

Unshrouding the Role of Today's Oft-Underappreciated Law School Adjunct

By T. Markus Funk, Andrew S. Boutros, and Eugene Volokh

Every August and December, thousands of practicing lawyers like clockwork ready themselves for their fall or spring classes at the country's 199 ABA-approved law schools.¹ Whether in their first or thirtieth 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.

As those who have taken on the challenge of teaching tomorrow's lawyers know well, the adjuncts' presence on campus is largely accepted as a given. Yet, surprisingly little thought, scholarly or otherwise, has been given to (i) what motivates them to take on these positions with little to no remuneration, (ii) the exceptional positive economic impact this team of short-term instructors has on their institutions, (iii) what makes for a positive adjunct experience, and (iv) 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 observers meticulously recorded and analyze virtually every aspect of the contemporary law school experience. But they, for whatever reason, have to date written little to nothing about adjuncts and the important—indeed, as the numbers discussed below might suggest, even business-sustaining—role this in some quarters almost invisible and institutionally powerless group plays at today's law schools.

Law School Teaching—By the Numbers

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

T. Markus Funk is a partner at Perkins Coie. Andrew S. Boutros is regional chair of Dechert LLP's white collar practice. Eugene Volokh is a professor of law at UCLA School of Law. This article is adapted, with permission, from their forthcoming, Texas Law Review article, as well as from their Law360 article titled “Time for Law Schools to Rethink Unsung Role of Adjuncts.”

Adjuncts Teach 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.

- **Almost 12,000 Adjuncts in 199 Law Schools.** Assuming a conservative average of 60 adjuncts per law school, 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 Teach up to 45% of All Law School Classes.** Adjuncts, on average, teach between 25%-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. Full-time faculty typically teach the larger 1L courses with 35-90 students in a lecture hall, such as constitutional law, torts, property, civil procedure, and criminal law.

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. That said, 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, ABA accreditation requirement.)³

What 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/student, which, when multiplied by an average of 30 students per class, yields a gross total of some \$107,100 per class (\$3,570 x 30 students) for the law school.

Adjunct Professor Pay Proves That Adjuncts Are Not Motivated By Money

Standard Adjunct Pay. The standard pay for an adjunct is \$3,000-\$5,000 per class.⁴

Significant Adjunct Opportunity Cost. From a pure numbers perspective, 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. 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-\$50/hour (\$3,000-\$5,000 divided by 100 hours). Mathematically, then, an adjunct voluntarily accepts a ~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 healthcare insurance, qualify for research stipends, have research assistants, and go on sabbaticals.

So, what this coarse-grained math establishes is that adjuncts' pay is less than 1/20th of what the school grosses on each class. 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 -- Among the Highest in Higher Education

Based on the 2021 Society of American Law Teachers' salary survey⁵ and similar sources, full-time law school professors—a catchall term used to include assistant, pre-tenure associate, and tenured professors—on average earn⁶ \$150,000.

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 our calculations, 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

The numbers laid out above are not scientific. But 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.

Of course, we all know that life is not all about money. There are 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, and receiving their feedback, offer real benefits that are difficult to quantify in dollars and cents.
- **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, oft-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.

For us, teaching has become more than just a minor sideline. We both love teaching our classes and interacting with students, peers, full-time faculty, and staff. Further, we recognize some of the challenges discussed in this article and, as a result, over the years have worked hard at introducing ourselves to the broader law school community and otherwise have taken affirmative steps to integrate ourselves part of the institutional fabric of the law schools at which we enjoy the privilege of teaching.

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

As my coauthors correctly state, adjuncts are immensely valuable to law schools. 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 from my perspective 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.

Now, of course, most adjunct professors will never become floats in this parade of horrors. Many practicing lawyers will accept these statistically modest risks and will still want to become adjuncts. Nonetheless, 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 consider these risks. I, moreover, urge my colleagues and administrators at law schools to take seriously the issues identified in this article and to consider how they might act on the low-cost, high-yield recommendations we make below.

Sixteen Ways For Administrators To Better Integrate Adjuncts into The Fabric of Their Law School

We end this necessarily short excursion into the under-examined 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. **Give Adjuncts an Institutional Voice.** Identify one or two adjuncts to, in a representative capacity, participate in law school administrative/faculty meetings, disciplinary hearings, committees, etc., so that adjuncts have a more meaningful seat at the institutional table.
2. **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 meetups.
3. **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 feel more comfortable as they get to know the institution.
4. **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.
5. **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.
6. **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.
7. **Initiate Administration Introductions.** Strengthen institutional bonds by scheduling one-on-one or small group meetings with the law school dean, the dean of students, DEI coordinators, and other key members of the institution's leadership.

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/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/bio presence alongside their full-time colleagues.
11. **Boost Adjunct Pay.** Boost adjunct wages to at least \$10,000/class. True, this additional compensation will not appreciably move the needle for most "big law" 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 the institution can recruit broader cross-section of the legal community—especially those in public interest/government service. And one of the potential added benefits of this adjustment is to help bring greater diversity to the teaching pool.



White Collar Crime 2024

March 6–8, 2024

San Francisco Marriott Marquis



ABA
AMERICAN BAR ASSOCIATION
Criminal Justice Section

The poster features a background image of the San Francisco skyline at dusk, with the Golden Gate Bridge visible in the foreground. The text is centered and white, providing event details. A QR code is positioned in the lower right quadrant of the poster, and the ABA logo is at the bottom.

12. **Cover the Cost of Incidentals.** Cover the costs of small incidentals, such as parking on university/law school property. Doing so avoids sending the wrong message and helps adjuncts to feel welcomed and appreciated as opposed to “nickel-and-dimed.”

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.

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/sweater) at the end of each completed semester and consider providing plaques or similar recognition for teaching milestones (such as having dedicated 5, 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, our modest objective was to help kick-start an important, overdue, and honest conversation about the proper role of adjuncts at today’s law schools. Beyond merely identifying areas of concern, moreover, we wanted to offer practical ways for law schools to maximize the win-win-win

benefits to the institutions, the adjuncts, and the students. It is our hope that in this short discourse we have at least in part delivered on these objectives and have provided the necessary fodder to advance this important dialogue.

Endnotes

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.zipppia.com/law-professor-jobs/salary/>.



**Articles Wanted:
The CJS Newsletter**

- *Practice Tips*
- *Section/Committee News*
- *Book Reviews*

Submission Deadlines:
April 15, Aug. 15, Dec. 15

For inquiries, contact:
Kyo Suh, Managing Editor,
kyo.suh@americanbar.org

BECOME A SPONSOR

- BUILD LONG-TERM RELATIONSHIPS
- ENHANCE YOUR ORGANIZATION'S EXPOSURE IN THE CRIMINAL LAW FIELD
- CREATE A VALUE INVESTMENT THROUGH CO-BRANDING WITH THE ABA CRIMINAL JUSTICE SECTION
- HIGHLIGHT AND REINFORCE POSITION AS A LEADER IN THE PROFESSION.

