2002 SURVEY RESULTS ASSOCIATION OF LEGAL WRITING DIRECTORS/ LEGAL WRITING INSTITUTE

This 2002 ALWD/LWI Survey Results Report includes responses from a record number of law schools in the United States–154 this year–for an 83% response rate. The respondents answered questions about the operation of their legal research and writing programs during the 2001-2002 academic year. This report is a snapshot of these programs. It is an admittedly inexact composite picture of many unique programs of great variety and complexity. Nevertheless, the survey results show common practices, trends, and other valuable insights about the state of legal writing training in American law schools.

This survey report also includes data from the 2001 survey for purposes of comparison. You will see the left-hand column by each question includes both the number of responses in each category from the 2001 survey, where available, and the 2002 survey. Averages and other relevant data from the 2001 survey are also included throughout this report, where available, to allow rough comparisons. Where the 2001 data is unavailable, 2000 data has been substituted for comparison. Please realize, of course, that some variations measure real changes in LRW programs from last year, while others reflect changes in the respondent group.

Thanks go to all who participated in this survey. We appreciate your feedback; your time and effort are valuable to all of us. Thank you.

Jo Anne Durako and Kristin Gerdy Survey Committee Co-Chairs The definitions of terms used in this survey are listed below. For your convenience, some definitions are repeated later in the survey as part of the questions to which they relate.

Clinical tenure means the type of tenure given to clinical faculty.

Current Academic Year means the 2001-2002 academic year.

Director means the person charged with responsibility for the required legal writing program.

Doctrinal course means a course other than a clinic, seminar, or advanced writing course.

Elective course means a course that is not part of the required sequence that all law students must take, such as legal research and legal writing.

Faculty member means a full-time teacher at the law school and includes a person who is paid on an administrative line but directs a writing program.

Major assignment is one in which the final product is equal to or greater than 5 pages. Graded assignments do not include those evaluated with a check, check +, check – or a similar method, but do include those assignments factored into the final course grade.

Required legal writing program and **required program** mean the introductory course of study of legal research and writing courses that all law students must take to graduate. This generally means LRW courses in the first-year required program, but at some law schools this covers required courses in the second or third years. This does not include upper-level writing requirements beyond the introductory course.

Teaching Assistant includes student tutors or any upper-level student who participates in teaching research or writing.

Tenure track means that the director is on a scheduled time-table for being considered for tenure — not that the director has been promised conversion to tenure track at some unidentified time in the future.

Writing assignment means an assignment other than a written traditional examination — either in-class or take-home.

I. SUBMITTER PROFILE

1. Are vou:

	,
2001	2002

115 120 a. Director of the required legal writing program? ("Director" means the person charged with responsibility for the program.)

1_	6	b.	Associate director, assistant director, or co-director of the required legal writing
			program?
0	0	C.	Director of the upper-level appellate advocacy program, drafting program, or
			other upper-level program?
14	18	d.	A teacher in a program without a director? (If so, please have one individual fill
			out the survey and give a response that, to the extent possible, is representative
			of all teachers in the program.)
8_	7_	e.	None of the above.

2. Please indicate both your gender and race.

<u>2001</u>	<u> 2002</u>		
<u>138</u>	<u>150</u>	a.	Gender:
99	111		Female (75%)
39_	39_		Male (25%)
<u>138</u>	150	b.	Race:
<u>132</u>	144		White
2	4		African-American
1	1_		Hispanic
2	1_		Asian-American
1	0	_	Other

3. As of now, how many years have passed since the director earned a J.D. degree?

2001 2002

129 141 Years. (average 18.12) (min 6; max 44)
2001 Survey: (average) 17.55 (min 5; max 41)

4. As of now, how many years has the director been teaching in law school on a full-time basis? **2001 2002**

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131 140 Years. (average 11.38) (min 1; max 32)
2001 Survey: (average) 10.85 (min 1; max 31)
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5. How many years has the director directed the writing program at the present law school?

2001 2002

130 139 Years. (average 6.82) (min 0; max 21)
2001 Survey: (average) 6.13(min 0; max 20)

II. LAW SCHOOL INFORMATION

6. Following (and slightly modifying) the model developed by the Society of American Law Teachers, we have divided the country into eight regions. Please identify the region where your law school is located.

<u>2001</u>	<u> 2002</u>		
<u> 26</u>	29	a.	Region I: Far West - AZ, CA, HI, NV, OR, UT, WA. (19%)
3_	3_	b.	Region II: Northwest & Great Plains - ID, MT, NE, ND, SD, WY. (2%)
<u>17</u>	21_	C.	Region III: Southwest & South Central - AR, CO, KS, LA, MO, NM, OK, TX.
			(14%)
28	31	d.	Region IV: Great Lakes/Upper Midwest - IL, IN, IA, MI, MN, OH, WI. (21 %)
17_	17	e.	Region V: Southeast - AL, FL, GA, KY, MS, TN, WV. (11%)
21_	25	f.	Region VI: Mid Atlantic - DC, DE, MD, NJ, NC, PA, SC, VA. (17 %)
17_	17	g.	Region VII: Northeastern - CT, MA, ME, NH, NY (excluding New York City and
			Long Island), RI, VT. (11 %)
8	8	h.	Region VIII: New York City and Long Island. (5%)

7. What is the setting of your law school?

2001 2002 94 98 a. Urban. (64%) 22 28 b. Suburban. (18 %) 9 10 c. Rural. (6 %) 17 18 d. No response.

8. What type of institution is your law school?

<u> 2000</u>	2002		
55	61	a.	Public. (41 %)
79	_89_	b.	Private. (59 %)

NOTE: Because of a technical problem with the construction of the 2001 Survey, there are no reliable results for 2001. Data from 2000 survey is included for comparison.

9. What was the size of your first-year J.D. class for the current academic year?

<u>2001</u>	<u> 2002</u>		
<u>6</u>	9	a.	100 or fewer students. (6 %)
21	23	b.	101 to 150 students. (15 %)
38	32	C.	151 to 200 students. (21 %)
<u> 26</u>	37	d.	201 to 250 students. (25 %)
<u>14</u>	14	e.	251 to 300 students. (9 %)
32	35_	f.	301 or more students. (23 %)

III. STAFFING MODEL

10. Following the model used by the authors of the *Source Book on Legal Writing Programs*, we have identified eight basic staffing models for first-year writing programs. Please identify the model that most closely resembles the format that your school uses. *Note: Do not consider the director's status if that differs from the status of other LRW teachers.*

2001	2002		
5_	7	a.	Tenured or tenure-track teachers hired specifically to teach legal writing. (5 %)
4	_4_	b.	Tenured or tenure-track teachers hired to teach legal writing and other courses. (3%)
0	0	C.	Tenured or tenure-track teachers who teach legal writing as part of their first-year doctrinal courses. (0 %)
1_	_1_	d.	Many tenured or tenure-track teachers teaching legal writing to small groups of students where the teacher has no other responsibilities with respect to legal writing and where the teacher's primary responsibilities lie with teaching other courses. (0 %)
66	76	e.	Full-time nontenure-track teachers with long-term contracts or short-term contracts. (50 %)
25	21	f.	Adjuncts. (14 %)
0	0	g.	Graduate students. (0 %)
0	1_	h.	Students (only if these upper-level students provide a substantial portion of individualized feedback on papers or have a substantial responsibility for classroom teaching). (0 %)
34 5	<u>41</u> 0	i. j.	A complex hybrid of the above models or some other model. (27 %) Not answered.

11. If you checked answer i. (hybrid model) in the preceding question, which of the following elements are part of your program? (Please mark all that apply.)

2001	2002		
3 8 2	6_	a.	Tenure-track teachers hired specifically to teach legal writing. (15 %)
8_	_8_	b.	Tenure-track teachers hired to teach legal writing and other courses. (20 %)
2_	2	C.	Tenure-track teachers who teach legal writing as part of their first-year doctrinal courses. (5 %)
4	2	d.	Many tenured or tenure-track teachers teaching legal writing to small groups of students where the teacher has no other responsibilities with respect to legal writing and where the teacher's primary responsibilities lie with teaching other courses. (5 %)
24_	<u>25</u>	e.	Full-time nontenure-track teachers with long-term contracts or short-term contracts. (61 %)
21_	_28_	f.	Adjuncts.(68 %)
3	5_	g.	Graduate students. (12 %)
10	<u>14</u>	ĥ.	Students (only if these upper-level students provide a substantial portion of individualized feedback on papers or have a substantial responsibility for classroom teaching). (34 %)

IV. CURRICULUM

Note: To allow us to collect and report comparable data, respondents were asked to report all credit hours in semester hours and report all grades on a scale based on 4.0 equals an A.

12. How many credit hours are awarded each semester of the required program? Responses of 0 were excluded from the averages.

2002 (average)
(min)
(max)
of responses

2001 (average)

	First Year		Second Year		Third Year	
L	Fall	Spring	Fall	Spring	Fall	Spring
L	2.22	2.14	2.12	2.33	2.29	3.0
	1	1	1	1	2	3
	4	4	4	4	3	3
	145	148	34	15	7	3
	2.38	2.06	2.10	2.00	2.40	2.67

13. When is the first required advocacy course taught (typically an introductory appellate advocacy course taught in the spring of the first year), and how many credits are awarded for it? (Please indicate the semester in which it is taught by writing the number of credit hours in the appropriate space. If necessary, estimate the number of credit hours.)

2002 (average) (min) (max)

(max)
of responses

2001 (average)

First	Year	Second Year		Third Year	
Fall	Spring	Fall	Spring	Fall	Spring
1.50	2.03	2.17	2.0	0	0
1	1	1	1	0	0
2	4	3	3	0	0
4	114	18	6	0	0
2.14	1.95	2.00	2.31	2.14	0

14. Does the number of credit hours awarded for the required program each semester equal the number of hours of in-class teaching each week?

2001 2002

<u>108</u> <u>111</u> a. Yes.

19 20 b. No, we teach (average 1.18) (min .5; max 2.5) more classroom hours each week, on average.

2001 Survey: (average 1) (min .5; max 1)

4 15 c. No, we teach (average .93) (min .2; max 2) fewer classroom hours each week, on average.

2001 Survey: (average 1) (min 1; max 1)

- 15. How is your required course graded?
- 2001 2002
- 111 125 a. Grades that are included in the students' GPA.
- 3 2 b. Grades that are <u>not included</u> in the students' GPA.
- 11 12 c. Honors, pass, fail (or some equivalent).
- <u>7</u> 6 d. Purely pass/fail.
- 5 4 e. Other method.
- <u>5</u> <u>5</u> f. Not answered.
- 16. Is the required program graded the same way as other first-year courses, on a special curve, or with a required mean and distribution? (Note: Please convert your mean grade to a 4.0 scale.)
- 2001 2002
- 28 25 b. Yes, it's graded on a <u>curve or mean specifically for LRW</u>.*(average) 2.86 (min 2.4; max 3.3)
- 6 3 c. Yes, it's graded on some other curve or mean. (average) 2.9 (min 2.8; max 3.0)
- <u>46</u> <u>31</u> d. No.

*Note: Averages not available for previous years. Current averages only include those results reported on a 4.0 scale. 2002 average does not include two responses of 3.5 or higher.

- 17. Are the major writing assignments in the required program graded anonymously?

 (Note: A major writing assignment is one in which the final product is equal to or greater than 5 pages.)
- 2001 200248 55 a. Yes, all major writing assignments.
- 9 12 b. Yes, over approximately 75% of major assignments.
- 9 8 c. Yes, over approximately 50% of major assignments.
- 6 4 d. Yes, over approximately 25% of major assignments.
- 63 70 e. No.
- 18. How do you teach legal research in your program (choose a. or b.), and who teaches legal research (choose c. through g.)?

2001 2002

- 101 117 a. Integrated with writing.
- 32 <u>39</u> b. Taught separately from writing.
- 67 65 c. Taught by LRW Faculty.
- 55 <u>40</u> d. Taught by Librarians.
- * 37 e. Taught by both LRW faculty and Librarians
- * 20 f. Taught by Teaching Assistants or other students
- 23 14 g. Other.

^{*} This answer was not an option on the 2001 survey.

19. What research assignments are covered in the required LRW program?

(Please choose the appropriate instructional model for programs with research instruction integrated or taught separately.) (Please mark all that apply.)

2002 Data:

A program with research instruction integrated w/ writing.	A program with research instruction taught separately.	
85 2000: 78	33 2000: 28	Research exercises unrelated to writing assignments
14 2000: 38	5 2000: 17	b. All closed universe research for writing assignments
28 2000: 43	7 2000: 9	c. All open library research for writing assignments
97 2000: 78	20 2000: 24	d. Combination of closed and open universe research
53 2000: 36	21 2000: 15	e. Legislative histories
60 2000: 45	20 2000: 14	f. Administrative law research
74 2000: 60	21 2000: 13	g. Limited Westlaw/Lexis training in the first semester
23 2000: 20	7 2000: 5	h. Unlimited Westlaw/Lexis training in the first semester
88 2000: 82	25 2000: 21	Unlimited Westlaw/Lexis training in the second semester
13 2000: 17	5 2000: 5	j. Other

NOTE: Because of a technical problem with the construction of the 2001 Survey, there are no reliable results for 2001. Data from 2000 survey is included for comparison.

20. What writing assignments are assigned (choose a. through i.) and what speaking skills are taught (choose j. through o.) in the required LRW program? (Please mark all that apply.)

2000	2002	
134	<u>150</u> a.	Office memoranda.
_67	<u>70</u> b.	Client letters.
60	<u>76</u> c.	Pretrial briefs.
32_	<u>35</u> d.	Trial briefs.
104	<u>126</u> e.	Appellate briefs.
3_	3 f.	Law review articles.
28	<u>38</u> g.	Drafting documents.

6	<u> 8 </u> h.	Drafting legislation.
21	<u>29</u> i.	Other writing assignment.
39	<u>52</u> j.	Pretrial motion argument.
15	<u>17</u> k.	Trial motion argument
101	<u>115</u> l.	Appellate brief argument
34	<u>43</u> m.	In-class presentation.
16	<u>31</u> n.	Oral report to senior partner.
9	<u> 14 </u> o.	Other oral skill.

NOTE: Because of a technical problem with the construction of the 2001 Survey, there are no reliable results for 2001. Data from 2000 survey is included for comparison.

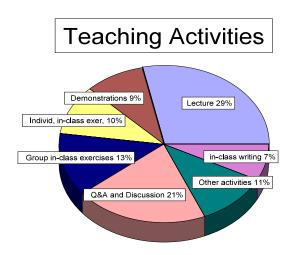
21. What percentage of time is spent in the following teaching activities? (Please mark all that apply.)

Responses of 0 were excluded from the averages. Pie chart percentages converted to base 100.

<u>2002</u> *		
139	a.	Lecture. (average 35.76 %) (min 5 %; max 90 %)
107	b.	Demonstrations. (average 11.36 %) (min 1 %; max 33 %)
106	C.	Individual in-class exercises. (average 12.70 %) (min 2 %; max 54 %)
<u> 131</u>	d.	Group in-class exercises. (average 16.39 %) (min 2.5 %; max 50 %)
83_	e.	In-class writing. (average 9.13 %) (min 1 %; max 25 %)
136	f.	Questions and answers and class discussion. (average 25.68 %) (min 2 %; max
		80 %)
24**	g.	Other activities. (average 14.05 % (min 1 %; max 30 %)

^{*}This question was not asked in the 2001 survey.

^{**}Response of 100% was not included in the average.



22. Are any legal writing assignments coordinated collaboratively by the LRW faculty and doctrinal faculty with reading or writing assignments in other first-year courses?

<u>2001</u>	2002		
2	7	a.	Yes. The topics are coordinated and taught.
22	11	h	Computed The tenies of the assignments are as

33 41 b. Somewhat. The topics of the assignments are coordinated but not the teaching. 102 102 c. No.

23.	Do you require rewrites of major writing assignments in the required program, and if so, are the
	rewrites graded?

(Note: A major writing assignment is one in which the final product is equal to or greater than 5 pages.)

2001 2002

46 40 a. Yes, all major assignments require at least one rewrite.

61 83 b. Yes, but <u>not all</u>, approximately <u>(average) 49.83%</u> (min 0.5%; max 90%) of major assignments require rewrites.

2001 Survey: (average) 51% (min 22%; max 85%)

28 24 c. No

* 55 d. All drafts and rewrites are graded.

* 19 e. Only final versions are graded (after which rewrites are required).

* 34 f. Only rewrites are graded.

*This answer was not an option on the 2001 survey. The following question, which was not included in the 2002 survey, was asked in 2001: "For writing assignments with more than one required draft, are drafts other than the final draft graded?" Responses were 56 "Yes," 64 "No," and 22 "Not applicable."

24. For those major writing assignments on which LRW faculty comment, what is the extent of the comments? (Please mark all that apply. This applies to comments written in pen or pencil on paper, or to feedback provided in similar fashion via computer.)

2001 2002

133 149 a. Comments written on the paper itself and in margins.

91 108 b. General feedback memo addressed to all students.

72 <u>84</u> c. Feedback memo written specifically for the individual student.

108 123 d. Short comments written at the end of the paper.

114 124 e. Comments in person during conference.

81 82 f. Grading grids or score sheets.

* 20** g. Other.

*This answer was not an option on the 2001 survey.

25. What percentage of major writing assignments in the required course are graded?

(Note: A major writing assignment is one in which the final product is equal to or greater than 5 pages.

Graded assignments do not include those evaluated with a check, check +, check - or similar method.)

2001 2002

9 <u>12</u> a. 0-25%.

12 9 b. 26-50%.

<u>17</u> <u>21</u> c. 51-75%.

96 <u>106</u> d. 76-100%.

^{**}Examples of "other" answers: oral feedback; general feedback in class; audio comments; peer review; checklists.

26. What aspects of your required program are consistent among the sections?

2002*

Uniform	Generally Consistent	Varies among sections	
91	50	9	a. Syllabus coverage
120	26	4	b. Number of major assignments
93	45	11	c. Due dates & length of most assignments
56	54	38	d. Number of minor assignments
101	23	25	e. Required textbook
137	11	2	f. Citation text (ALWD, Bluebook)
24	50	73	g. Content of class lectures/exercises
55	88	5	h. Grading

^{*}This question was not asked on the 2001 survey.

27. Which citation method do you plan to teach for the <u>2002-03</u> academic year? (Please note: This is the only question relating to the <u>upcoming</u> academic year instead of the <u>2001-02</u> academic year.)

2001	2002		
66	<u>59</u>	a.	ALWD Citation Manual only.
52	_60_	b.	Bluebook only.
14	_13_	C.	Both ALWD Citation Manual and Bluebook.
3	5_	d.	Either ALWD Citation Manual or Bluebook, at each teacher's option.
*	10**	e.	Other.

*Responses of "Other" in the 2001 survey all provided the information included in new answer "d" and have thus been tabulated there.

**In the 2002 survey most "other" responses were "undecided."

28. Which of these services does your law school provide for first-year students? (Please mark as many as apply.)

2001	2002		
10	9_	a.	Writing Specialist, full-time.
33	_27	b.	Writing Specialist, part-time.
29	_34_	C.	Tutorial.
86	81	d.	Student teaching assistants helping students.
103	<u>110</u>	e.	Academic support program.

- ____0 __12*_ f. Other. *Examples of "other" answers: study skills workshops; summer introductory program; student-staffed writing center; mentors/tutors.
- 29. If your law school employs a writing specialist, what is that person's status, training, salary, and gender?

	WRITING SPECIALIST #1	WRITING SPECIALIST #2

		WRITING SPECIALIST #1	WRITING SPECIALIST #2
TATUS	a. Full-time (2000:10, 2) b. Part-time (2000: 26, 4) c. Tenured (2000: 4, 0) d. Long-term contract (2000: 4, 1) e. Short-term contract (2000: 20, 4)	2002: Because of a design problem with the survey, answers did not fall within specific categories. Answers provided were 2 tenured; 9 part-time; 2 associate director; 4 adjunct; 2 associate prof.; 7 contract; 1 instructor	2002: Because of a design problem with the survey, answers did not fall within specific categories. Answers provided were 2 part-time; 1 doctoral candidate; 1 semester contract; 1 graduate assistant
	f. J.D.	12 2000: 16	2 2000: 2
ى ق ك	g. Ph.D. in English	9 2000: 14	0 2000: 1
RAINING	h. Other relevant advanced degree	12 2000: 14	2 2000: 4
	i. Other	3 2000: 0	1 2000: 0
der	j. Female	28 2000: 31	4 2000: 5
Gender	k. Male	9 2000: 5	2 2000: 0
	j. Salary* *Note: 2002 salary figures are suspect because many responses did not specify if amount was per semester or per year.	Full-time: (average) \$ 43,750 (min \$10,000; max \$60,000) Part-time: (average) \$8,278 (min \$3000; max \$30,000) 2000: Full-time: (average) \$48,917 (min \$7,500; max \$75,000) Part-time: (average) \$12,444 (min \$2,215; max \$36,000)	Only one response given: \$2,500/term 2000: Full-time: (average) \$44,000 (min \$44,000; max \$44,000) Part-time: (average) \$6,000 (min \$4,000; max \$4,000)

NOTE: Because of a technical problem with the construction of the 2001 Survey, there are no reliable results for 2001. Data from 2000 survey is included for comparison.

30. If your law school employs a writing specialist, what responsibilities does that person have and approximately what percentage of time is allocated to each responsibility? (Please mark as many as apply.)

2000	2002		
34	32	_a.	Holding student conferences (average) 70.89 % (min 5 %; max 100 %)
			2000 Survey: (average) 73% (min 10%; max 100%)
26	5	_b.	Training LRW faculty (average)* 7.5 % (min 5 %; max 10 %)
			2000 Survey: <u>(average) 3%</u> (min 0%; max 20%)
32	25	_c.	Providing workshops (average) 24.5 % (min 1 %; max 100 %)
			2000 Survey: <u>(average) 19%</u> (min 0%; max 100%)
25	5	_d.	Training law review and advanced moot court students (average)* 6.5% (min 3 %;
			max 10 %)
			2000 Survey: <u>(average) 1%</u> (min 0%; max 10%)
25	6	_e.	Teaching upper-level writing courses (average) 37 % (min 10 %; max 80 %)
			2000 Survey: <u>(average) 8%</u> (min 0%; max 65%)
27_	5	_ f.	Reviewing upper-level seminar papers (average)** 21.33 % (min 4 %; max 50%)
			2000 Survey: <u>(average) 5%</u> (min 0%; max 50%)
24	5	_g.	Publishing scholarly articles and books (average)** 13.33 % (min 10 %; max
			20%)
			2000 Survey: <u>(average) 4%</u> (min 0%; max 25%)

^{*}Average is based on only two responses.

NOTE: Because of a technical problem with the construction of the 2001 Survey, there are no reliable results for 2001. Data from 2000 survey is included for comparison.

31. Do you have a formal writing center in your law school for your program? (Please mark all that apply.)

2001	2002		
19	19	a.	Yes, established (average) 7.08 (min 1.5; max 17) years ago.
			2001 Survey: <u>(average) 6</u> .53 (min 2; max 12)
8	6_	b.	Yes, staffed by (average)1.83 (min 1; max 3) professionals.
			2001 Survey: <u>(average) 3.63</u> (min 1; max 6)
10	6_	C.	Yes, staffed by (average) 7.67 (min 2; max 15) teaching assistants.
			2001 Survey: <u>(average) 2.5</u> (min 1; max 4)
7*	8	d.	Other
42	_54_	e.	No, but the university writing center is available to law students.
66	61	f.	No.
			*The 2001 option for this answer read "Alternative to formal writing center."

^{**}Average is based on only three responses.