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LONG-TERM JOB SATISFACTION AS A LEGAL WRITING PROFESSIONAL

BY MARY DUNNEWOLD

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I have been teaching legal writing for 12 years. Halfway through my legal writing career, after a lengthy debate, the faculty at my school finally abolished the existing three-year caps on legal writing positions. For the next six years, until now, the legal writing faculty has been laboring to convince the rest of the faculty to grant us job security in the form of long-term contracts and status in the form of new titles and other benefits. We are close to achieving that goal, but we are still not quite there. The long process has left some of our instructors dissatisfied and unhappy.

This is a familiar story in the legal writing community. It is true that the incremental progress toward better working conditions, salaries, and job security for legal writing faculty, not just at my institution but at many others, is encouraging, and I applaud the people working so hard to make it happen. Employment caps are largely gone, many legal writing faculty now have professorial titles, many teach other courses in the curriculum, and a growing number of directors (and sometimes non-directors) have tenure track positions.

But living in the midst of this story, where progress seems so slow, I sometimes reach a low point where I wonder whether the payoff—the ability to teach legal writing for my entire career if I so choose—is worth the tremendous amount of work and frustration involved. Is this really a job that can continue to capture one’s interest, provide a creative outlet, and foster professional satisfaction, not just for a few years, but maybe for a few decades? Or, heaven forbid, could those legal writing-cranky doctrinal professors down the hall be right: that contract caps on legal writing jobs are appropriate, and in fact even kind, because no

one can teach legal writing for more than a few years without dropping from boredom?¹

After wrestling with this question over the last year, I have reached a happy conclusion: yes, I can find satisfaction over the long term in a career as a legal writing teacher. In fact, I have renewed conviction that my job can continue to be both challenging and satisfying for the indefinite future. But I have also concluded that given the circumstances that potentially erode the job satisfaction of legal writing professionals over the long term, we need to consciously take steps to balance the more negative aspects of the job with positive aspects. To accomplish this, I believe we must first consciously and realistically examine the benefits and drawbacks of the job, and then we must deliberately incorporate creative and challenging new opportunities into our careers to offset some of the very real downsides.

The Pros

On the positive side, the profession of teaching legal writing has a lot to recommend it. Teaching itself can of course be quite rewarding. There is great satisfaction in grading a well-crafted paper submitted by a student who really struggled to write it, but ultimately figured it out. And there is great satisfaction in hearing from a former student who tells you just how much the skills he learned in your class last year helped in his summer job. Developing mentoring relationships with students and watching those students blossom into confident professionals can be incredibly rewarding.

Also, there is value in being part of a developing profession and watching it, or even helping it, mature, especially when that happens within the context of a larger collegial and supportive legal writing community. Those who have the time and support to engage in scholarship can take pride in contributing both to the legal writing community and the legal academy in that particular way. Finally, the academic schedule and

¹ See Mary Beth Beazley, “Riddikulus!” *Tenure-Track Legal-Writing Faculty and the Boggart in the Wardrobe*, 7 *Scribes J. Legal Writing* 79, 80–81 (2000) (debunking arguments against the appointment of long-term legal writing faculty).

the flexibility it affords alone are a significant benefit. Although the work is incredibly intense during certain months of the year, having most of June and July available to “regroup” is a real advantage. And some days, you can grade at your kitchen table in your pajamas, and no one needs to know.

The Cons

Sometimes, however, the myriad of problems can seem to outweigh the rewards. The downsides of teaching legal writing, which raise the risk of long-term dissatisfaction with the job, are well known and well documented.² As most people working in the profession know, and the yearly Association of Legal Writing Directors’ survey documents,³ legal writing professors usually have extraordinarily heavy workloads. They may be teaching writing, a time-intensive undertaking requiring significant individualized instruction and grading, to 50 or more students at a time. They generally are underpaid, often earning less than half the salary of their doctrinal colleagues and less than the recent law school graduates they taught to write.

Further, most legal writing professors struggle daily to combat the invidious and sometimes blatant status issues that plague the profession. They get smaller offices and worse class schedules. Their classes are accorded fewer credits while being perceived by students as being more work. Their biographies and pictures do not appear on the school Web site. Their contact information is placed in a separate legal writing category at the end of the faculty phone sheet. They are not

recognized as “professors” (because, as one doctrinal colleague argued, we don’t “profess”), and instead are given lower-status titles like “instructor” or “lecturer.” When legal writing faculty try to better their positions by raising these issues in their law schools, they may be ignored, they may be treated like children, or they may have to listen to seemingly endless and hurtful debate in faculty meetings about whether they “deserve” any of the benefits the “regular” faculty are routinely awarded.

The actual hard work of teaching legal writing to first-year law students can also, frankly, become somewhat routine. Every year in August, the legal writing teacher is confronted with basically the same raw material that must be molded all over again. There is never a year where the students already know what a rule of law is and how to use IRAC (Issue, Rule, Application, Conclusion) to organize an issue, so the class can skip that part and do something different. Further, no matter how the course is taught, the students cannot learn legal writing without doing it; so at some points during the year, legal writing teachers must sit down and slog their way through stacks and stacks of papers on an identical topic.

Also, many of us are in a perpetual quandary about who we are and what we should be doing. We think that to become more like “Them” (doctrinal professors) we need to act like Them. If They see that we are just like Them, then they will start to treat us (and, we hope, pay us) like Them. So we decide we need to publish articles, participate in law school committees, attend admissions events, and do all the other things They do. But even before we shoehorned all those activities into our schedules, we were already working twice as hard as They work, it seemed, for half as much money (if we’re lucky). Although these additional activities should in theory help us find long-term job satisfaction, we are now working *three* times as hard for half as much money, a pace we cannot sustain. So in addition to exhausting ourselves trying to do our job *and* do the job we think will increase our status in the eyes of the law school, we exhaust ourselves trying to figure out what our priorities should be and

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² The various problems of working as a legal writing professor have been documented numerous times. See, e.g., Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing Programs*, 70 *Temple L. Rev.* 117 (1997); Jo Anne Durako, *A Snapshot of Legal Writing Programs at the Millennium*, 6 *Legal Writing* 95 (2000); Emily Grant, *Toward a Deeper Understanding of Legal Research and Writing as a Developing Profession*, 27 *Vt. L. Rev.* 371 (2003); Jan Levine, *Voices in the Wilderness: Tenured and Tenure-Track Directors and Teachers in Legal Research and Writing Programs*, 45 *J. Legal Educ.* 530 (1995); Jill Ramsfield, *Legal Writing in the Twenty-First Century: A Sharper Image*, 2 *Legal Writing* 1 (1996).

³ See <www.lwionline.org> for annual Association of Legal Writing Directors survey results.

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whether any of this hard work will ever make any difference.

Further, the time drought for legal writing professionals, occasioned by the need for intensive individual work with students and long grading hours, robs us of the time to do the things that might contribute to long-term job satisfaction. We have little time and energy to fight for status changes, which perhaps contributes to the slow rate of change. Although writing scholarly articles might ultimately increase job satisfaction, it can be difficult to trade one of the more tangible benefits of the job, time to regenerate during the academic breaks, for time to pursue larger scholarly projects. And that assumes that the rest and regeneration possible during breaks are not essential to finding the energy to tackle the upcoming semester.

Finally, even the very satisfying aspects of the job, like just plain teaching, can get tedious after 10 years if no breaks or course variations are available. Even the glow of excellent teaching evaluations and the resulting determination to do even better next year can fade in weeks. Last May's teaching evaluations, no matter how good, may not provide enough sustenance in October to keep you going until December if you are at the end of your rope. And while in the fall, a couple of returning students may be effusive about how much they learned and how important the class was to their education, they then go away, leaving you to face all those new students who don't understand IRAC until the fourth or fifth explanation.

Can the Pros and Cons Balance?

Weighing these pros and cons can be disheartening. The problems sometimes seem more numerous than the rewards, and there are many problems within the profession that as individuals we may not be able to fix, at least in the short term. This does not mean, however, that we must conclude that the struggle is not worth the effort. Rather, it means we need to take deliberate action to fortify the positive side of the equation so that we can make the teaching of legal writing a long-term career, not just a stop along the way. So as we continue to push for changes, what can we do to maintain our enthusiasm for

the work as it is now and as it may be for another decade?

Most importantly, we may need to recognize that teaching the same subject over and over, year after year, if that is what we have contracted to do, may not be enough to maintain professional enthusiasm, even if we pursue creative new ways to do it. If we recognize that limitation on the job, we can then consciously commit ourselves to engaging in other activities that help us grow professionally. One option is to deliberately make more time for nonteaching activities, which most experienced teachers can probably do without actually becoming less effective teachers. Reuse tried and true writing problems and class exercises; for one semester, rely solely on old class notes so that more time is freed up for a new, creative project. This does not mean you must become a bad teacher; just decide to lighten up for one semester and instead devote that energy to something else, like your own writing. The new ideas and enthusiasm that a creative project can generate will ultimately enhance classroom teaching.

Second, although it is completely legitimate to slow down in the summer to recover from the academic year, volunteering or working in a legal practice setting during long academic breaks can be energizing. Working at a legal aid office or for an environmental advocacy organization for two months, or writing a few briefs for the state public defender's office, can remind you why you went to law school and can help reconnect you with the actual practice of law. It can also help refresh the skills you are teaching, help you keep up with changes within the profession, and provide material for new writing assignments.

Also, every few years, with your colleagues, re-examine in depth what and how you teach, which can provide a much-needed boost. Try scheduling a full-day legal writing faculty retreat every three years or so, and hold it away from school where you can relax. At the retreat, don't limit the discussion to the current details of the program. Instead, pretend you are starting all over and need to decide how to structure the course. Think big. Examine your priorities. Decide whether you would come out with a program any different from the one you have now. The conclusion may

be that the current program works perfectly well. But that conclusion can itself be quite gratifying, and the discussion it takes to get there can reinvigorate your teaching. A retreat can also help strengthen relationships with your colleagues, which may help sustain both individuals and a legal writing department through stressful times.

In addition to connecting with local colleagues in meaningful ways, connect with the wider legal writing community. Regional conferences are held regularly, and the Legal Writing Institute organizes an excellent conference every other year, attended by several hundred of its members.⁴ The conference includes presentations on a variety of subjects related to legal writing, including teaching and scholarship. It also provides a great opportunity to get to know other legal writing faculty who can offer support and mentoring, especially during difficult career phases. Attending a conference can help individual faculty members feel connected to a greater purpose of promoting and fostering good legal writing in the legal profession as a whole, which can contribute significantly to job satisfaction. Also, it does not take much time to participate in the legal writing e-mail discussion list, and having a network of peers who fully understand both the limitations and the joys of the job can be invaluable.

Although unlike doctrinal professors, most legal writing professionals are not contractually entitled to a sabbatical, most deserve and probably need one. If financially possible, consider self-funding a sabbatical to make time for a renewing project, or ask to teach half time for a semester or a year. While many law school deans are unwilling to pay for legal writing faculty sabbaticals, they may approve a well-conceived plan that will not cost them anything. Two legal writing professors could job share for a year, or one could teach fall semester and the other teach spring. A job exchange with a legal writing faculty member at another school might provide a change.⁵ This may

seem like admitting defeat and allowing our employers to take advantage of us since law schools *should* be funding sabbaticals for legal writing staff. But realistically, some of us just need some time off for renewal, and we are not going to have the stamina to fight for funded sabbaticals for another 10 years if we don't get it.

Finally, look for day-to-day opportunities that can make life within the workplace more rewarding. Make connections within the law school community. Not all doctrinal professors are the enemy; some of them actually have taught legal writing and know all about its problems, and some of them just get it or are good people who can make the workplace more enjoyable, or both. Get involved in the local bar association in some small way. Ask to teach summer school courses, or to participate in a clinic as an adjunct, or to substitute in doctrinal classes. Make a conscious effort to do something different in your professional life, even for just a semester.

Conclusion

The legal writing professional community and the legal education community as a whole could potentially suffer significant damage because of the stresses on individual legal writing professionals and the personal dissatisfaction that can result. We stand to lose experienced and knowledgeable teachers who have developed expertise both in teaching methods for legal writing and the craft of legal writing itself. The consequential loss to legal education in general is, I hope, obvious. While some schools have made significant progress on status and equity issues, allowing individuals at those schools to be quite professionally active and to pursue creative projects that nourish them over the years, many have not. The legal writing faculty at less progressive schools may have trouble seeing legal writing teaching as a profession that can offer them professional satisfaction over the long term.

Undoubtedly, legal writing faculty will slowly continue to make gains and improve their position. And those gains and improvements will enhance opportunities for legal writing professionals to do more varied and thus ultimately more satisfying work: more scholarship, more involvement in professional organizations, more contribution to their law school communities, and

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⁴ See <www.lwionline.org> for information on conferences sponsored by the Legal Writing Institute.

⁵ See Terri LeClercq, *A Challenge from the Future: Legal Writing*, 2009, 9 Legal Writing 111, 116 (2003) (suggesting job exchange as a positive development for the legal writing community).

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more opportunities to teach new and challenging courses. These improvements will probably lead to better working conditions, eliminating some of the large-scale problems, like low salaries, and smaller-scale irritations, like inferior offices and lack of institutional recognition.

Although I sometimes find the slow pace of change within the profession discouraging, and some of the corresponding conditions that plague the profession frustrating, implementing a few of these “job satisfaction boosters” has helped me find new enthusiasm for my work and has allowed me to balance out some of the dissatisfactions. I believe that consciously recognizing the potential pitfalls in teaching legal writing and regularly making plans about how to step around them will help keep me challenged and engaged over the long term.

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“Learning is usually treated as a supply-side matter, thought to follow teaching, training, or information delivery. But learning is much more demand driven. People learn in response to need. When people cannot see the need for what’s being taught, they ignore it, reject it, or fail to assimilate it in any meaningful way. Conversely, when they have a need, then, if the resources for learning are available, people learn effectively and quickly.”

—From John Seeley Brown and Paul Duguid, *The Social Life of Information*
(Harvard Business School Press, Boston) 2000 at p. 136.
