references can come

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<sup>9</sup> Mindtools, *Personal SWOT Analysis: Making the Most of Your Talents and Opportunities*, [https://www.mindtools.com/pages/article/newTMC\\_05\\_1.htm](https://www.mindtools.com/pages/article/newTMC_05_1.htm).

from past employers, teachers, mentors, and judges. The more notable the references, the more weight they carry. Educating or prepping the references in advance is important. Make sure to update each of your references after initial interviews and update them again if invited for a callback. If you are interviewing at one of your top-choice schools, encourage mentors and references to convey that message to the school. Ask references to provide updates on any requests or calls from the school. This helps to gauge the school's interest.

Other members of the team may only be available for a moment or a task (e.g., to hear a moot job talk, to review your FAR form, or to read a job talk paper). Every team member does not have to remain on the team for the entire journey, but their contribution may be the most important asset on the journey to a permanent position in the legal academy. I recommend sending thank-you notes to team members throughout the process. Mentors are equally invested in their mentees's success.

### **Conclusion**

When navigating the job search, candidates should ensure they have keys that will unlock doors, a mirror that will reflect the inspired individuals they are, and a team that will uplift and help them find their place in academia. My story shows that, with the right tools and support, the door to a fulfilling career in legal academia will open.

## JOINING THE NATIONAL LEGAL WRITING COMMUNITY THROUGH SERVICE

SUZANNE E. ROWE<sup>1</sup>

While teaching and scholarship are paramount to finding a permanent position in the academy, engaging with the national legal writing community, particularly through service, provides invaluable connections with future colleagues and schools that might be hiring. Because finding a toehold in national service organizations can be daunting, this essay provides a primer in how to begin reaping the benefits. The essay begins with an introduction to key legal writing organizations and publications, then explains some approaches for engaging with the national legal writing community, and finally highlights the reasons that engagement in the national legal writing community is crucial to those seeking permanent positions as legal writing professors.

### **Legal Writing Organizations**

The three major organizations of the legal writing community are the Legal Writing Institute (LWI); the Association of Legal Writing Directors (ALWD); and the Section of Legal Writing, Reasoning, and Research of the Association of American Law Schools (AALS). The members of these three organizations are often the same people, and many professors are active in all three simultaneously. Becoming involved in any of these organizations can further a newcomer's professional goals and enhance job satisfaction.

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At its inception and for many years following, LWI focused on pedagogy—developing curriculum and helping new professors become excellent teachers. That focus was essential when most legal writing faculty were offered only short-term contracts before being pushed back into law practice. While LWI focused on pedagogy, ALWD was established primarily to address status issues in legal writing. A major goal was to enhance the job security and status of all legal writing faculty, which benefits not only the legal writing faculty members but also students, the school, and the public. Recently, the missions of ALWD and LWI have converged, as LWI has become more engaged with status issues, and both welcome all legal writing faculty.<sup>2</sup>

While LWI and ALWD are independent organizations, the AALS legal writing section is part of a larger organization that serves all law faculty and administrators. In addition to sections on constitutional law, contracts, legal writing, and other disciplines, AALS has sections devoted to women faculty, minority faculty, teaching methods, balance in legal education, and more.

Beyond these three are other organizations and groups for legal writing faculty, with targeted goals and less programming. As examples, the Southeast Association of Law Schools (SEALS) hosts a Writing Connections segment in its annual summer conference; Scribes publishes a journal and offers awards for outstanding student writing; and Writing as Resistance (WAR) provides mentorship and scholarship support for legal writing faculty of color.

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<sup>2</sup> For more detail about LWI and ALWD, see Ruth Anne Robbins, Kristen K. Tiscione & Melissa H. Weresh, *Persistent Structural Barriers to Gender Equity in the Legal Academy and the Efforts of Two Legal Writing Organizations to Break Them Down*, 65 Villanova L. Rev. 1155, 1178-83 (2020).

### **Becoming Involved in Committees**

For new legal writing faculty, becoming involved nationally is as easy as joining a committee, attending a conference, or volunteering for the editorial board of a publication. To learn about these opportunities, newcomers should subscribe to the LWI listserv, where notices are frequently circulated.

LWI, ALWD, and AALS all have committees with a broad range of work, which can match any new professor's passions and interests: teaching, scholarship, diversity, connections to the bar, and online learning are just some of the possibilities. Early on, newcomers might want to avoid the more time-intensive committees (e.g., planning a major conference, administering the ALWD/LWI survey) to provide adequate time for teaching. Serving on more than one committee is fine, so long as the time commitments are low.

Being on a committee helps develop a reputation, and that reputation will be stronger the more engaged a newcomer is: attend meetings regularly; listen to the discussions between experienced colleagues; contribute new ideas and perspectives; respond to email messages promptly; and offer to help with the committee work, whether keeping minutes, drafting an email announcement, making a few phone calls, or doing some quick research. The key is to be seen, especially by those members who might serve on hiring committees, as actively engaged.

### **Becoming Involved through Publication**

One of the most visible ways to join the national community of legal writing scholars is to write, and particularly to publish in one of its peer-edited journals or newsletters.

Many legal writing organizations have publications that promote scholarship and share ideas. LWI's journal is called *Legal Writing*, and its mission is to support scholarly articles, essays, and book reviews on any legal writing topic, from teaching and status to

theory and rhetoric. ALWD's journal, *Legal Communication and Rhetoric: JALWD*, publishes scholarly articles, essays, and book reviews that are both theory-driven and relevant to legal practitioners.

For newcomers not quite ready to publish a full law review article, other publications provide an online forum for shorter pieces with few or no footnotes. These are excellent venues for a first piece. For example, LWI's *The Second Draft* publishes pieces that range from 500-word essays to 4000-word articles. You might publish a shorter piece in *The Second Draft* to share a teaching idea, then later develop the idea into a scholarly article.

Other good venues for an early piece include *Perspectives*, an online publication by Thomson Reuters, that publishes short articles on teaching legal research and writing; the semi-annual AALS newsletter for the legal writing section; and *Proceedings*, which publishes essays from legal writing conferences and workshops. These are all peer-edited publications. A state's bar journal is yet another option for practice-based pieces.

Some newcomers are reluctant to write out of fear they don't have anything original to say. Instead of trying to invent the wheel or discover fire, just join a conversation and add your thoughts. New professors often have keen insights about practice that experienced academics need to stay connected to and that help prepare students effectively.

Whether the writing is a full-length article, a short essay, or a book review, try to dedicate time each week to researching, outlining, and writing. Just a few hours each Friday can produce solid results by the end of a semester, and school breaks provide excellent opportunities for intensive writing.

Another way to become involved in publication is to join an editorial board. Initial assignments might be less glamorous, such as checking citations, but that work brings exposure to current scholarship and active scholars. An early contribution can be

invaluable for later gaining a position editing articles or moving up on the editorial board.

### **Becoming Involved at Conferences**

Attending a national or regional legal writing conference is an excellent way to become involved. The programming ranges from theoretical scholarship to fundamentals of teaching. Moreover, conferences include time to meet national colleagues at receptions, over meals, and during informal hallway conversations, providing important networking possibilities for those seeking permanent positions.

LWI holds the biggest national conference of legal writing faculty, biennially in even-numbered years. ALWD's biennial conference is held in odd-numbered years. The AALS conference is held annually in January; the SEALS conference occurs in late summer at a beach resort in the southeast; and each region of the country hosts a conference annually or biennially. The Applied Legal Storytelling Conference takes place biennially. Finally, LWI hosts One-Day Workshops at locations around the country in early December.

The size of the conference can affect networking possibilities and cost. The LWI conference regularly attracts over 500 attendees. The ALWD, Storytelling, and some larger regional conferences are medium sized, with between 100 and 200 participants. Other regional conferences are smaller, and the LWI One-Day Workshops can be intimate, with fifteen to fifty people.

Schools should provide visiting assistant professors with funding for conference registration, travel, hotels, and meals. If not, it's appropriate to request funding for a particular conference as part of professional development. When budgets are tight, a school might only pay conference expenses for those who are presenting as part of the program. The programs for LWI, ALWD, and AALS are quite competitive, but regional conferences and workshops

frequently accept most proposals. Newcomers might join together for a group presentation or moderate a panel of experts who write in an area of interest. Alternatively, SEALS provides a “discussion group” approach, which can be ideal for newcomers; each person contributes ideas for three to five minutes and then the group discusses them.

Attending a conference in person, especially one of the larger ones, can be overwhelming at first. Newcomers should try to connect with a friend or mentor for navigating the sea of faces as a team. But reaching beyond the comfort zone of known colleagues is crucial for the networking that jumpstarts careers. After a presentation, you might speak to the presenter with praise, to ask a question, or to share an idea.<sup>5</sup> The legal writing community enjoys welcoming newcomers.

### **Time Crunches**

Searching for a full-time, permanent job in legal writing is almost a full-time job itself. Simultaneously learning to teach, supporting first-year law students, meeting colleagues, applying for jobs, preparing for interviews, and interviewing take enormous amounts of time. Along with the demands of marking papers and meeting individually with students, new faculty are often surprised at the time it takes to support the intellectual and emotional needs of students; supporting students tends to fall disproportionately on women, people of color, LGBTQ+, and first-generation faculty.

Another time crunch is a faculty committee appointment, a law school initiative, or a special project. New faculty should be wary of taking on leadership roles on these committees, which could

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<sup>5</sup> Another networking tip is to send a short thank you email to the presenters who most impressed you. A few sentences naming the presentation and complimenting the ideas will be appreciated, especially if you copy the person’s dean.

require extensive time.<sup>4</sup> Being a bit selfish in terms of protecting one's time may be necessary to secure a long-term position in academia.

### **The Benefits of Service**

The extent to which service matters to professional development in academia depends on the school and the position. A tenure-track position is likely to weigh scholarship very heavily, with some attention paid to teaching, and just a glance at service. Other positions require no scholarship but expect extensive service.

Regardless of the requirement of service, a new professor has compelling reasons for engaging: learning about legal writing and the academy; sparking ideas for scholarship; finding mentors; and connecting with a cohort of colleagues at the same professional level. Each of these can assist in the job search and enhance professional satisfaction. The discipline will benefit from contributions only you can make, and the relationships you build will pay dividends throughout your career in academia.

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<sup>4</sup> Becoming engaged can lead to too many opportunities. Here's a tested approach for declining some: "Thanks for thinking of me. I'm not able to take on new obligations right now, especially in my first year of teaching. I hope you'll think of me in the future."

## THE FOURTH ELEMENT: PRO BONO FOR JUNIOR LAW FACULTY

EZRA ROSS<sup>1</sup>

This short essay challenges a widely accepted conception of early career strategies for junior law faculty. That standard conception enshrines three components—teaching, scholarship, and academic service—as the legs of success in legal academia. And although scholars have engaged in some debate about these three constituents, the discussion often narrowly considers how best to balance these pursuits, or which ones warrant more time, attention, and depth.<sup>2</sup> The conversation does not sufficiently probe whether these are the *right* or *best* pursuits for junior faculty, or whether something else might form an important element of what junior law professors do.

The flaw in the standard conception, I contend, is the absence of a valuable fourth element: junior faculty pro bono legal work. Admittedly, this position may strike readers as an unrealistic take that ignores how busy faculty actually are. And this essay will directly address that important reservation. By way of background, however, I will first lay the groundwork to demonstrate why pro bono work is particularly important for junior law faculty in the first instance.

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<sup>2</sup> See, e.g., Ruthann Robson, *Enhancing Reciprocal Synergies Between Teaching and Scholarship*, 64 J. Legal Educ. 480, 484 (2015); Anna P. Hemingway, *Accomplishing Your Scholarly Agenda While Maximizing Students' Learning (a.k.a., How to Teach Legal Methods and Have Time to Write Too)*, 50 Duq. L. Rev. 545, 604 (2012); Deborah Jones Merritt, *Research and Teaching on Law Faculties: An Empirical Exploration*, 73 Chi.-Kent L. Rev. 765, 812 (1998).

### **Benefits to Faculty**

First, pro bono work directly benefits faculty members themselves, including through skills preservation. The longer a person neglects skills used for solving complex problems, the more they deteriorate.<sup>3</sup> Nurturing a pro bono practice can help faculty keep sharp the skills they teach. And starting such a practice earlier in a professor's academic career can help ensure those skills don't decay so much that it becomes extremely difficult to restart a pro bono practice.

Further, continuing to practice law, even in a limited way, can improve scholarship. For decades, judges and commentators have criticized legal scholarship as out of touch.<sup>4</sup> Maintaining a pro bono practice can help law faculty reality-check their scholarly theories to reinforce the relevance of their work for practicing lawyers and real clients.<sup>5</sup> For example, continuing to practice has helped my scholarship on white collar fines and penalties match the realities of judgment collections. My pro bono practice has also positioned my scholarly work on empathic lawyering to capture the complex, multi-faceted nature of attorney-client relationships.

Finally, pro bono work affords the gratification of helping people with little voice and negligible resources. Some research suggests that even doing minimal charitable work early in an academic career can build momentum and lead to more contributions, and more community involvement, in a salutary cycle.<sup>6</sup>

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<sup>3</sup> See Winfred Arthur Jr. et al, *Individual and Team Skill Decay: The Science and Implications for Practice* (2013); Ezra Ross, *Reframing Faculty Pro Bono*, J. Legal Educ. (forthcoming).

<sup>4</sup> See, e.g., Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 Mich. L. Rev. 34, 35 (1992).

<sup>5</sup> See Martin H. Pritikin, *The Experiential Sabbatical*, 64 J. Legal Educ. 33, 52-54 (2014); Ross, *supra* note 3.

<sup>6</sup> See Deborah L. Rhode, *Cultures of Commitment: Pro Bono for Lawyers and Law Students*, 67 Fordham L. Rev. 2415, 2431 (1999).

### **Benefits to Others**

First, of course, pro bono work serves indigent members of the community. Every year, nearly a million indigent Americans don't get the legal assistance they need.<sup>7</sup> Law professors have the training and the expertise to help mitigate this “justice gap.”

Faculty pro bono work also benefits students. For example, engaging in public interest work can enhance teaching.<sup>8</sup> After litigating a Ninth Circuit civil rights matter—in which statutory, constitutional, and procedural issues intertwined organically—I developed a more true-to-practice memo assignment that involved cross-over of multiple areas of law. Similarly, participating in pro bono work through local public interest organizations can help law faculty stay up to date with the modern job market students face. Specifically, such work can develop and nurture contacts that law professors can leverage for students. Working relationships with practicing attorneys and employers can also help provide faculty with up-to-the-minute information about student job possibilities.

Further, faculty pro bono work can benefit law schools. Publicizing law professors' pro bono accomplishments enhances the standing of schools and challenges stereotypes about professors as ivory tower elites. And public interest organizations, in my experience, love to see law professors roll up their sleeves to work with staff attorneys and law students. Doing so can help forge more durable connections between law schools and legal organizations that regularly hire law students.

### **Objections**

A threshold concern with faculty pro bono practice is bandwidth. Where is a junior legal academic—swamped with

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<sup>7</sup> See Legal Services Corporation, *The Unmet Need for Legal Aid*, <https://www.lsc.gov/about-lsc/what-legal-aid/unmet-need-legal-aid>.

<sup>8</sup> See, e.g., Erwin Chemerinsky, *A Pro Bono Requirement for Faculty Members*, 37 Loy. L.A. L. Rev. 1235 (2004); Ross, *supra* note 3.

teaching new courses, attending workshops, serving on committees for the first time, testing out scholarly ideas and approaches—supposed to find the time for any of this? Many law professors feel overrun by these competing commitments and challenges. And some may associate pro bono work with the image of taking on an entire case top to bottom, such as a federal court appeal or other matter. That form of full-scale representation can pose severe challenges during a regular teaching-filled, non-sabbatical semester.

Instead, particularly when law professors are very busy or just starting a pro bono practice, I advise considering more compact projects.<sup>9</sup> For example, I recently plugged into a public interest organization's unlawful detainer clinic. After participating in a training, I can now spend three hours on a Tuesday reviewing a file, conducting a client interview, and then helping draft an answer or streamlined motion to dismiss. The experience can remain highly contained—I can schedule around those three hours blocked off in my calendar—and although the program includes an opportunity to keep the case if desired, doing so is not necessary. This type of compact pro bono practice provides faculty fresh experience in interviewing, strategizing, and legal writing—all skills legal writing professors teach their students.

Plugging into a law school clinic can accomplish the same thing. Lawyering skills professors may be able to arrange a relatively compact role with clinic professors, for example, by helping a pair of clinic students prepare to take a deposition. Furthermore, connecting with law school clinic professors can help boost visibility by showing that a new legal writing professor can collaborate across different segments of legal education.

A related objection is that law schools don't consider faculty pro bono work in promotion and tenure decisions, so law professors need to prioritize the other three facets of faculty development. This

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<sup>9</sup> Ross, *supra* note 3.

pressure from law schools themselves can pose a significant problem, especially for junior faculty. But many law schools have written that they *will* consider faculty pro bono work in evaluating law professor promotions.<sup>10</sup> And a growing literature supports law schools crediting law faculty for their pro bono work. This scholarship includes work by luminaries like Erwin Chemerinsky, David Luban, and Deborah Rhode.<sup>11</sup> When pursuing merits or advancements, junior faculty can tether their pro bono work to the scholarship urging more of it. Of course, some law schools value public service more than others. So, for junior faculty on the market who are interested in pro bono work, this can be an important topic to explore before accepting an offer. In any event, as discussed earlier, pro bono work can often lead to new scholarly work and teaching ideas. So even if a school gives little credit for pro bono work standing alone, pro bono work can nevertheless help junior faculty satisfy the other criteria for faculty advancement.

One final objection is that pro bono may be fine—just *after* you receive tenure. In other words, play the game, get tenure, and *then* do good work for others. This position holds some intuitive appeal. But taking this approach implicates the problem of cognitive inertia, which can keep people anchored to the status quo.<sup>12</sup> Inertia, along with skill decay, can impede the transition to pro bono work for law professors who have not practiced law for years. New law professors, closer to practice, face a lesser barrier. And pro bono work, as discussed above, comes in a range of different time commitments. Doing at least some compact projects during a professor's junior years can help generate the momentum to ramp

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<sup>10</sup> See American Bar Association, *Directory of Law School Public Interest & Pro Bono Programs*, [https://www.americanbar.org/groups/center-pro-bono/resources/directory\\_of\\_law\\_school\\_public\\_interest\\_pro\\_bono\\_programs/](https://www.americanbar.org/groups/center-pro-bono/resources/directory_of_law_school_public_interest_pro_bono_programs/).

<sup>11</sup> See David Luban, *Faculty Pro Bono and the Question of Identity*, 49 J. Legal Educ. 58 (1999); Deborah L. Rhode, *The Professional Responsibilities of Professors*, 51 J. Legal Educ. 158 (2001); Chemerinsky, *supra* note 8.

<sup>12</sup> See Matthew B. Lawrence, *Procedural Triage*, 84 Fordham L. Rev. 79, 115 (2015).

things up post-tenure if junior faculty develop an appreciation for the many benefits of pro bono practice.

### **Conclusion**

A limited conception of what junior law faculty should do dominates the conversation. Scholarship, teaching, and academic service comprise an incomplete picture. A fourth element, faculty pro bono, provides a connection to real practice and to the public interest. And although other commitments can make finding time for public interest work challenging, compact pro bono representations can not only serve those in need, but can enhance, rather than detract from, the professional development of junior faculty.