

Time For Law Schools To Rethink Unsung Role Of Adjuncts

By **T. Markus Funk, Andrew Boutros and Eugene Volokh** (May 19, 2023, 3:06 PM EDT)

Like clockwork, every August and December thousands of practicing lawyers ready themselves for the fall or spring classes they will be teaching at any one of the country's 199 American Bar Association-approved law schools.[1]

Whether in their first or 30th year of teaching, and regardless of whether they do so at a national, regional, or local law school, these dedicated professionals volunteer to return to the classroom to share their insights, expertise and real-world experiences with the next generation of lawyer leaders.

The adjuncts' presence on campus is largely accepted as a given. Notwithstanding that, surprisingly little thought, scholarly or otherwise, has been given to: (1) what motivates them to take on these positions with little to no remuneration, (2) the exceptional positive economic impact this team of short-term instructors has on their institutions, (3) what makes for a positive adjunct experience, and (4) how institutions can more fully integrate adjuncts into the law school community with the attendant benefits to both from doing so.

In short, we live in a world where virtually every aspect of the contemporary law school experience is meticulously recorded and analyzed. Yet little to nothing has been written about adjuncts and the important — indeed, as the numbers might suggest, even business-sustaining — role that this sometimes almost invisible group plays at today's law schools.

Our institutions of legal learning have this summer to prepare for the fall 2023 semester. We, therefore, believe there is no better time to take a clear-eyed look at the adjuncts' role in today's law schools.

Following our more macro analysis, we propose 16 concrete actions law school administrators should consider taking to improve the adjuncts' teaching experience, overall happiness and feeling of belonging.

These suggested modest improvements will go far in helping to ensure that the law schools get the most out of their dedicated cadre of part-time instructors.



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Law School Teaching, by the Numbers

Unlike with full-time law faculty, there is no comprehensive accounting of U.S. law schools' active legal adjuncts — also known as lecturers, lecturers in law, senior lecturers, adjunct professors of law, adjunct instructors, adjunct faculty, and part-time faculty.

So, to better understand the vital role this team of contingent academic laborers plays, we start with an empirical analysis that is admittedly and necessarily, "back of the napkin."^[2] But something is better than nothing, and in an area where nothing currently exists, we offer these nonscientific yet quantitative observations.

There are more adjuncts teaching more classes than you might realize.

In the typical U.S. law school, there are roughly two adjunct professors for each full-time professor listed on the law school's faculty page.

Although listed adjuncts are less likely than full-time professors to be teaching each semester, and although the classes taught by adjuncts tend to be 2L and 3L electives with a smaller number of enrolled students — usually fewer than 35 — assuming a 2:1 ratio of rostered adjuncts to full-time professors should at least directionally be close to the mark.

Assuming a conservative average of 60 adjuncts per law school — which there are 199 of — and assuming further that each adjunct teaches one course per academic year, we estimate a total of some 12,000 adjuncts around the country teaching annually at one or more law schools.

Adjuncts, on average, teach between 25% to 45% of a given law school's courses. That said, the adjuncts tend to teach narrower subjects in more boutique-style classes with 35 or fewer students. The larger 1L courses with 35 to 90 students in a lecture hall, such as constitutional law, torts, property, civil procedure and criminal law, are typically taught by full-time faculty.

Put another way, adjuncts typically teach 50% or more of the total number of individual courses offered to 2Ls and 3Ls in any given year. Yet it is also true that the total number of students taught by full-time professors during all three years of law school is greater than 50%. This less-than-50%-of-students-taught-by-adjunct benchmark is, in fact, a formal, albeit very debatable, American Bar Association accreditation requirement.^[3]

What do typical law school students pay per credit hour?

The typical law student pays approximately \$1,785 per law school credit, that is, \$50,000 average tuition per year divided by 28 credit hours per year. Translating this into gross law school income, a standard two-credit class generates about \$3,570 per student, which, when multiplied by an average of 30 students per class, yields a gross total of some \$107,100 per class for the law school.

Adjunct professor pay leaves little doubt — adjuncts are not motivated by money.

The standard pay for an adjunct is \$3,000 to \$5,000 per class.^[4]

Significant Adjunct Opportunity Cost

From a pure numbers analysis, there is a surprisingly significant opportunity cost for most practicing lawyers who choose to teach part-time. It is not unusual for an adjunct to dedicate at least 100 hours per semester to teaching, prepping or grading, among other tasks.

Many of the adjuncts, particularly in the major markets in which many law schools are clustered, are also BigLaw partners who bill at rates close to or well above \$1,000 per hour. Conservatively, this translates into approximately \$100,000 of billed time that the practicing lawyer and, derivatively, their law firm forgoes for the privilege of teaching. For senior partners, that figure can be one and one-half to two times as much.

So, assuming the general rule of thumb often repeated in the legal industry that partners take home some one-third of what they bring in or bill, each adjunct forgoes roughly \$33,000 in lost law firm take-home income — not factoring taxes — assuming, of course, that the adjunct's roughly 100 hours allocated to teaching could have been spent on billable work.

Low Hourly Pay

Accepting these baseline calculations, the hourly pay for an adjunct is approximately \$30 to \$50 an hour, or \$3,000 to \$5,000 divided by 100 hours. Mathematically, then, an adjunct voluntarily accepts a approximately 95% pay cut for each hour of teaching when compared to what the adjunct could earn working for paying clients.

Insignificant Adjunct Overhead

Law school overhead is largely fixed. Adjuncts, moreover, require far fewer administrative resources than full-time professors, who, for example, have offices in the law school, use on-site assistants, receive school-issued computers and other electronic devices, receive health care insurance, qualify for research stipends, have research assistants, and go on sabbaticals.

So, what this math establishes is that adjuncts' pay is less than one-twentieth of what the school grosses on each class, assuming the adjunct is paid at the high end of \$5,000 per class while generating some \$107,100 in gross law school income. Suffice it to say that this (at least) 21 times institutional return on investment is truly extraordinary and may be unparalleled in higher education.

Full-time professor pay is among the highest in higher education.

Based on the 2021 Society of American Law Teachers' salary survey[5] and similar sources, full-time law school professors — a catchall term used to include assistant, pretenure associate and tenured professors — on average earn \$150,000.[6]

At what is sometimes referred to colloquially as an "elite law school," moreover, that average pay quickly rises to or well above \$500,000 per tenured professor per year.

By the numbers, then, the average full-time professor[7] is compensated at a rate of at least approximately \$16,700 for each credit hour, as compared to the average adjunct professor who in the main receives at most approximately \$2,500 for each credit hour when the adjunct teaches for two credits per year.

Thus, a full-time professor receives more than seven times the pay of an adjunct teaching the exact

same class, and as noted, the opportunity costs for most law professors are not close to on par with those of BigLaw adjuncts — that said, teaching is of course not the only job responsibility of full-time professors.

Observations From the Adjuncts' (Funk's and Boutros') Perspective

Although the numbers laid out above are not scientific, they directionally support the conclusion that adjuncts are financially precious — and, in fact, indispensable — to law schools. Not surprisingly then, adjuncts over time have become a prominent fixture in virtually every law school in the country. Furthermore, they are far more present today than they were, say, 20 or 30 years ago.

Institutions are therefore wise to publicly recognize their adjuncts. Arizona State University, for example, has a page on its website dedicated to "Amazing ASU Law Adjuncts"[8] — a very nice, albeit rare, touch.

But life is hardly all about money, whether it is making it, spending it, or as most relevant here, making it for others. To that end there are, of course, many excellent reasons for taking on an adjunct teaching position that have little to nothing to do with dollars in the adjunct's pocket. For example:

- Teaching — and learning from — students: Teaching and learning from students offer real benefits that are difficult to quantify in dollars and cents. For example, consider student commentary on a teacher's performance. If taken seriously, this feedback offers the annual opportunity to honestly evaluate, reflect on and address issues with one's presentation style, substantive knowledge, or other aspects of one's ability to be a strong lawyer able to convey complex concepts and problems in an engaging and effective way.
- Burnishing the adjunct's "brand" in a competitive legal marketplace: That a law school has vetted the practitioner and decided to trust its students to learn from that person conveys an external, often prestigious seal of approval — especially in the adjunct's area of knowledge.
- Enjoying a break from the norm: Adjuncts also have an opportunity to return to an academic community that is very different from their typical day-to-day interactions with colleagues and clients, whether those instructors come from law firms, public service jobs, in-house teams or elsewhere.

Observations From the Full-Time Professor's (Volkh's) Perspective

As my co-authors correctly state, adjuncts are immensely valuable to law schools. They help law schools provide a mix of classroom experiences — more theoretical perspectives from the full-time faculty who often have limited practice experience, and more practice-minded perspectives from the adjuncts. And to be blunt, they are a real financial bargain for the law school compared to full-time faculty for the reasons given above.

But there are also sound reasons for being a bit more circumspect about the opportunity to teach on the side. For example:

- Limited protections for adjuncts: Adjuncts should understand that they do not enjoy the same academic freedom as faculty members. If an adjunct says something controversial, whether in

class or outside it, it is easy for the law school to simply cut off the adjunct and not renew his or her contract.

- Professional and reputational dangers: In recent years, law students and others have become much more likely to publicly criticize law professors' statements — even innocent ones or ones that come out wrong — and those criticisms have become much more likely to be aired in the public square of social media and in other publications that reach far outside the law school. If I were advising friends who were considering trying to become adjunct professors today, or even considering whether to remain adjuncts, I would urge them to at least examine these real-world risks.

16 Ways for Administrators To Better Integrate Adjuncts Into the Fabric of Their Law School

Adjuncts opt to teach for a host of personal and professional reasons. That said, one aspect of teaching finding near-universal resonance among adjuncts is that, in most schools, they often very much feel and are treated like outsiders. They have — or rather are given — little or no institutional voice, and they typically have only minimal familiarity with the full-time faculty, staff and administrators.

More often than not, then, they have what can best be described as a transactional relationship with the institution at which they teach — they show up to teach their scheduled class, do what is asked of them and then are de facto ushered out.

Moving from the general to the specific, adjuncts in most schools generally:

- Have no representation in faculty meetings or on disciplinary and similar institutional panels and committees.
- Rarely are introduced to other faculty members teaching the same subject matter and, therefore, are largely anonymous to the faculty — many of whom, for a host of reasons ranging from the professional to the protectionist, harbor deep skepticism about the "adjunctification" of today's law schools.
- Are not invited to law school events like graduation or new student orientation.
- Are not eligible for teaching awards or similar recognitions, no matter how well received or long-standing their courses are.
- Do not see their professional or academic accomplishments, or even their presence at the law school, reflected in faculty newsletters or alumni magazines.
- Usually do not hear anything from the law school after turning in their grades at the end of the semester unless there is an issue with the grading curve or a particular student's performance.

Having surveyed the good and bad about teaching at U.S. law schools, we end this necessarily short excursion into the underexamined professional and economic realities of today's law school adjunct with some modest suggestions on how law school administrators might make the adjuncts' teaching experience better, while also ensuring that the institutions get the maximum benefits out of their dedicated instructors:

1. Make peer introductions.

Ensure that the administration introduces adjuncts to the full-time professors teaching the same subject or working in the same field by, for example, scheduling informal get-to-know-you coffee meet-ups.

2. Promote formal faculty pairing.

Formally link up new adjuncts with members of the full-time faculty teaching the same subject matter so that the adjuncts have an "inside" connection, are invited to events, and generally feel more comfortable as they get to know the institution.

3. Encourage informal institutional integration and knowledge-sharing.

Hold receptions and similar social events at the start and end of each semester to which full-time faculty, staff, administrators and adjuncts are invited. Welcome adjuncts to attend talks given by visiting lecturers and faculty, participate in faculty colloquia, take part in open student and faculty events, attend graduations, etc.

4. Foster interdisciplinary collaboration.

In a world where the practical application of academic output is increasingly important, invite adjuncts to present to faculty on their area of expertise or to address some discrete, real-world issues involving their subject matter. Such cross-pollination, in our experience, can be a significant generator of new ideas, both practical and academic, and can uniquely facilitate productive interdisciplinary collaboration and faculty research and output.

5. Encourage full-time professors to guest lecture in classes taught by adjuncts and vice versa.

Such collaboration can provide numerous benefits to faculty, adjuncts and students. For example, it bridges the gap between full-time and adjunct faculty, encourages the sharing of knowledge between them, more tangibly connects the theoretical with the practical, and makes for more diverse and enriching course content.

6. Initiate administration introductions.

Strengthen institutional bonds by scheduling one-on-one or small group meetings with the law school dean, the dean of students, diversity, equity and inclusion coordinators and other key members of the institution's leadership.

7. Give adjuncts an institutional voice.

Identify one or two adjuncts to, in a representative capacity, participate in law school administrative or faculty meetings, disciplinary hearings, committees, etc., so that adjuncts have a more meaningful seat at the institutional table.

8. Promote adjunct academic and other professional contributions.

Encourage knowledge-sharing while leveraging adjunct achievements by, for example, including adjunct publications, speaking engagements, honors and appointments in the standard weekly or monthly

faculty circulars or newsletters and similar internal and external institutional publications — and, of course, make those publications available to all adjuncts.

9. Sign adjuncts up for periodic alumni publications.

Add adjuncts to the list of recipients of the law school's periodic alumni publication.

10. Ensure physical mailboxes and online presence.

Make sure that adjuncts have a physical mailbox and a meaningful — not only name and title — online faculty or bio presence alongside their full-time colleagues.

11. Boost adjunct pay.

Boost adjunct wages to at least \$10,000 per class. True, this additional compensation will largely be irrelevant to BigLaw partners who will still end up, in real dollar terms, having to pay a significant amount for the privilege of teaching, and who often simply donate their teaching stipend back to the law school. But the additional compensation will mean that a broader cross-section of the legal community — especially those in public interest or government service — can be recruited to teach. And one of the potential added benefits of this adjustment is to help bring greater diversity to the teaching pool.

12. Cover the cost of incidentals.

Cover the costs of small incidentals, such as parking on university or law school property. Doing so avoids sending the wrong message and helps adjuncts to feel welcomed and appreciated as opposed to nicked-and-dimed. In other words, do so not because of the modest monetary cost but because providing these minor perks sets the right tone with adjuncts.

13. Make adjuncts eligible for teaching awards.

Only a handful of schools allow adjuncts to be eligible for teaching awards or create adjunct-specific awards. Considering that full-time faculty are motivated by teaching awards — after all, why have them, if not? — law schools should similarly, either create teaching awards for adjuncts, or alternatively, make adjuncts eligible to receive the same awards available to full-time faculty.

14. Offer adjuncts maximum flexibility when scheduling.

Because adjuncts almost always have other professional commitments and frequently demanding travel schedules, structuring lecture times around adjuncts' schedules — say, allowing evening classes to be offered — will enable a broader pool of practitioners who are available to teach. And, once adjuncts have agreed to teach, flexibility allows adjuncts to devote their full attention to teaching during those times.

15. Invite adjuncts to attend graduation ceremonies and other important events in the life of the law school.

Making such gestures further emphasizes and solidifies the all-important sense of belonging that the law school community should be laser-focused on extending to their adjuncts.

16. Provide thoughtful end-of-semester recognition.

Provide small tokens of appreciation — for example, a "Thank-You" note with a mug, T-shirt or sweater — at the end of each completed semester, and consider providing plaques or similar recognition for teaching milestones, such as having dedicated five, 10, or more years adjunct teaching at the law school. Once again, these recognitions are minor from a financial perspective but can have a significant positive emotional impact.

Surely there are more and perhaps even better suggestions on how to improve the adjunct experience for all stakeholders. That said, the modest objective here was to start the important conversation about the proper role of adjuncts at today's law schools generally and to offer practical ways to maximize the win-win-win benefits to the institutions, the adjuncts, and the students specifically.

It is our hope that in this short discourse we have delivered by providing the necessary fodder to advance this vital dialogue.

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[1] See https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/.

[2] Because of the dearth of relevant statistics/numbers, we are basing our calculations in part on law school website faculty listings and discussions with a number of law school administrators.

[3]

See https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2017-2018ABASStandardsforApprovalofLawSchools/2017_2018_standards_chapter4.authcheckdam.pdf.

[4] In our experience, many adjuncts, particularly those who are among the alumni ranks, donate their teaching fee back to the law school.

[5] See <https://www.saltlaw.org/wp-content/uploads/2021/06/SALT-salary-survey-2021-final.pdf>.

[6] See <https://www.zippia.com/law-professor-jobs/salary/>.

[7] The typical full-time professor is available to teach nine months a year and teaches between 8-12 credit hours a year. In contrast, the average adjunct teaching a two-hour course for two semesters or a three-hour class for one semester teaches four or three credit hours, respectively.

[8] See <https://law.asu.edu/amazing-adjuncts>.