Professional Training, Diversity in Legal Education, and Cost Control: Selection, Training and Peer Review for Adjunct Professors

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Professional Training, Diversity in Legal Education, and Cost Control: Selection, Training and Peer Review for Adjunct Professors

Abstract
The thesis of this article is that adjunct faculty make a unique and valuable contribution to legal education, that law is best taught by a combination of full-time and adjunct faculty members, and that serious consideration should be given to the issues of how best to divide teaching between full-time faculty and adjuncts. In addition, if adjunct faculty are to be viewed as a positive part of the teaching endeavor, it is essential to consider the ways to maximize their contribution. This article recommends a serious change in the way law schools think about and relate to adjunct faculty. Part II of this article discusses the challenges of education for the practice of law, diversification, and cost control and describes how adjuncts can help law schools respond to each of these challenges. It also discusses other advantages presented by using adjunct faculty. Part III analyzes the proper allocation of roles between full-time and adjunct faculty and the need for the full-time faculty to assist and supervise adjunct faculty members. Part IV sets out a scheme for full-time faculty assistance and supervision of adjunct faculty, addressing specifically how adjuncts should be hired, how they should be trained, and how peer review should function for adjunct faculty.

Keywords
Adjunct professors, legal education, faculty, legal skills, law professors, law school, lawyering skills, law students

Disciplines
Legal Education

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PROFESSIONAL TRAINING, DIVERSITY IN LEGAL EDUCATION, AND COST CONTROL: SELECTION, TRAINING AND PEER REVIEW FOR ADJUNCT PROFESSORS

Marcia Gelpe†

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I. INTRODUCTION

Among the major challenges facing law schools today are the calls to improve the readiness of graduates for the practical and ethical difficulties of practicing law, the demands for diversification of law faculties, and the need for cost control. Employment of practicing lawyers and judges as adjunct faculty can help law schools meet all of these challenges. Adjuncts bring their understanding of the demands of the practice of law into the classroom and into the halls of the academy, sensitizing both students and other faculty members to these demands and helping both develop ways to meet them. Law schools unable to hire new full-time faculty in a period of faculty stability can still expand the diversity of role models put before their students by employing a diverse force of adjuncts. Adjunct faculty can be employed at less cost than full-time faculty members.

Employment of adjunct faculty is not without difficulties. Many law schools have traditionally resisted use of adjunct faculty; their resistance based, at least in significant part, on concerns about the quality of education delivered by instructors whose primary occupation is the practice of law. Nonetheless, as these challenges to legal education become more compelling, it is important to look seriously at the advantages that adjunct faculty offer to legal education and to develop means to alleviate the concerns.

This article analyzes the advantages that adjunct faculty present in legal education. It also discusses the potential problems presented by adjunct faculty. In light of the advantages and potential problems, it sets out the appropriate allocation of teaching responsibilities between full-time and adjunct faculty. It then presents specific proposals on the steps law faculties should take in the selection, training, and peer review of adjunct faculty.

Law schools have traditionally been begrudging in their use of adjunct faculty. The employment of adjunct faculty was treated largely as a secret or as a sign that a law school was not of the highest caliber. An American Bar Association (ABA) study on adjuncts reported that, "it is commonplace to hear that [adjunct faculty]
lead a shadowy existence on the periphery of the law school operation.”¹ Both Association of American Law Schools (AALS) and ABA standards on law schools limit use of adjunct faculty.² The AALS provides that “[a] faculty’s competence shall be judged primarily with reference to its full-time members.”³ An ABA standard is evasive on whether it judges employment of adjunct faculty worthwhile. The standard states, “A law school should include experienced practicing lawyers and judges as teaching resources, on a full-time or part-time basis, to enrich its educational program.”⁴ The interpretation to this standard provides, “A law school may make appropriate use of qualified part-time faculty to provide professional skills instruction.”⁵ It is not clear what the term “teaching resource” in the standard means or if the interpretation limits the type of teaching for which adjuncts may be employed.

The literature also gives scant attention to adjunct faculty. Despite a rich literature on legal education and on teaching law, there has been little addressing the special position and needs of adjunct teachers.⁶ Most striking has been the lack of systematic examina-

¹. ABA COORDINATING COMM. ON LEGAL EDUC., A MANUAL FOR LAW SCHOOLS: ON ADJUNCT FACULTY 2 (1993) [hereinafter ON ADJUNCT FACULTY].
². See ASSOCIATION OF AM. LAW SCH., 1997 HANDBOOK, § 6-5(c), at 31 [hereinafter AALS HANDBOOK]; ABA SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, STANDARDS FOR APPROVAL OF LAW SCHOOL, Standard 403(c) (1996) [hereinafter ABA STANDARDS FOR APPROVAL].
³. AALS HANDBOOK, supra note 2, § 6-5(c), at 31. The Association of American Law Schools (AALS) went through a four-year process of considering adoption of a regulation on use of adjunct faculty. See Memorandum 95-30 from Carl C. Monk, Executive Director, AALS, to Deans of Member and Fee-Paid Law Schools and Members of AALS House of Representatives (Aug. 14, 1995) (on file with the William Mitchell Law Review) [hereinafter AALS MEMORANDUM]. The main issue was what limits to put on the use of adjunct faculty. This process culminated in the issuance of a new interpretation on a bylaw by the AALS. The Interpretation of AALS Bylaw 6-5(d) limits the number and type of courses which adjunct faculty may teach and sets out general requirements for supervision of adjunct faculty. See id.
⁴. ABA STANDARDS FOR APPROVAL, supra note 2, Standard 403(c).
⁵. Id. Interpretation 403-1 (1996). The ABA allows law schools to count adjuncts in the student/faculty ratio with each adjunct counting as 0.2 of a faculty member. See id. Interpretation 402-1. On the positive side, the American Bar Association has devoted some effort to consideration of adjunct faculty. In 1991 it established a committee “to consider ways in which practicing lawyers and judges might more usefully contribute to legal education in American law schools.” ON ADJUNCT FACULTY, supra note 1, at 1. The product of this committee’s work is a manual that makes some basic, yet fairly skeletal suggestions on how law schools might relate to adjunct faculty. See id.
⁶. For the most extensive recent treatments of how to relate to adjunct faculty, see Andrew F. Popper, The Uneasy Integration of Adjunct Teachers into American...
tion of the advantages and disadvantages of having adjunct faculty.

The reported peripheralization of adjunct faculty ignores the fact of widespread employment of adjuncts. Many American law schools use adjunct faculty members extensively in their educational programs. Most adjuncts teach in clinics and skills courses, but others teach "standard" substantive courses. While some adjunct faculty members work in conjunction with or under the supervision of full-time faculty members, others have full responsibility for their own courses. More important, the existing attitude toward adjuncts ignores the significant advantages of having adjuncts participate in legal education in law schools.

The thesis of this article is that adjunct faculty make a unique and valuable contribution to legal education, that law is best taught by a combination of full-time and adjunct faculty members, and that serious consideration should be given to the issues of how best to divide teaching between full-time faculty and adjuncts. In addition, if adjunct faculty are to be viewed as a positive part of the teaching endeavor, it is essential to consider the ways to maximize their contribution. In this regard, this article addresses the ways in which full-time and adjunct faculty should relate to each other, the steps which law schools should take to enhance teaching by adjunct faculty, and how full-time faculty should supervise their adjunct colleagues. The suggestions presented in this article are not marginal; for most law schools, they will require much more than a little tinkering with the way adjunct faculty are handled. This article recommends a serious change in the way law schools think about and relate to adjunct faculty.

Part II of this article discusses the challenges of education for the practice of law, diversification, and cost control and describes how adjuncts can help law schools respond to each of these chal-

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7. See ABA SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, A REVIEW OF LEGAL EDUCATION IN THE U.S. (1995). The ABA reported that in 1995, 6,815 part-time and 5,675 full-time teachers were teaching in approved American law schools. See id. at 67.

8. See Judith Ann Lanzinger, Judges Teaching in Law School: Who, What, Where, and Why Not?, 43 J. LEGAL EDUC. 96, 99-100 (1993). Lanzinger offers many recommendations to improve the use of adjunct faculty, including allowing them to teach a wider range of courses as a supplement to full-time faculty. See id. at 106.

9. See id. at 100.
ADJUNCT PROFESSORS

lenges. It also discusses other advantages presented by using adjunct faculty. Part III analyzes the proper allocation of roles between full-time and adjunct faculty and the need for the full-time faculty to assist and supervise adjunct faculty members. Part IV sets out a scheme for full-time faculty assistance and supervision of adjunct faculty, addressing specifically how adjuncts should be hired, how they should be trained, and how peer review should function for adjunct faculty.10

II. THREE CHALLENGES

A. Preparation for Practice

1. The Problem

The academy of the law faculty has been criticized for two sorts of failures in preparing students for the practice of law. First, it is claimed that law graduates lack the skills needed to practice law. Second, it is claimed that law graduates lack the ethical values and sense of professionalism that lawyers must have. Both of these sorts of claims are raised in the seminal article by Judge Harry Edwards.11 While Judge Edwards’ claims are vigorously debated, they are also widely accepted.12 Furthermore, while Judge Edwards addresses his critique especially to the “elite” law schools, he raises issues that all law schools must consider.

Law students must learn how to be lawyers, either in their law school studies or on the job after they complete their law degrees. They must learn not only legal theory and doctrine and how to analyze both, but also how legal theory and doctrine influence each

other in the practice of law and how to use both theory and doctrine in preventing or solving legal problems. Beyond this, they must learn how to relate to clients, how to deal with thorny professionalism and ethics issues as they arise in the context of the pressures of law practice, how to decide when their research of an issue is sufficient, and how to perform the many other tasks that a lawyer must perform. One influential list of skills and values a practicing lawyer must have includes: problem solving; legal analysis and reasoning; legal research; factual investigation; communication; counseling; negotiation; litigation and alternative dispute-resolution procedures; organization and management of legal work; recognizing and resolving ethical dilemmas; provision of competent representation; striving to promote justice, fairness, and morality; striving to improve the profession; and professional self-development. In other words, lawyers need sophisticated skills as well as knowledge of legal theory and doctrine, and skills in this meaning extends far beyond knowing how to draft a complaint.

It may be claimed that the job of law school is to give a conceptual base to students and that they can learn to be lawyers on the job. This claim assumes either that professional skills can be self-taught or that law graduates take their first jobs in settings, mainly traditional large law firms, that provide sufficient structured skills training. Both assumptions are false.

There is no reason to assume that lawyering skills and professionalism are more suitable to being self-taught than other subjects taught in law school. In fact, the opposite is true. While students and new lawyers can learn a great deal of legal theory and doctrine from books and law reviews, it is much more difficult for them to learn high-level skills by reading about them. These skills require sophisticated integration of multiple factors and are best learned under the tutorship of a sensitive and experienced practitioner.

14. See ABA SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 138-221 (1992) (listing, explaining, and analyzing the skills included in the list) [hereinafter MACCRATE REPORT]. A list developed by another source includes the following: interpersonal skills that are used in collaborative, consultative, and competitive relations; ability to discover and deal with facts; ability to execute decisions made on basis of law, facts, and needs of the individuals; ability to implement non-legal strategies to achieve goals; and ability to use forms and procedure to achieve goals. See Marc Feldman & Jay Feinman, Legal Education: Its Cause and Cure, 82 MICH. L. REV. 914, 929 (1984).
This does not mean that such learning should be left to on-the-job training. The training in law firms probably never was available for as many new graduates as the model assumed, and it is probably less available now than ever. Many graduates do not move from law school into traditional law firms where they take up associate or other "learning" positions. They go to work instead in smaller firms or in government offices where there is less opportunity for training that precedes doing. Some new graduates set up their own practices, with no one senior to guide them in any structured manner. Moreover, even in traditional large law firm settings, there is probably less opportunity to learn than there once was. The current economics of law practice dictates that new associates become more "productive" at an earlier stage. Finally, in light of all the current complaints about lack of professionalism in the law firms themselves, it is inappropriate to leave all the training on how to be a lawyer to the unsupervised setting of the firm. Law schools can provide greater control over the quality of the training.

Other actors are requiring law schools to take a serious role in skills training and not leave the task to other settings. The ABA Standards for Approval of Law Schools now make it clear that law schools should be teaching professional skills. Furthermore, the newly developed Multistate Performance Test of the National Conference of Bar Examiners will test six lawyering skills: problem solving, legal analysis and reasoning, factual analysis, communication in writing, organization and management of a legal task, and recognizing and resolving ethical dilemmas. To pass the exam, students will have to acquire these skills in law school and not on the job.

While much of the discussion about professional skills education has been addressed to specially designated courses in skills and to law school clinics, in fact a broad range of skills are now taught

15. See ABA STANDARDS FOR APPROVAL, supra note 2, Standard 302(a)(4) and Interpretation 302-1. In addition, the importance of the law school providing this preparation is emphasized in the 1993 amendment to ABA Accreditation Standard 301(a), adopted at the behest of the ABA Task Force on Law Schools and the Profession. See Robert MacCrate, Preparing Lawyers to Participate Effectively in the Legal Profession, 44 J. LEGAL EDUC. 89 (1994). The Standard now reads, "A law school shall maintain an educational program that is designed to qualify its graduates for admission to the bar and prepare them to participate effectively in the legal profession." Id. at 91 (language in italics added by amendment).


17. See generally MACCRATE REPORT, supra note 14, ch. 7, at 233-60.
in many "traditional" courses, especially in more advanced courses. Many regular law school courses now include drafting, statutory analysis, problem solving, and other legal skills components. Furthermore, sophisticated skills education should not be, and perhaps cannot be, separated from "substantive" education. To understand the full import of legal theory and doctrine, it is essential to examine how they play out in practice.

2. Adjuncts as a Solution

Adjunct faculty should be particularly good at teaching students about the practice of law and about how an on-the-job professional solves problems. To some extent, full-time faculty can also provide such training, but adjuncts have a more direct interest in these matters, a richer source of experience, and an extra measure of credibility with students.

Adjunct faculty, when properly selected, are as good as, and in some ways better than, full-time faculty in showing students how theoretical considerations of the law are important in practice. Some may assume that adjunct faculty cannot do this, that adjuncts are so deeply into practicing law that they do not think about legal theory, and that only full-time faculty can teach students legal theory. These assumptions, like those about on-the-job skills training, are false.

An important reason why legal theory is taught in law schools is that it is relevant to the practice of law. That is, in deciding how to proceed in practice, it is essential, or at least helpful, to under-

18. See Paul Barron, Can Anything Be Done to Make the Upper-Level Law School Courses More Interesting, 70 TUL. L. REV. 1881, 1890-91 (1996); see also Laura Duncan, The Advance of the Adjunct, STUDENT LAW., Sept. 1995, at 14, 15 (recognizing the trend of law schools to use more practicing legal professionals as adjunct faculty to increase practical skills in law).

19. MACCRADE REPORT, supra note 14, at 245. In fact, the MacCrate Report recommends that primary responsibility for skills and values instruction be assigned to full-time faculty. This is, in part, because full-time faculty are in a better position to develop new teaching methods for skills and values education. See id.

20. Cf. Michael Norwood, Scenes from the Continuum: Sustaining the MacCrate Report's Vision of Law School Education into the Twenty-first Century, 30 WAKE FOREST L. REV. 293, 300 (1995) ("Law school faculty members generally do not possess the requisite balance between academic and practice skills that would be needed for effective instruction in [the development of practical skills and values]."). See, e.g., Barron, supra note 18, at 1888-89 (noting the ability to use an experienced practitioner to add day-to-day practical insights on theoretical issues as a positive addition to his Bankruptcy class).

stand the theoretical aspects of the issues at hand.\textsuperscript{22} If we believe this, then we must also believe that good practicing lawyers think about theory. They can then bring these thoughts into the classroom.

Not only do good practicing lawyers understand legal theory, they also should be good at showing students how theory is relevant to practice. Their own practices provide them with examples that they can bring into the classroom. While full-time faculty may also have experiences to discuss, either from their own past or part-time practices, or from experiences of others with which they are familiar, adjuncts are more likely to have a rich and ever-replenishing source of such experiences. Moreover, the presence of adjuncts on the faculty, if properly structured, can lead to discourse between the practicing adjuncts and the full-time faculty that will provide full-timers with examples from practice which the full-timers can then use in their own teaching.

Adjuncts also have a special legitimacy with students when they talk about the importance of theory to the practice of law. Students may doubt the validity of practical advice given by a full-time occupant of the law building, who has largely forsaken the practice of law. Students will not have the same skeptical response to adjuncts.\textsuperscript{23}

Adjuncts contribute in another way to meeting the demand for better teaching of practice skills. The teaching of practice skills, whether in the context of clinics or of traditional classrooms, entails a great deal of work for the teacher, and is best done in small classes. Student-teacher ratios are lower if some sections of a course are taught by adjuncts. This allows the teachers, both full-time and adjunct, to require students to do written exercises, consult individually with the instructor, and engage in other skill-building activities that are difficult in standard law classes of 50-100 students.

It may be objected that many practitioners do not, in fact,

\textsuperscript{22} See id. at 65-66 (proposing the further integration of doctrine and theory in legal education).

\textsuperscript{23} See J. Cunyon Gordon, A Response from the Visitor from Another Planet, 91 Mich. L. Rev. 1953, 1953-54 (1993). This article, which was written in response to Harry Edward's The Growing Disjunction Between Legal Education and the Legal Profession, is largely a recital of the ways in which the author, a practicing lawyer, understands legal theory and finds it relevant to her perspective on understanding the law. See id. at 1954.
think about the connection of theory and practice and so will not teach this to students. This is undoubtedly true. The proper response is not to keep practicing lawyers out of the classroom, but rather to hire more thoughtful practitioners and to encourage them to articulate to students the considerations of connection that go into their practice. This is why I propose below a more discriminating process for adjunct hiring than most law schools now employ and also a structured, continuing development program for adjunct teachers.

B. Diversity

1. The Problem

Law schools are being asked to diversify not only their student bodies but also their faculties. The AALS makes it a requirement of membership that a law school "seek to have a faculty, staff, and student body which are diverse with respect to race, color, and sex." Calls for diversification come from many other observers of legal education as well. Diversification of both the student body and of faculties is more difficult in face of current political and legal hostility to affirmative action. As to faculty diversification specifically, the schools' abilities to meet demands for diversification are further restricted by the fact that many law schools are now in a period of stabilization or contraction of faculty size.

24. See AALS HANDBOOK, supra note 2, § 6-4, at 31.
25. Id. The same provision continues, "A member school may pursue additional affirmative action objectives." Id.
27. See generally Terry Carter, On a Roll(back), A.B.A. J., Feb. 1998, at 54 (discussing court rulings that limit the use of affirmative action by public law schools in admissions).
2. Adjuncts as a Solution

Adjunct faculty can help meet the demand for greater faculty diversity at a time when few tenure track positions are open. There is generally greater turnover in adjunct faculty than in full-time faculty. Although some adjuncts teach for many years, others teach for only a few. Therefore, it is easier to change the composition of adjunct faculty than full-time faculty.

Of course, there is the danger that a faculty that hires a diverse adjunct faculty will not feel the pressure, or the need, to diversify the full-time faculty. The literature already has complaints about faculties that have slotted minorities and women into adjunct positions but not into regular faculty positions. On the other hand, by bringing in a more diverse adjunct faculty that is closely supervised by the full-time faculty, as suggested below, faculties may gain familiarity with teachers from diverse backgrounds and be more willing to accept them as full-time colleagues. In any case, diversification of the adjunct faculty should not be a substitute for diversification of the full-time faculty.

Adjuncts can bring other types of diversity to a faculty as well. Full-time faculty tend to be drawn from a narrow range of practice experiences. The traditional background for full-time law teachers is in large law firms, judicial clerkships, or large government authorities. Adjunct faculty can be drawn from a much broader range of practice experiences, increasing the diversity of practice experiences brought into the classroom.

For many legal problems, there are many different legitimate approaches. The approach a lawyer takes to a problem is formed by that lawyer’s personality and experience. It may be that only a certain type of person is drawn to the rather small profession of full-time law teaching. Expanding the faculty with adjunct teachers expands the variety of approaches to which students are exposed.

As indicated above, besides learning law, students must learn how to be lawyers. A fair amount of this is learned from modeling: seeing how different lawyers approach issues and finding an approach that fits the particular student. Adjunct teachers bring the students a greater variety of models.

C. Cost Control

1. The Problem

Increases in the cost of legal education are outstripping law school revenues. The cost crunch derives from several sources. The enhanced concern for clinical and skills education, in wake of the MacCrate Report, is one contributing factor. Such education is costly, in part because it works best in small groups. In addition, the AALS requires member schools to provide “significant opportunities for instruction on an individual or small-group basis,” and this requirement is not limited to clinical or skills instruction. Declining enrollments also contribute to the cost crunch; law schools are reducing their entering class sizes and therefore their tuition revenues. Fixed costs prevent parallel reductions in expenses.

As a result, the cost of law school is putting legal education beyond the reach of many students aspiring to be lawyers. The many students who borrow money to pay law school tuition are graduating with enormous educational debt. These graduates must seek legal work that pays well enough to allow them to service this debt. Therefore, the cost crunch not only threatens to prevent law schools from filling their classes, but also raises ethical questions about whether access to professional training is being limited to the wealthy and whether graduates are being forced to avoid public

32. AALS Handbook, supra note 2, § 6-9(c).
33. See id. (stating that a member school should provide methods of instruction related to all of its curricular objectives).
34. See, e.g., Anna Snider, Seton Hall Adjuncts May Lose Stipend; Proposal is Among Several Law School is Considering to Offset Drop in Tuition Revenue, 147 N. J. L. J. 873, 884 (1997). Seton Hall’s entering class in the fall of 1996 had 60 fewer students than the fall of the previous year. See id. This article reports that Seton Hall, which has a very large adjunct faculty, was considering eliminating adjunct stipends in order to reduce expenses. See id.
35. The Access Group Report, Aspiring Law Students Must Ask Themselves “Can I Afford This?”, Syllabus, Winter 1998, at 3. The median debt for legal education alone was $66,000 for 1996 Law Access Loan Program borrowers. See id. Debt payment for such a loan is $840 a month for the new law graduate. See id. Both debt and debt payment are higher for the many students who borrowed for their undergraduate education. See id.
36. See Edwards, supra note 12, at 2212 (stating that finances sometimes dictate career choices).
service legal work. The cost crunch is not only a practical problem of whether law schools can stay in business and their employees can keep their jobs. It also presents important societal problems of access to the profession and staffing of public service positions.

2. Adjuncts as a Solution

A law faculty can save some money by employing adjunct faculty. Salaries per classroom hour are much lower for adjuncts than for full-time faculty members. Adjuncts are “cheap” because they are motivated more by a love of teaching than by money. Adjuncts also obtain increased reputation by teaching, which may be of economic or personal value to them.

The low cost of adjuncts presents a concomitant danger. It creates an incentive for law schools to over-use adjunct teachers. That incentive must be balanced by careful consideration of the advantages of full-time teachers and by recognition of the importance of making the best use of both full-timers and adjuncts. Furthermore, law schools must recognize that the cost of adjunct teachers exceeds their salaries. The recommendations below entail significant costs, in terms of time commitment from full-time faculty, associated with assisting and supervising adjunct faculty. Law

37. See id.
38. See Duncan, supra note 18, at 16. The ABA recently estimated that the cost of an adjunct to a law school is $2000 to $3500 per course. See id. It is not clear whether these figures include both the direct cost of salary and indirect costs, such as support services and provision of parking spaces. Slightly higher figures are given by other authorities. See Snider, supra note 34, at 12-13 (setting out salary stipends of $2000 to $5000 per two-hour course) and Popper, supra note 6, at 87 (noting $4000 to $5000 per course).
39. See Duncan, supra note 18, at 17; George B. Shepherd and William G. Shepherd, Scholarly Restraints? ABA Accreditation and Legal Education, 19 CARDOZO L. REV. 2091, 2139-2170 (1998). A survey conducted at William Mitchell College of Law found that most adjuncts greatly enjoy their teaching and are motivated by such enjoyment. WILLIAM MITCHELL COLLEGE OF LAW, QUESTIONNAIRE FOR ADJUNCTS (1995) (on file with the William Mitchell Law Review). Moreover, in a reported study of student reaction to adjunct teachers, almost all students said that they believed that their adjunct teachers were motivated by a concern for the students’ education. See Duncan, supra note 18, at 17. See also Popper, supra note 6, at 87. Professor Popper doubts whether the motivation of adjuncts is as divorced from their financial compensation as the text suggests. See id. My own experience contradicts that of Professor Popper. Extensive discussions with the adjuncts at William Mitchell College of Law during the work of the Adjunct Task Force during fall, 1996, convinced me that few of our adjuncts are motivated by money. Most adjuncts could make much more money adding extra billing hours in their practices, or in “rainmaking” activities, than they can through their teaching.
schools can improve the practical education they offer at a lower cost if they use adjunct faculty, but there are some costs beyond the largely symbolic amounts paid as salary to the adjuncts.

D. Other Advantages of Adjunct Faculty

Adjunct faculty provide several other advantages to law schools. These advantages are less important than those posited above, although I suspect that these are the reasons many law faculties have hired adjuncts in the past:

- **Enthusiasm for teaching.** Love of teaching is a primary motivating factor for adjunct professors; they can be expected to bring a high level of enthusiasm for the task.

  The enthusiasm of adjuncts can be important, especially in third year courses. It is widely perceived that students in their last year of law school are less than completely enraptured by their studies.\(^{40}\) Enthusiastic teachers from practice bring life to the learning endeavor for students nearing the end of their studies.

- **Providing broader range of course offerings.** Adjunct faculty can teach courses that no full-time faculty member is qualified to or interested in teaching. In this way, a law school can broaden its offerings without making a full-time faculty member unhappy by being "asked" by the dean to teach a course the person does not want to teach.

- **Covering courses or sections which full-time faculty are unable to teach.** Having adjunct faculty allows the full-time faculty greater flexibility in their teaching. If a full-time faculty member wants a leave or a sabbatical, someone must step in and cover that person’s regular courses. The institution has greater flexibility in obtaining coverage if adjuncts are also available as "substitute" teachers. In addition, it is easier to offer multiple sections of courses if some are taught by adjunct faculty. Multiple sections offer students not only smaller classes but also greater flexibility in scheduling.

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40. See Barron, *supra* note 18, at 1882-83. The old saw is, “The first year they scare you to death; the second year they work you to death; the third year they bore you to death.”
Helping job placement for students. Lawyers who teach as adjuncts get to know both the school and its students. Familiarity with the school can make the adjunct faculty member more willing to hire students from the school or to recommend that colleagues do so. This can be especially important in “non-elite” law schools in locales where their students compete for jobs with graduates of higher ranked institutions. In addition, contact between the students and adjunct faculty can give students leads to jobs.

Providing students with connection to practicing bar. Beyond job hunting, it is helpful for students, when they graduate, to know practicing lawyers. All lawyers need contacts with other members of the bar. Relationships established between students and adjunct faculty can be maintained after the students become lawyers.

Creating loyalty among the bar. If the experience of teaching as an adjunct is a positive one, adjunct faculty tend to develop a feeling of “vestedness” in the institution in which they teach. This can help the school gain financial and other support in the community, among adjunct faculty and in their firms or their other places of employment.

III. ALLOCATION OF TASKS BETWEEN FULL-TIME AND ADJUNCT FACULTY

A. Advantages of Full-time Faculty as Teachers

Greater Breadth of Knowledge. Full-time faculty are more likely to develop greater breadth of knowledge, as to both legal theory and legal doctrine. Many practicing lawyers have fairly narrow practices, specializing not just in one or two subjects, but in some limited aspect of those subjects. On the other hand, most full-time academics are expected to have broader knowledge both within their main subject area and across other areas.

This greater breadth of knowledge is created in part by the expectations of the academic environment. It is enhanced by the fact that many faculty members teach in a variety of subject areas during their careers. Their knowledge from one area informs their understanding of their other areas. Full-time faculty are encouraged to switch teaching areas from time to time in order to meet needs created by the loss of faculty who have retired or moved to other institutions. In addition, faculty members often ask to teach...
in a new area, and it is customary for deans to try to accommodate these requests. The economics of law practice prevent as much movement between subject areas. The structure of the job of law teaching also provides full-time faculty members with time to read and think broadly and opportunities, such as faculty seminars, to learn about the work of colleagues in other subject areas. Most practitioners find such opportunities an unaffordable luxury.

• **Familiarity with Teaching Technique.** The legal profession is susceptible to criticism for having teachers with no training in teaching technique.\(^{41}\) As valid as this criticism is, within the profession there is a good deal of discussions of teaching technique. Articles on the subject appear in law journals.\(^{42}\) Sessions are devoted to the subject at national and regional conferences for law teachers. Many law faculties also engage in discussion of teaching techniques. An added emphasis on teaching technique is probably provided by full-time teachers' feelings of vestedness in their work. Teaching is a big part of what they do. Few people can devote substantial amounts of their work lives to an activity without caring about how well they are performing and thinking about how to do it better. Adjunct faculty rarely have as much exposure to discussions of teaching.

• **Research as a Way of Enriching Teaching.** Full-time faculty are expected to work also as legal scholars.\(^{43}\) While in part this is justified as necessary to advance the understanding of law as a discipline, it is also commonly asserted that scholars actively involved in legal research are better teachers of legal theory and doctrine, to which their research usually relates. Adjunct faculty, otherwise occupied with the practice of law, are rarely involved in scholarship.

\(^{41}\) Cf. Jay Feinman & Marc Feldman, *Pedagogy and Politics*, 73 GEO. L.J. 875, 925-30 (1985) (asserting that legal academics are not sufficiently attentive to issues of pedagogy). The authors thoughtfully analyze the teaching of law.


\(^{43}\) See ABA STANDARDS FOR APPROVAL, supra note 2, Standards 401(a), 402(a)(3), 402(c), and 404(2).
• **Presence at Law School.** At most institutions, full-time faculty are expected to be in the law school most of the time. Their presence facilitates both their working with each other and their availability to students. Concerns have been raised about availability of adjunct faculty to students, although some reports suggest this is not a problem.44

• **Lack of Distraction by the Pressures of Practice.** Teaching and its related activities are supposed to be a main focus of the professional life of full-time faculty. Unlike adjuncts, they are not distracted by the demands and pressures of practice. They have sufficient energy and time to devote to the teaching endeavor. In contrast, it has been suggested that because adjuncts receive little monetary compensation for teaching, their first loyalty is to paying clients and not to their students or to legal education.45 This is indeed a potential problem, flowing not only from the issue of who is paying the most, but also from the strength of the lawyer's obligation to the welfare of the client.

On the other hand, a parallel problem exists for full-time teachers, many of whom see their scholarship and not their teaching as the primary measure used for professional advancement. Therefore, both full-time and adjunct teachers may have reason not to give sufficient attention to the classroom, although the reason is probably not as strong for full-time faculty.

B. **Allocation of Teaching Responsibilities Between Full-time and Adjunct Faculty**

This picture of the relative advantages of full-time and adjunct faculty provides a basis for allocation of responsibilities between them. Full-time faculty should teach basic courses in which broad concepts of legal theory and doctrine are introduced. This includes not only most of those courses that are usually required, such as Torts, Contracts, Constitutional Law, Property, and Civil Procedure, but also those courses that are introductory to other subjects, such as Administrative Law.46 In these courses, the advan-

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44. See Duncan, supra note 18, at 16-17.
45. See id. at 16 (citing a comment by Frank Read, the ABA’s deputy consultant on legal education).
46. See ABA STANDARDS FOR APPROVAL, supra note 2, Standard 403(b) (requiring that substantially all the first year courses for full-time law students and first
tages offered by full-time faculty are most important.

Full-time faculty are likely to have the breadth of expertise demanded by such courses; adjuncts are not. In addition, in these courses general legal theory is usually introduced. Full-time faculty are more likely to be familiar with a broad range of legal theory material. These classes are usually large, so that class management is crucial. Again, full-time faculty, because they live in a world that devotes more time to teaching technique, are more likely to be able to handle the large classes. The connections between various subject matters are more likely to be important in these classes. Finally, especially for first year courses, the students are more likely to seek and need individual guidance from the teachers. The full-time faculty's greater presence in the law school building is an important advantage.

On the other hand, in these courses, the advantages offered by adjuncts are not as relevant. Practical knowledge is less important. In the first year classes, there is less emphasis on combining theory and practice, since the students are not yet at a stage to consider practice issues in depth. Students lack a sufficient grounding in legal doctrine to understand the issues that arise in practice, so they are not prepared to benefit from the practical perspective that adjuncts bring. Instilling a sense of professionalism is very important in these initial classes, but full-time faculty should be able to do that where broad issues and not specific practice problems are involved.

In advanced classes, the pedagogical advantages offered by adjunct faculty are most prominent. In these classes, it is most helpful for students to be exposed to something of the practice of law; to consider how theory, doctrine and practice connect; and to encounter a practical, professional perspective on the subject. In advanced classes, the enthusiasm of the teaching practitioner may be especially valuable in maintaining student interest. It is also in advanced courses in which a number of the "practical" advantages of adjuncts are most striking: the offering of a broader range of course offerings, the need for providing a connection to the practicing bar, and assistance with placements. Similarly, in these courses, some of the advantages offered by full-time faculty are less important: the broad perspective and the general introduction of legal doctrine and theory.

This suggests that, as a general rule, broad, basic courses and second year courses for part-time students be taught by full-time faculty.)
should be taught by full-time faculty and that adjuncts should be used in advanced courses with a narrower scope. The division should not be absolute. A full-time faculty member doing research in a subject should also teach advanced work on the subject. This allows students to benefit from the enriched understanding the teacher gains through research. Furthermore, most full-time faculty have experience either from their earlier or part-time work or from their public service activities that allow them to bring many of the advantages of a practitioner to specific advanced courses. These abilities of full-time faculty should be considered in course assignments.

In addition, not all advanced courses are equal. Making a connection between theory, doctrine and practice, and bringing practical knowledge into the classroom, are more important in some advanced courses than in others. For example, Legal History is an advanced course for which adjuncts offer no advantage. Advanced courses on cutting edge matters may also be more appropriately taught by full-time faculty. In these courses, it is important not only that students learn what is happening, but also that they be led to think about the directions in which the law is developing. The practice as it exists today probably does not define the practice that the students will meet. Full-time faculty, unhampered by the problems of keeping up with the details of a rapidly changing area of law, may be best at a “look into the future” approach.

C. Relationship Between Full-time and Adjunct Faculty

The adjunct faculty, while offering significant advantages to the educational endeavor, work under significant difficulties. They are ordinarily not participants in the ongoing discussions of the academic program, policies, and teaching methodologies that occur among the full-time faculty. They have limited time to commit to teaching and are not regularly on campus and available to students. The full-time faculty owes the institution, the students, and the adjunct faculty an obligation to assist the adjunct faculty to be successful teachers by creating conditions that minimize the difficulties for the adjunct faculty and maximize their effectiveness as teachers.47

In addition, the full-time faculty has overall responsibility for

47. See id. Standard 401(b). “A law school shall take reasonable steps to ensure the teaching effectiveness of its faculty.” Id.
the quality of the educational program. This responsibility flows from several sources. First, members of the full-time faculty are the experts in teaching; they owe it to the adjuncts to share their knowledge to help the adjuncts do the best they can. Second, full-time faculty have an ethical obligation to the students to assure the quality of the educational program. Third, ABA and AALS rules place responsibility for the educational program on the full-time faculty. 48 Fourth, the responsibility stems from the duty of peer review that is borne by all academic faculties. Academics, in private as well as public institutions, have obtained extraordinary assurances of free speech; in return, they have agreed to be responsible for policing their own colleagues to be sure they are doing work of good quality and conducting themselves in an ethical manner. Faculty are thus responsible for peer review of the teaching, as well as the research, of their colleagues.49 We are most familiar with this peer review system as it operates in the determination whether to grant tenure to a new full-time faculty member, but it should not be limited to this context. It certainly embraces the full-time faculty's responsibility for peer review of adjunct faculty.

This responsibility of the full-time faculty for the work of the adjuncts is a serious one. In order to carry out this responsibility, the full-time faculty must assist and supervise the adjunct teachers in a systematic and meaningful manner.50 An occasional class visit is not enough.

Finally, in order to maximize the utility of the adjunct faculty, it is important to develop good means of contact between the full-time and adjunct faculty. This facilitates the full-time faculty's exercise of its responsibility for assistance and supervision, helps full-

48. See id. Standard 403(a). “The full-time faculty is responsible for the law school's instructional program and for ensuring that all courses contribute to the school's educational mission.” ASS'N OF AM. LAW SCH., INTERPRETATION OF AALS BYLAW 6-5(d) § b (Aug. 1995) [hereinafter AALS INTERPRETATION]. See also AALS HANDBOOK, supra note 2, § 6-5(d) (requiring full-time faculty to offer at least two-thirds of the instruction).


50. See ABA STANDARDS FOR APPROVAL, supra note 2, Interpretation 403-1. "Appropriate use of practicing lawyers and judges as part-time faculty requires that a law school provide them with orientation, guidance, monitoring, and evaluation." Id. See also AALS INTERPRETATION, supra note 48, § b ("A school's policies and practices should provide for regular supervision of the adjunct faculty, including routine review of evaluation of teaching and grading and ensuring that adjunct faculty are available to their students.").
time and adjunct faculty learn from each other, and increases the adjuncts’ investment in and satisfaction with their part-time teaching jobs.\footnote{See On Adjunct Faculty, supra note 1, at 12-13 (suggesting that schools work for more interaction between full-time and adjunct faculty members).}

IV. SELECTION, TRAINING AND PEER REVIEW OF ADJUNCT FACULTY

A. Selection

Hiring of adjunct faculty should be under the supervision of the full-time faculty. The full-time faculty normally plays a crucial role in decisions on hiring new full-time faculty members. This is considered essential to exercise of the faculty’s responsibility for the educational program.\footnote{See AALS Handbook, supra note 2, § 6-6(c) (requiring the faculty to exercise control over appointments and changes in faculty status).} At most faculties, the full-time faculty devotes substantial effort to the task. Adjunct hiring, in contrast, tends to be treated as an administrative task.

One mechanism of hiring adjuncts would be to have the Faculty Appointments Committee handle the task, as it handles hiring of full-time faculty, with adjunct hiring subject to the same process as full-time hiring. This mechanism is unlikely to be accepted by many institutions; at most, appointment committees work hard and are unlikely to want to take on the extra work of adjunct hiring. Alternatively, adjunct hiring could be handled through a separate faculty committee on adjunct faculty.\footnote{See Popper, supra note 6, at 86 (posing the possibility of using a faculty committee on adjuncts for interviewing purposes).} This still leaves the question of what procedure should be used. Full-time hiring generally requires extensive interviews, long discussions, and votes by the full-time faculty. It may be optimal if a faculty were ready to devote the same effort to its adjuncts. It is unlikely that most faculties would, or should do so, for both practical and conceptual reasons.

On a practical level, most adjuncts stay at an institution for a shorter period of time than most full-time faculty members, so more hiring work is required for each adjunct “slot.” Furthermore, since most adjuncts teach only one course, or only part of one course, less “bang” is obtained for the hiring-effort “buck.” On a theoretical level, in hiring an adjunct, an institution is hiring a teacher, rather than a scholar and a long-range participant in the law school’s academic decision-making. It is less justified to devote
as much valuable faculty resources to this more limited activity.

At the other extreme, adjunct hiring should not be left to administrators alone, even to academic administrators. The faculty as a whole is responsible for the teaching function. Furthermore, a faculty involvement from the beginning is more likely to foster a greater level of interaction between full-time and adjunct faculty.

A middle ground is to leave the hiring to the academic dean, but to require that dean to consult with either a regular appointments committee or a special faculty committee on adjuncts. In addition, the dean should be required to consult, in a serious and not just superficial manner, with faculty working in subjects related to the course for which an adjunct is to be hired. Beyond this, it would be a good idea to institute interviews of prospective adjunct teachers, either with the regular appointments committee, a faculty committee on adjuncts, or the entire full-time faculty. In any case, full-time faculty teaching in related areas should be expected to participate. 54 These need not be the type of full-blown several-day affairs used for full-time candidates. The adjunct should be asked to come to the law school, meet with the faculty, and make a brief presentation on some subject related to the proposed teaching area. The dean in charge of hiring should give guidance on the presentation by asking the proposed adjunct to talk about a subject involving some level of complexity. The dean should also explain the special role adjuncts play in teaching students about the connections between theory, doctrine and practice and how they play out in the practice of law, thereby helping students to acquire legal practice skills, sensitizing students to ethical issues, and inculcating in them high standards of professionalism. The interview, if properly conducted, will allow the faculty to judge the candidate’s ability to fulfill this role. The interview should not be just, “Why do you want to teach?”

The interview would be beneficial not only to the full-time faculty but also to the adjunct candidates. It would send a signal that teaching is serious business, not just something an adjunct does on the side; that the institution, while grateful for the largely donated services of the adjunct, also has the right to make demands on the adjunct; and that full-time faculty care about who the adjuncts are and what they do. It would also start to build relationships between full-time and adjunct faculty.

54. See id. at 85-86.
Hiring procedures will also influence how successful an institution is in hiring a diverse adjunct faculty. Hiring through the "old boys network" is less likely to produce diversity than advertising open positions. On the other hand, advertising every position could create quite a heavy administrative burden of responding to all inquiries. In balance, a faculty serious about diversity will advertise broadly in varied local media and consult with organizations representing groups underrepresented in the adjunct faculty. As an added measure, and separate from the process of hiring for a specific opening, the dean in charge of hiring should keep a file of possible adjuncts, based on contacts made by people seeking adjunct positions, input from existing faculty, and suggestions of various organizations. This will provide a list of possible adjuncts that can be consulted when an opening occurs. In other words, everyone in the organization should get serious about adjunct hiring and about diversity and keep their eyes open.

On most faculties, the work burden of the full-time faculty will increase if the hiring process described here is adopted. It will increase even more if the rest of the recommendations given below are adopted. To assure that the faculty can carry these burdens, the number of new adjuncts hired each year should be limited. It is better not to teach some courses for a year than to hire so many new adjuncts that supervision by the full-time faculty would be problematic.

B. Training for Newly-hired Adjuncts

The law school must provide new adjunct faculty with initial training in what is expected. While such formal training would probably also be a good idea for full-time faculty, the latter have greater opportunities to gain such training informally. There are fewer new full-time faculty members each year, they are at the law school most of the workweek, and they naturally form closer rela-

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55. See id. at 88.
56. Cf. Hamilton, supra note 49, at 17. Professor Neil Hamilton argues that all academic faculties have been derelict in not more formally educating their members on the ethical obligations of the profession, on the true meaning of academic freedom, and on the obligation of serious peer review. See id. See also Daniel Keating, A Comprehensive Approach to Orientation and Mentoring for New Faculty, 46 J. LEGAL EDUC. 59 (1996) (discussing how Washington University School of Law developed a formal faculty orientation and mentoring program for full-time law faculty).
tionships with experienced full-time faculty members.

Training for new adjuncts should have three parts: (1) orientation programs for new adjuncts; (2) an adjunct handbook; and (3) personal contact by the administrative assistant with each new adjunct early in the semester.

Two orientation programs should be presented: one, an Introduction to Law Teaching, and the other, Writing and Grading Exams and Other Methods of Student Evaluation. All new adjuncts should be expected to attend both programs, and this expectation should be made clear to the adjuncts as part of the hiring process.

The major objectives of the Introduction to Law Teaching program should be to introduce adjuncts to the school’s mission and goals, to explain how the adjunct fits into the educational program, to help new adjunct teachers start thinking about pedagogical issues, and to introduce academic rules and policies. This is also a good time to reiterate what should have been said at hiring about the specific role adjuncts are expected to play in the educational program. Pedagogical issues should include: how to set course objectives in light of the adjunct’s teaching objectives, how to devise a syllabus, how to plan each class, how to choose teaching techniques, how to integrate theory and practice in the classroom, and how to manage classroom discussion of difficult issues. Academic rules and policies covered should be the more substantive ones, such as academic freedom, sexual harassment, nondiscrimination, and providing a comfortable classroom environment in the presence of diversity. Valuable training time need not be devoted to the more mundane academic issues, such as how to cancel a class or schedule a make-up, which should be covered only in the adjunct handbook. Reading material relevant to the topics to be covered in the training program should be distributed well before the program.

57. This would meet the requirement of the AALS that, “Adjunct faculty should be made acquainted with the mission and goals of the school’s educational program, the place of the adjunct in the overall educational program, and the academic policies of the school.” AALS INTERPRETATION, supra note 49, §§ a-b. The Introduction to Law Teaching Program, together with the program Writing and Grading Exams and Other Methods of Student Evaluation, would also provide the information recommended by the ABA Coordinating Committee on Legal Education. See ON ADJUNCT FACULTY, supra note 1, for general guidelines as to information and training that should be provided to adjuncts.

58. At William Mitchell, we developed a list of reading materials as well as a detailed educational program and would be glad to share these with others. One interesting feature of the program is a small group exercise on handling diversity
A program on Writing and Grading Exams and Other Methods of Student Evaluation should cover: the objectives of exams, the contents of a good exam, the purpose of student evaluation, and other methods of student evaluation. The objective should be to remind adjuncts of their special role in teaching and to encourage them to think about ways of evaluating students on the basis of how well they learned the type of material and skills that were taught.

Mechanical matters, such as how to order books, how to get a parking permit, and how to get exams typed, should be described in an adjunct handbook. This saves time at the orientation program. It also delivers the message to these new teachers that class time should not be spent on material that can better be provided to students in writing.

For personal contact, an administrative assistant assigned to work on adjunct matters should call each new adjunct early in the semester to check that all material has been received and to answer questions. The purpose of these calls is both to help the adjuncts and to show them that the school is seriously concerned about their work.

C. Development for All Adjuncts

A program for adjunct development should have three parts: review of course syllabi, periodic meetings of full-time and adjunct issues in the classroom. Adjuncts are given a problem in which some person or persons in a classroom act in a way that upsets other students. They are asked to discuss, in small groups, how they would handle the problem. This is followed by a general discussion, stressing the need for both flexibility and sensitivity in dealing with such situations. This exercise is designed to help new faculty think about how to handle such issues before encountering them, to teach them that there is no single way to handle problems, and to demonstrate use of small group teaching. The basic philosophy is not that there is a correct solution to any one problem, but that teachers need to think hard about handling such matters.

59. For example, see Exam Preparation and Grading (1996) (unpublished booklet on file with William Mitchell Law Review). At William Mitchell, we supply new adjuncts with a booklet containing examples of different types of exams.

60. See ON ADJUNCT FACULTY, supra note 1, at 3-5. Provision of a handbook meets the ABA recommendation that basic information on institutional regulations and practices be provided to adjuncts. See id. Many law schools provide handbooks to their adjunct teachers. A copy of the William Mitchell Handbook, as well as all other material from the William Mitchell Adjunct Faculty Program, can be obtained from the Administrative Assistant to the Academic Dean for Academic Affairs, William Mitchell College of Law, 875 Summit Avenue, St. Paul, MN 55105.
faculty teaching related subjects, and development seminars. All parts help adjuncts become better teachers, demonstrate the institution’s serious concern about the adjunct’s work, and facilitate interaction between the full-time and adjunct faculty.\textsuperscript{61} Law schools should not be shy about requiring adjunct participation in these activities. If the programs are good, adjuncts should not object to participating. In addition, serious adjuncts will understand that teaching demands more than showing up for class. Again, the expectation of participation should be made clear to adjuncts when they are hired.

All adjuncts should be required to submit course syllabi several weeks before the beginning of the semester. Each syllabus should be reviewed by a full-time faculty member who works in a related area. The full-time faculty member must then contact the adjunct to provide feedback before the semester begins.

Full-time faculty and adjuncts who teach in an area should meet at least once a year to discuss coordination of subject matter (who is teaching what in which course); new developments in the field; and teaching objectives and methods. In each area of the curriculum, one or more full-time faculty members should take a leadership role in working with adjuncts who teach in the area. To be sure this occurs, some supervisory person should set up the meetings and check on them afterwards.

The law faculty should present development seminars specifically designed for the adjunct faculty. Seminars can be designed and taught by full-time or adjunct faculty members, but should be under supervision of the full-time faculty. They could cover topics such as: using various teaching techniques in the classroom (e.g., small group discussions, short written assignments, computer presentations, large group discussions, and problems); making choices about teaching objectives; using theories of education and of adult education; integrating ethics education into every course; managing classroom discussion, its function, and the role of the teacher; and preparing students to learn on their own as reflective practitioners.

In addition, if the law school has development programs for the full-time faculty, or programs in which faculty present their re-

\textsuperscript{61} See ON ADJUNCT FACULTY, supra note 1, at 10 (recommending full-time faculty mentors be assigned and teaching-evaluation questionnaires be distributed to students at the end of their courses as ways to mentor and evaluate adjunct faculty).
search work, consideration should be given to inviting adjunct faculty. It may be necessary to adjust the times of some such programs to enable adjuncts to attend.

D. Support Services

Support services are important in both facilitating the ability of adjuncts to do their job of teaching well and in building connections among members of the adjunct faculty, between adjuncts and the full-time faculty, and between adjuncts and the institution. Adjuncts are in a different position than full-time faculty and need different types of support services. Most do not need help in typing and preparing class materials; generally adjuncts can handle these tasks in their law offices. They do need support in finding out what is happening at the institution, since adjuncts do not participate in the informal exchanges of information that occur at the coffee machine, in the lounge, or in the hallways outside faculty offices.

One administrative support person should be assigned to work with the adjunct faculty. This is one person to whom all adjuncts can turn for help in changing class times, arranging use of audiovisual equipment, ordering books, etc. If adjuncts teach at unusual hours—early in the morning, late in the afternoon, or in the evening—the support person should be on duty at these hours.

The law school should streamline the flow of information to adjunct faculty. Adjuncts need some but not all of the information that is sent to the full-time faculty. Few adjuncts will have the time or patience to work through the large volumes of administrative paper that plague the lives of most full-time faculty members, nor do adjuncts care what specials the cafeteria is offering. Adjuncts should receive the information that is relevant to them in an easy-to-handle form. One possibility is a regularly published newsletter just for adjuncts. The newsletter should also contain news of what is going on at the school, brief articles on teaching, and information on colleagues. Adjuncts and full-time faculty should both write for the newsletter. Since most adjuncts are at the law school irregularly, the newsletter should be sent to their offices. For adjuncts who are computer literate, it can be provided in electronic form.

Law schools regularly fund research assistance, travel, book acquisition, etc. for full-time faculty. Such funding should also be made available to adjuncts. It is unlikely that the cost will be high; most adjuncts do not engage in scholarly writing and many use research assistance available in their own law offices. Still, adjuncts
should have funding for development of class materials and other activities relevant to their academic work. Sending an adjunct to a teaching conference, and then asking the adjunct to run a development program for others or to write about the experience in the adjunct newsletter, would be a good investment. It would be a way of transmitting to both the attending adjunct and to others the ideas about teaching that are so often discussed among full-time faculty.

E. Evaluation and Feedback

Probably the greatest objection to using adjuncts as teachers is that they will just tell war stories. The traditional response is to devalue the potential contribution of adjuncts to legal education. A different response is available. The full-time faculty can engage in serious evaluation of and feedback to adjunct teachers. This will help adjuncts to develop into good teachers and allow the institution to determine which adjuncts should not be retained.

As indicated in this article, law schools should use adjuncts as teachers because adjuncts are generally better than full-time faculty in bringing a practical aspect to the teaching endeavor. Since this is the reason adjuncts are hired, they should be judged on how well they perform this task. In other words, although the standards for judging full-time and adjunct faculty will overlap in some features, they will not be the same. For example, adjuncts may be asked to present students with a model of professionalism and professional practice, address how application of theory is relevant to the practice of law, address the thought processes which practicing lawyers use in solving problems, talk about methods of resolving ethical dilemmas, and discuss how lawyers fulfill their obligation to serve the public. This would be in addition to expectations that the adjuncts present clearly organized classes, have identified teaching goals, and meet those goals in their teaching.

This is a call for serious peer review of adjunct teachers. It should involve four steps: (1) identification of standards for teaching by adjuncts; (2) communication of these standards to the adjuncts; (3) provision of assistance to adjuncts in meeting the stan-

62. See Barron, supra note 18, at 1889 n.30 (recommending that a regular faculty member and an adjunct teach together to prevent the adjunct from relying too heavily on war stories).

63. Cf. On Adjunct Faculty, supra note 1, at 10 (recommending consideration of some sort of evaluation by the full-time faculty or staff).
dards; and (4) dismissal of adjuncts who do not meet the standards.

The full-time faculty, and not just the administration, should bear the responsibility for these steps. Quality of teaching is a faculty responsibility. Furthermore, the workload will be greater than an academic dean, acting alone, can bear. Neither should feedback be left to student evaluations alone. Student satisfaction is not necessarily consistent with good teaching.

The full-time faculty should adopt a statement of standards for adjunct teaching that should be furnished to all adjuncts. Full-time faculty should then sit in on classes taught by adjuncts. This can be done in the same way as full-time faculty sit in on classes of untenured faculty. Class visits should be followed by detailed feedback, based on the stated standards, with specific suggestions on what to keep, what to change, and how to make needed changes. Written reports on the observations should be provided to the academic dean, the faculty committee on adjunct teachers, the faculty tenure and review committee, or whoever makes the decision on adjunct retention. New adjuncts should be reviewed annually until a high level of teaching competence is obtained and periodically thereafter. Adjuncts who do not attain or maintain competence should not be retained. Dismissing an adjunct is difficult, but if there has been honest feedback along the way, the adjunct is more likely to leave independently or at least to accept the institution's decision.

V. SUMMARY

Adjuncts have much to contribute to legal education. They can bring a high degree of expertise in teaching practice and professionalism; help diversify the faculty; and assist law schools to expand high level skills education, even in the face of growing concerns about rising law school tuition. To maximize adjuncts' contributions requires intensive faculty investment in selection, training, and peer review of adjunct teachers. A good program for adjunct faculty requires much more effort than most law schools are now putting into the endeavor.

The activities suggested here can result in overall cost saving in teaching students the complexities of professional practice, but they are not without cost. Law schools that hire adjuncts solely to cover "holes" in the curriculum, or to minimize costs, and not for their affirmative value as teachers, are unlikely to devote the re-

64. See Popper, supra note 6, at 90-91.
sources needed to maximize the value of adjuncts as teachers. In discussing this devotion of resources with his full-time faculty, the Dean of William Mitchell College of Law, Harry Haynsworth, likened the situation to that of a senior partner in a law firm supervising the work of new associates.65 “The situation is simple,” he said. “Either we fulfill our professional responsibility or we don’t.”66

65. Harry J. Haynsworth, Remarks at a William Mitchell College of Law Faculty Meeting (Nov. 29, 1995).
66. Id.