

Adjunct Faculty
Handbook

2005



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Preface

Although their numbers vary from school to school, law schools regularly employ adjunct faculty members. Adjuncts may teach their own courses or be part of a team-taught endeavor. They may teach substantive courses or skills courses. They may be experienced teachers or relatively new to law school teaching. In short, their teaching responsibilities and experiences are much like those of full-time faculty. Yet, because they rarely participate in law school governance activities, faculty retreats, and similar events, adjuncts may not fully understand the school's written (and unwritten policies).

This handbook is a resource for schools to use in working with their adjunct faculty. It covers a variety of topics and means of communication. Recognizing that schools differ in their use of adjunct faculty, it does not prescribe policy language. Rather, it covers topics the school might address and explains why they are important.

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Part One covers correspondence with adjuncts from the time schools solicit applications (or receive unsolicited applications) until the time an adjunct actually begins preparing to teach the class. It includes material schools need from their adjuncts, information schools will provide their adjuncts, and possible non-salary benefits schools can offer their adjuncts. Many of the topics discussed here are for dissemination to adjuncts; others are for internal school use.

Law schools that follow equal opportunity interviewing and record-keeping procedures when hiring full-time faculty members should be aware that those procedures are also relevant when hiring adjuncts. Because different faculty committees or administrators may be responsible for these separate hiring functions, the school should provide information about the governing policies and procedures to new committee members or administrators.

A. Corresponding with Potential Adjuncts

Law schools and potential adjuncts come into contact in a variety of ways. Schools regularly are approached by talented practitioners and judges who are willing to share their expertise by teaching or co-teaching a law school class. In other instances, a full-time faculty member may recommend a practitioner or judge who has guest-lectured to a class or written a thoughtful article. In some instances, a law school will directly solicit applications by advertising or by word of mouth.

1. Soliciting Applications (or Not)

If a school has an opening, there are advantages and disadvantages to advertising versus filling the position with individuals who were recommended by the full-time faculty or who applied without knowing a position was open. Advertising may attract individuals who are highly qualified, do not know members of the full-time faculty, and are unaware that they could apply for positions that might not exist. It may lead to greater diversity in the adjunct pool (gender, race/ethnicity, law firm size, etc.). Advertising may also increase the time the school devotes to responding to applicants and determining which applicants to interview.

If the law school has one, the web page could include an adjunct “job description” and teaching review procedures. These documents are potential reference sources for individuals who contemplate becoming adjuncts but would like more information about time and other commitments before formally applying.

2. Designating a Responder

Schools should designate an administrator or faculty committee to respond to applicants. If the administration selects adjunct faculty members, an administrator should correspond with the applicant. If a faculty committee (e.g., Adjunct Appointments) selects adjuncts, either the committee chair or a designated administrator should respond.

3. Information in the Response

The school may find it useful to maintain a set of form letters, which can be customized for a particular applicant. Customized letters are likely to include all the necessary information an applicant should receive and can be readily transferred from an outgoing administrator/committee to a successor.

The response letter might include the following elements: whether the school anticipates openings in the applicant’s areas of expertise; who will contact the applicant to interview if there are openings; how long the application will be kept on file. The letter might explain that because students register relatively far in advance of the next semester, the law school may complete its hiring up to a year in advance.

If the applicant has proposed a course that is not part of the school’s curriculum, the response should briefly explain the course approval process. If there is no chance the school will ever offer a course in “X,” or if school rules limit a particular course (e.g., a seminar) to full-time faculty, the response should address those issues.

4. Timing of the Response

The school should respond promptly and provide some information about its future plans. If the school has form letters already prepared and numbered, an administrative aide can prepare the first draft for editing and signature. Being “too busy” to respond promptly is not an excuse that an even busier practitioner will find credible. Even if there is no current need for an applicant’s services, failing to respond may poison potentially promising future relationships (guest-lecturing, hiring graduates, donating to fund-raising drives) with the applicant and with others within the applicant’s circle of contacts.

B. Maintaining Applications on File

After the initial correspondence occurs, the school needs a method of retrieving applications for course needs that may arise. One option is to use a spreadsheet or database program to track information and retrieve it based on specific parameters. These tools can be searched by subject area, name, past teaching experience, date of initial contact, “delete by” date (if applications are held for a fixed period), alumni status, or any other attribute the school deems important.

Schools that use a spreadsheet or database can file correspondence alphabetically and still easily retrieve applications that meet their desired criteria. This ability takes on greater significance for schools with a relatively large number of current and potential adjuncts. It is also useful if adjunct applications arrive in a variety of formats: regular mail; e-mail attachments; telephone; or application through the central university.¹

Note, the central university may use (or prescribe using) a searchable applicant database to which a school can refer applicants. If the law school has a preferred method for applications, it might consider posting that information in a web-accessible manner and refer potential applicants to that page.

C. Interviewing Applicants

1. Advantages and Disadvantages

There are many reasons to interview potential candidates. First, face-to-face contact reinforces information obtained in written or telephonic exchanges. Second, because the school interviews before hiring full-time faculty, the faculty may be more comfortable with this method. Third, if the school must choose between multiple applicants, interviews may highlight the applicants’ interpersonal strengths and weaknesses.

Unless a school has a position or contemplates having one in the near future, interviews may give applicants a false belief that their hiring is imminent. This is particularly risky if the interview is being done as a courtesy to the university president or the law school dean, who may be dealing with the applicant in another context. The person(s) charged with interviewing should have frank discussions with that person before interviewing the potential adjunct.

2. Selecting the Interviewer(s)

The interview should be conducted by a person or committee with the authority to hire or to recommend that the administration hire. The school may lodge hiring authority in an administrator, a faculty committee, faculty members with subject matter expertise, or the faculty supervisor of the program in which the adjunct will teach. In many cases, the authority will vary based on the course involved (e.g., the director of the trial advocacy program may hire those adjuncts, while an adjunct committee hires doctrinal adjuncts). The faculty code, perhaps augmented by university rules, generally indicates who has the authority to offer a position.

If hiring authority is a faculty responsibility, the associate dean or other administrator should probably not be the sole interviewer. But, because administrators are familiar with day-to-day bureaucratic issues, they can be valuable members of an interviewing team.

¹ Telephone applications are the most likely to slip through the cracks because there is no paper record.

D. Communicating the Decision

After an interview or other interaction with a potential adjunct, the law school should provide further information.² Either it is offering the adjunct a position for the next semester (or next academic year, depending on how far in advance a law school completes its scheduling), or it is unable to offer a position at this time. (Follow-up with those being offered a position is discussed below in Part One, Section E, Corresponding with Adjuncts After Hiring).

The school's response is likely to differ depending on the candidate's qualifications. If the potential adjunct was qualified, but not the best candidate, the school may offer to keep the applicant's name on file; unexpected openings frequently occur. If the potential applicant was not deemed qualified, the school must decide how to convey that information.³ Keeping an applicant in limbo when there is no chance a position will ever be offered only postpones giving disappointing news.

What if the applicant is experienced but the interview went poorly? What if the school learns of ethical problems that did not come to light before it granted the interview? The school can simply issue a "too many qualified applicants to offer all a position" letter and not offer to keep the application on file. But, if the school also sends "we'll keep you on file" letters to other applicants, an "unqualified" candidate who learns about the dual letter system is likely to feel that the school was not candid in its dealings. This is an area in which the school must take attorney sensitivity into account. Form letters and other correspondence should be discussed on a regular basis to ensure that they convey their message in the appropriate tone.

E. Corresponding with Adjuncts After Hiring

The law school's relationship with its adjunct faculty members will reflect the time it invests in acclimating them to its policies and to its culture. Throughout its relationship with adjuncts, the school will correspond with them on many topics. These include the terms of employment, documents and other information required by the school, available benefits, and general information about the school. Even if the school covers these topics in an orientation or training session, easily accessed documents will be useful reference sources.

1. Contract or Appointment Letter

The law school will issue a faculty appointment letter, a contract, or both. Although that document will usually be signed by a law school administrator, it is possible that it will be signed by a member of the faculty committee or by a university administrator. Unless the university absolutely requires that its officials sign adjunct contracts, it is probably better to have these documents signed by a law school employee. Because that individual is likely to be a new adjunct's chief contact at the school, the signer should be familiar with both university and law school rules.

If the school uses multiple documents, all terms of employment should be contained in a document that both the school and the adjunct sign. That is likely to be the contract (although the appointment letter may repeat some of this information). If the school uses both an appointment letter and a contract, it should review the two documents for consistency so that the one does not, even by implication, contradict the other.

Whether the school uses one or multiple documents, it must decide whether it will use a one-size-fits-all document or tailor the document to the particular situation. If the school uses a single document with blanks to be filled in, it must do more data entry (because there will be more variables) than if it uses one document for adjuncts teaching classroom courses and another for those working in externships or other programs with a supervisor other than the associate dean (or faculty committee). On the other hand, if the school uses tailored documents for each program, it has more document templates to update each term.

² The follow-up here is in addition to the correspondence discussed in Part One, Section A.

³ If lack of experience is the disqualifier, that information should be conveyed. The applicant will eventually overcome that problem.

2. Information to Convey

No matter what correspondence method is used, certain information is essential. This information relates to the course being taught, terms of employment, and various other aspects of the adjunct's relationship with the school. The information provided here is basic information to address in appointments correspondence. Other information is covered in greater detail in appropriate sections of this handbook.

a. Course Name and Description

The adjunct should know the course name as it appears in the school's catalog, course schedule, course descriptions, and other materials. The adjunct should also receive the course description. If the adjunct is the only person to teach this course, the law school may ask him/her to review the description and suggest updates. If there is no description, the school and adjunct might work together to prepare one. If the course is offered in different iterations, for which different credits are awarded, all parties must be clear about the coverage and student expectation differences for each version. This is particularly important for courses, such as externships, that provide different credit options to students in the same course in the same term.

b. Course Meetings

The adjunct should know the schedule for the course being taught. This information includes:

- Days of the week (and any legislative days that change this schedule)
- Holidays on which school is not in session (which may be the reason for legislative days)
- Meeting times (start and end times; vacating the room for subsequent classes)
- Required number of class minutes (relevant to scheduling break times and possible need for make-up classes)
- Meeting room (and reasons for not changing rooms without administrative approval; faculty assigned to review a course need to know where it is held)

c. Compensation and Payroll Information

The adjunct should know the amount of compensation for teaching the particular course that term. Even if adjunct compensation levels were discussed during the initial interview or other screening procedure, the contract or appointment letter must include this information. There are other questions that the school will address at appropriate times, but these do not necessarily belong in the contract. Such issues include how a school compensates faculty in team-taught courses and whether compensation increases to reflect experience (an issue that also arises for adjunct titles).

The adjunct should know what conditions must be satisfied before payment is made. Possible dates include when (1) the school receives all (or certain) of the items discussed in Required Documents below); (2) classes end; or (3) grades are received. A school may require that all of these events occur and make a lump sum payment. Alternatively, if it sets (1) as the trigger, it may issue periodic checks as it does for full-time faculty.

University payroll rules are relevant to the payment decision as well as to the decision to issue paper checks or use direct deposit. If paper checks are used, the adjunct should be told whether the school will mail them to the address on the adjunct's W-4 form, hold them for pick-up at the school, or use some other distribution mechanism. If the school uses direct deposit, the adjunct should be reminded to submit updated banking information.

An adjunct may ask the school to treat him/her as an independent contractor, to issue payment to the adjunct's professional corporation, or to issue payment to the adjunct's main employer rather than treating the adjunct

as a law school employee. It is likely the university has policies that either allow or preclude such treatment. If the university insists that all adjuncts be treated as employees, the school should explain that it has no discretion.⁴

d. Faculty Titles

The law school should indicate what title the adjunct can use. While Adjunct Professor (of Law) is common, there are other possibilities. Schools that recognize experience may start an adjunct at the Adjunct Assistant Professor level and allow for progression through the ranks. Schools may accord modifiers (e.g., “Distinguished” or “Clinical”) in some situations or may use terms such as Lecturer instead of Adjunct. If a school uses more than one title, it should explain these differences to its adjuncts.

e. Deadlines

Although lawyers are used to operating on deadlines, they may be surprised by the number that law schools impose. The most important initial deadline may be the due date for returning the contract; that deadline must appear in the contract. Other deadlines, which must be conveyed in appropriate documents, include the deadline for completing the required adjunct information, for ordering books, for submitting grades, etc. The law school may find it useful to compile a list of normal deadlines and include it in the contract packet or on a web page available to its adjuncts.

3. Required Documents

a. Documents Commonly Required

Many factors affect the documentation a school requires from its adjuncts. In addition to federal laws requiring appropriate tax and employment eligibility information, the school may need documents that satisfy accrediting agency credentialing requirements, provide contact information, or provide demographic information. Because state law and regional accrediting agency requirements are likely to differ, the documentation required will vary from school to school. This is an area in which the university human resources department can provide assistance. The list below includes documents that schools are likely to request.

- Government forms: W-4; I-9
- Credentials: Transcript(s); letter(s) of recommendation
- Contact information, including emergency contacts and name of adjunct’s assistant
- “Census” information: race/ethnicity; gender; other data on which school reports
- Resume

b. Methods for Collecting Documents

In some instances these documents must be sent by the provider directly to a school administrator rather than be collected and submitted by the adjunct. Official transcripts often fall into this category. The letter requesting documents should clearly indicate which items fall into this category so that the adjunct is not forced to collect the same information twice.

c. Deadlines

The amount of information the school or its parent university requires, particularly for initial hiring, may be quite extensive. Given the relatively modest compensation involved, compiling this information may not be the

⁴ Many of these requests have income and employment tax implications. If the adjunct is appropriately treated as an employee, and the school does not withhold these taxes, it may be liable to the government for taxes and penalties.

adjunct's first priority. If some material must be received before classes begin, but other information can be delayed, the school may indicate a series of deadlines rather than a single deadline. If this is done, someone must maintain a tickler file to ensure that the later deadlines are met. Whenever possible, the law school should indicate that a particular document is required only at the time of the initial contract.

Note that forms may also be required for access to benefits described below in Part One, Section E, Subsection 4 (Benefits Available to Adjuncts).

d. Maintaining and Updating Documents

Some documents can be collected once and maintained either by the school or the university human resources office. Others, such as address, telephone, e-mail, and similar contact information, should be requested each time the adjunct teaches. The school should establish a periodic cycle for requesting updated adjunct resumes.

4. Benefits Available to Adjuncts

Whether or not adjuncts receive a salary for services to the school, they are valued employees and should be notified of available benefits and any limitations involved. Some benefits, such as access to the faculty parking lot, are likely to be universally accepted. Others, such as a press release service, may be used only sporadically. The law school can use the list of benefits available to its full-time employees as a starting point in compiling a list for adjuncts. Potential benefits are listed by category below.

a. Evidence of Faculty Status

- Faculty identification card (because these cards may include a photograph, the law school should ensure that the issuing office is open during "adjunct" hours or make alternative arrangements)
- Listing on law school web site (which may include a web page for each adjunct), including instructions on how to update, post syllabi, etc.
- Listing in school publications (e.g., commencement brochure, law review faculty listings)
- Invitations to participate in graduation and other events
- Press releases to announce hiring or other accomplishments

b. Library and Photocopying Privileges

- Access to law school photocopiers (and school policy on reimbursing for outside photocopying and on charging for copies distributed to students)
- Database (e.g., LexisNexis and Westlaw) access, restrictions on use, and passwords
- Library check-out and other privileges (e.g., access to university library)

c. Building and Parking Information

- Parking pass or sticker (and information about parking rules and fines, shuttle service, and any fees)
- Building access information (keys to building, adjunct office, and classrooms; phone number to use if locked out)
- Office space for adjuncts, including telephone, fax, and other amenities (e.g., any secretarial assistance provided)

- Faculty areas to which adjuncts have access, including lounge, library, and dining room

d. Miscellaneous

- Rules about participating in TIAA-CREF (some universities will allow part-time employees to defer part of their own salaries even if they aren't eligible for matching funds)
- Access to university facilities/events, including athletic, cultural, exercise facilities, and child care
- Discounts available at law school/university bookstore or eating facilities, etc.
- Assistance obtaining CLE certification for teaching

5. Other Useful Information

Because many administrators and full-time faculty members are unavailable when a particular adjunct is teaching, it is important to provide adjuncts with as much information as possible. Adjunct faculty members are likely to need information about the following items.

- Contacts for various questions (*e.g.*, make-up classes; selling photocopies to students; grade curves)—provide telephone, e-mail, and office location for contacts
- Telephone number for security personnel (and information about panic button or other device that school uses); using air phones in classrooms equipped with them
- Protocol for handling illness or accident (student or faculty) during class (including location of defibrillators)
- Means of retrieving messages left by students, faculty, and administration
- Location of adjunct mailboxes
- Location of supplies (*e.g.*, chalk/marker)
- URL for law school's web site (and for any password-protected pages to which adjuncts have access)
- Using adjunct listserv or other e-mail access
- Location and hours of food service and lost and found

Part Two covers assistance a school should offer before an adjunct begins teaching. Topics include adjunct orientation programs, technology orientation, casebook selection, course descriptions, and syllabus preparation.

A. Adjunct Orientation

An orientation program for adjunct faculty is essential for entry-level adjuncts and helpful even to experienced adjuncts. There are numerous school rules and regulations, faculty policies (written and unwritten), and school customs with which adjuncts must be familiar, lest they inadvertently create unnecessary problems for themselves. Some schools have formal orientation programs for adjuncts, some informal, but some kind of an orientation process is essential.

1. Number of Sessions

The need for multiple sessions of an adjunct orientation program will depend upon each school's circumstances. The number of sessions may even vary within a school based on the nature of the course assignment. A practical skills course (e.g., Pre-Trial Advocacy, Trial Advocacy, or Alternate Dispute Resolution) differs from a doctrinal course (e.g., Insurance or Remedies), which differs from a legal writing course, which differs from a clinical course.

2. When Sessions Occur

To maximize their teaching effectiveness, an orientation program for entry-level adjuncts should occur before the semester in which they begin teaching. Depending on adjunct availability, schools schedule day-long, weekend, or evening programs. Not surprisingly, most adjuncts are unavailable during the day Monday thru Friday.⁵ As a result, weekday programs should be limited to a single day.

a. Multiple Versus Single Sessions

If the school schedules one all-day program, it reduces the number of dates on which adjuncts must set aside other responsibilities. Even if multi-day programs are scheduled for evenings and weekends, they may still intrude on an adjunct faculty member's limited free time. On the other hand, a longer, single-session program may involve information overload. Separate sessions provide more time for contemplation. In addition, an adjunct who absolutely cannot attend on the single-session day misses not only the information conveyed but the opportunity to meet full-time faculty and other adjuncts.

Some pre-class information is critical and must be conveyed before the semester begins. Other questions may arise after the adjunct has begun teaching. As a result, schools that use multi-day programs may hold some sessions before school begins and others during the semester. If adjunct time constraints preclude holding sessions during the actual semester, the law school may consider scheduling chat room sessions so that adjuncts can "discuss" issues with themselves and school personnel in a synchronous or asynchronous mode.

b. Back-Up Materials

⁵ As the number of adjuncts (or their geographical dispersion) increases, so too will the school's difficulty in finding convenient days and times. Possibilities include weekend days (subject to constraints for religiously observant adjuncts or the school's own religious practices) or mealtimes (including breakfast). Even if most adjuncts teach in the evening, a school should not automatically assume that any evening is convenient for orientation; this is particularly true for multi-session programs. Because of the potential for scheduling difficulties, the law school should inform adjuncts as early as possible of any orientation programs. Individuals who interview potential adjuncts might mention these programs during the interview itself.

No matter how many sessions it schedules, the law school should provide adequate back-up materials (e.g., audio or videotaping of sessions; web casts; PowerPoints, check lists, and other handouts) to assist both attendees and those who must miss some or all of the program. These back-up materials will be critical when the school has a last-minute vacancy and hires an adjunct after the scheduled orientation has ended.

3. Timing the Sessions: Before the Year or Before the Semester

The law school should decide whether to hold one orientation covering every adjunct scheduled to teach during an academic year or hold separate orientations each semester. Adjuncts who teach each semester may appreciate having to attend only once for the year. However, adjuncts hired to teach only in the spring may desire a refresher session if their only orientation is before the fall semester. Unless the law school does all its academic year hiring sufficiently far in advance, a single program may not prove feasible.

4. Target Audience for Formal and Informal Orientation Programs

a. Entry-Level and Experienced Adjuncts

Entry-level and experienced adjuncts have different needs regarding orientation. The beginner has much to learn about the institution, the curriculum, the course, teaching methods, exams, grading, etc. The experienced adjunct, on the other hand, usually needs only an update on new policies and procedures in place at the school since the adjunct last taught.

Experienced adjuncts may benefit from information on new teaching techniques, updates on substantive issues, available technology, etc. They can also be helpful in orienting entry-level adjuncts, the latter of whom can greatly benefit from the experience (and mistakes) of the former. Consequently, a school may wish to have separate orientation programs for entry-level and for experienced adjuncts, or joint sessions, or some combination of both approaches.

b. Orientation According to Specialty

Different orientation programs may be appropriate depending upon the program in which the adjunct is involved. The typical doctrinal course (e.g., Criminal Procedure) would probably be treated in a Socratic/lecture/participatory approach, whereas a skills course (e.g., Trial Advocacy) might have a completely different focus. In addition, the skills course is more likely to be part of a skills program with which the adjunct should be familiar. Consequently, schools may consider scheduling separate orientation programs for adjuncts teaching different types of courses.

c. Orientation for Adjuncts Who Are Team-Teaching

If an adjunct is team-teaching with a full-time faculty member, it is possible that either the adjunct or the full-timer may question the need for an adjunct orientation. After all, the full-time faculty member is likely to take responsibility for administrative and other class details. There are many answers to these questions. First, the orientation may provide some critical, but purely administrative information (such as getting a parking pass). Second, there is always a chance that the adjunct will be required to take over one or more sessions because the full-timer becomes ill. Third, the adjunct may someday be asked to teach a course on his/her own. Fourth, the adjunct is more likely to feel tied to the school if he/she attends programs (or parts of programs) that include other adjuncts and full-time school personnel.

Although not part of the formal orientation program, the school should consider the potential benefits from pairing an entry-level adjunct with an experienced teacher in a team-taught course. The experienced teacher can even be another adjunct. Team-teaching can facilitate a smooth continuum of the offering, particularly given the demands on the non-law school life of adjuncts and the frequency with which an unexpected emergency may prevent them from being able to attend a class meeting.

d. Orientation Through Learning by Observing

A very useful means of providing instruction on how the course that the adjunct will teach is presently taught is by having the adjunct audit an offering of that course taught by an experienced full-time (or adjunct) faculty member. If arrangements can be made sufficiently ahead of time, the new adjunct will benefit from sitting in on the course offering a full semester or two before joining the faculty. Care must be taken, of course, to ensure that the course being audited is offered by a valued member of the faculty, with that faculty member's permission. This may present scheduling difficulties, but is strongly encouraged. There is no better way to learn how to offer a course than by observing someone proficient at doing so.

Even if no one is currently teaching the course to which the adjunct is assigned, the adjunct might benefit from auditing a course in the area or a course of the same type (e.g., skills versus doctrinal). The school might find it useful to maintain a list of faculty members who are willing to host adjunct visitors to their class.

5. Conduct of the Orientation Program

a. Law School Personnel

Who conducts the orientation program depends upon the above mentioned considerations as to whether the adjuncts are entry-level and/or experienced, the type of program in which they will be teaching, etc. Such orientation programs usually are conducted by a combination of administrators and faculty members. Because the academic dean is most likely to interact with adjuncts and to know various school policies, it is not unusual for that person to oversee the orientation program. For adjuncts participating in multi-professor programs such as Trial Advocacy, it is important that they be oriented by someone familiar with the program.

There may also be a useful role for representatives from the library, the student services office, the Curriculum Committee, Grading Committee, or Adjunct Review Committee.⁶ The law school should balance a variety of factors in determining who to include. Perhaps the most important factor, given that adjuncts have other time demands, is to schedule in-person contact with those individuals providing the most critical information. Other law school personnel may attend, to provide a face for various functions, but provide most of their information by handouts. While the dean would not normally take a lead role in an orientation program, an appearance by the dean can be very uplifting for the morale of the adjuncts.

b. An "Experienced" Adjunct

Just as the ABA New Deans Workshop brings back a prior year attendee to provide a view "one year later," the school may consider asking a current adjunct to speak to those who are newly hired. While a relatively junior full-time faculty member could also serve this function, adjuncts may respond better to another adjunct's take on the issues that arise in balancing a full-time job, part-time teaching, and other commitments.

B. Technology Orientation

1. Importance

Given the ubiquitous use of technology in the 21st century, it is critical that adjuncts be familiar with the technology available in their classrooms and elsewhere in the law school. Consequently, it is important that a representative from Information Technology or the Library or other office responsible for technology participate in the general orientation program or conduct a separate orientation program. Technology orientation should cover what is

⁶ Although its directories include photos of relevant administrators, the school should not discount the value of even brief in-person appearances. If adjuncts are asked to bring employment documents with them, the school's human resources director might attend to collect them and help with any completion problems.

available, what needs to be supplied, and how the adjunct can shape the course being taught so as to maximize the use of available technology.

If the school offers a wide array of technology,⁷ a single session may not be sufficient to adequately explain what is available and instruct adjuncts in its use. The technology department may supplement its presentation with handouts, tutorials, and offers of one-on-one assistance.

Some adjuncts are more likely to use technology in practice than are others. Before setting the orientation agenda, the law school might consider determining how familiar its adjuncts are with technology in general and with teaching technology tools in particular. A faculty member who has never downloaded a document has quite different orientation needs than does one who regularly uses PowerPoint presentations in court.

2. Student Expectations and Potential Abuse

It is not enough for adjuncts to know what technology is available. It is critical that they be aware that their students are using technology and expect them to use it as well. With the increasing use of laptops by law students (which will only continue until it is close to 100%), an adjunct's success may require him or her to maximize use of technology. This is especially true in the skills courses, where the students will not only use technology in the course but will also learn how to use technology in the practice of law. As a result, the technology orientation for certain courses should address those particular issues.

The technology orientation might also address potential student abuses. Schools should alert adjuncts that some students use their laptops in class for Instant Messaging or surfing the web rather than for note-taking.⁸ The adjunct should be aware of the school policies for laptops in the classroom and for taking exams.

C. Casebook Selection

One important aspect of becoming an adjunct is determining what materials are going to be used in the course. Most entry-level adjuncts do not realize that publishers in their particular area are eager to send them complimentary copies of materials that can be used in their courses. It is thus important for the law school to provide the names of its adjuncts to the publishers of legal materials so that a sound selection process may be followed.⁹

1. Factors Used in Selection Process

In addition, of course, the adjunct must be familiar with the materials that are presently used at the school and whether or not the adjunct has any discretion to change them. This topic can be an important part of the orientation process if the orientation is sufficiently ahead of the start of the semester to still allow for casebook and other materials selection. In any event, the casebook selection process can be greatly informed by experienced full-time faculty members and/or experienced adjunct faculty members.

If the school does not mandate the books to be used, it might consider giving its adjuncts a list of factors to consider in making their selection. The school might indicate the following information as relevant: copyright date (as some books are woefully out of date); availability of a teacher's manual; and format of the materials (e.g., primarily case or problem-oriented). The adjunct might ask for advice from full-time faculty or others teaching in the area of law. All other things being equal, the adjunct might take into account the relative cost of two competing texts. If the school considers cost information relevant, it should either provide it or explain how to obtain it.

⁷ The definition and availability of "technology" varies from school to school. Potential items include overhead projectors; monitors equipped for television, VHS or DVD broadcasts; laptop or other computer hook-ups in the classroom (which may be wired or wireless); smart boards; audiotaping or videotaping a class; electronic course programs (e.g., Blackboard or WebCT) or e-mail groups; computer-delivered exams; or using electronic programs or Scantron machines for grading. Some law schools will have hand-held "voting machines" available for classroom use.

⁸ This topic is also covered below in Part Three, Section D, Subsection 2 (Classroom Control).

⁹ The school should determine whether the adjunct prefers that books be sent to an office or home address. During the period before the adjunct actually begins teaching, one of those addresses may be more convenient than the law school address. If the school asks adjuncts to contact publishers on their own, it should at least provide them a list of publishers' names and addresses.

Adjuncts must also consider how many texts to require. For code-oriented courses, students are likely to need both a case/problem book and a set of statutory materials. A case-oriented course may require only a casebook. If no casebook (or statutory supplement) is sufficiently up to date, the adjunct may compile a set of supplemental materials to sell to the class (or hand out without charge if that is the school policy). If the law school has guidelines on how much or how little reading material is appropriate, it should make sure that the adjunct understands those expectations.

2. Supplemental Materials

An orientation program or other correspondence should provide adjuncts with information on what materials must be used and what materials may be used throughout the curriculum. It is not unusual for adjuncts to supplement required materials with some of their own materials, and the propriety of this should be discussed at the outset.

Library procedures are also important in this regard, particularly as to which materials are available in the library (and which are not), which materials may be placed on reserve for use by the adjunct's students, and which materials can be obtained by the library. Copyright policies and rules in this regard must be called to the attention of the adjunct faculty.

3. Bookstore Issues

The school must provide information concerning which bookstore can or should be used, what its policies are, and the relationships between the law school and the bookstore(s). Depending on when books must be ordered, this topic may be covered in the orientation program or by separate correspondence. The school or university may have its own bookstore, or there may be private bookstores to which book orders can be sent. Bookstore policies, ordering timetable, etc., are important in this regard, and such information is usually provided by the registrar's office or the academic dean. It is important that the appropriate administrator have notice of the required and recommended materials sufficiently ahead of time so as to alert the students and the bookstore.¹⁰

Some bookstores order fewer books than the number of students enrolled in the class, on the theory that some students will drop the course, some won't buy a book, and some will buy a new or used book from another source. (Indeed, some students may not purchase the texts until drop/add is over and they are certain what they are taking.) If this is possible, the school should alert its adjuncts that some students may not have the book on the first day of class. Adjuncts can be encouraged to include citations to first-day cases and statutes on their web pages or to provide them to a designated law school office.

D. Supplementary Materials and Office Assistance

Whether or not the school provides secretarial assistance for preparing and/or copying materials should be called to the attention of adjunct faculty. The school should clearly explain the rules on reimbursement for copying by adjuncts and those concerning what must be purchased by the students and what may be provided free of charge. How and where materials are distributed should also be explained, and the procedures used by the school's copy center/office services department are significant. Too often requests for materials to be copied inundate the copy center a week before the semester starts, which makes it impossible to make all these materials available on the first day of classes. The importance of providing materials such as these well in advance can not be overemphasized.

E. Course Descriptions, Prerequisites, and Related Matters

1. Course Descriptions and Prerequisites

¹⁰ If the university or the bookstore allows (or requires) faculty members to enter their book orders directly online, the law school has several options. If the site is not password protected, the school can designate a staff member to enter the information for each adjunct. If the site is password protected, and only the adjunct can access it, the school should ask the adjunct to send it a copy of the information. Unless the law school knows what materials have been ordered, its staff can't effectively mediate problems that may arise. In addition, if the staff member doesn't receive the list, he or she can contact the adjunct to ensure that the order has been placed by the relevant deadline.

Periodic reference to (and revision of) course descriptions in the law school's catalog can be very helpful in alerting an adjunct to the parameters of the course being taught, as well as the discretion the adjunct may (or may not) have to include additional materials. Whatever prerequisites are in place for students to be eligible for the course should be clear to the adjunct, hopefully enforced by the registrar's office. The school might consider asking its adjuncts (and its full-time faculty) to follow up on this matter to ensure that students are not at a disadvantage in taking the course without the necessary prerequisites.

2. Limited Enrollment Courses

Adjuncts frequently teach skills courses, which have limited enrollments so that students have adequate opportunity to develop their skills. Other courses are capped based on room size or to limit class size disparities. The law school must inform its adjuncts of relevant policies on the availability of limited enrollment courses, methods of registration for such courses, and the discretion of the professor to exceed (or to set) enrollment caps.

3. Auditors

The school's policy on permitting non-matriculated or non-registered students to audit a course should be clear and available to the adjunct faculty. Usually this will involve the approval of the academic dean in discussion with the particular faculty member.

F. Syllabus

In this day and age of consumer protection and full disclosure, course requirements must be made clear at the outset and should be in writing. It is important that going into a course the student knows exactly what will be expected in terms of preparation, participation, attendance, and performance, whether it be through skills sessions, scholarly papers, other written assignments, or a final exam.

1. Course Objectives

What the course will cover and objective(s) sought by the end of the semester should be communicated clearly to the students at the outset. This information may include a list of skills the student must demonstrate or concepts the student is expected to master.¹¹

2. Attendance Policy and Sanctions

While faculty members like to think there will be 100% attendance at every class meeting because the particular course is so interesting, that is not reality. Many things compete for class time, not the least of which are job interviews, co-curricular programs and competitions, and other academic burdens. As a result, the adjunct must be familiar with the school's policy regarding attendance. The adjunct must also understand how to enforce those rules, the sanctions used for noncompliance,¹² and whether the adjunct can deviate from school policy. How attendance is recorded is important, and any policy that differs from the school's norms must be communicated to the student at the outset of the course.

3. Class Preparation

Adjunct faculty should of course be aware of the school's policies regarding class preparation and participation and what discretion the adjunct has in creating policies for the adjunct's particular course. Even with

¹¹ Regional accrediting agencies that are concerned with outcomes assessment may be particularly interested in how faculty members convey their expectations to students.

¹² Sanctions for failure to comply with the appropriate attendance policy can typically include a reduction in grade, additional work in the course, or ineligibility to sit for the final exam. If adjuncts have flexibility in selecting a sanction, the school should explain the advantages and disadvantages of various options.

anonymous grading systems, faculty are frequently authorized to add or subtract points to/from a student's final grade based upon class preparation and participation, and this should be clear to the adjunct and to the adjunct's students.

4. Taping and Other Policies

School policies regarding audiotaping or videotaping, computer and network use, accommodations for students with disabilities, use of laptop computers, academic fairness procedures, student professional responsibility, nondiscrimination, and non-academic complaints should all be made available to the adjunct, typically as appendices to an adjunct faculty handbook or a student handbook. If school practice requires it, the syllabus should address these items directly or make reference to the appropriate school policy document. In addition, the syllabus may appropriately address whether food or drink is permissible during class (assuming school rules allow food and drink in the classroom being used).

5. Communication with Students

How the adjunct professor wishes to communicate with the students should be made know to them at the outset, be it by e-mail, electronic network, telephone, mailbox, or other means. If the adjunct has office hours, the days, times, and location should be posted.

6. Conveying Expectations to Students

To reduce anxiety and uncertainty, adjuncts should make clear to the students what is expected of them in the next class or classes throughout the semester. If the adjunct has to modify the schedule as the semester progresses, either to add or to subtract various materials or meetings, keeping the students aware of these developments is most important.¹³

If two faculty members (full-time and adjunct or two adjuncts) will collaborate in creating or teaching a course, both parties must have a clear idea of each other's roles. This is particularly important once the class begins, as students will be frustrated if the faculty members provide different answers to administrative questions.

G. First Assignment

While it is important that the syllabus or separate assignment sheet advises the student about the expected assignments throughout the semester, it is critical in advance of the semester that the registrar or academic dean receives the first assignment, if there be one, so that it can be called to the attention of the students before the course begins. There is nothing worse than for an entry-level adjunct to arrive at the first class expecting the students to be fully prepared and to find out that the first assignment was not communicated to them. Generally, the administration will ask for this information early out, and it is important that the adjunct be aware of this responsibility.

¹³ As discussed in Part Three, faculty members may have limited options for adding or rescheduling class sessions. The school must ensure that its adjuncts understand these constraints.

PART THREE. CONDUCTING THE CLASS

Part Three covers the day-to-day classroom experience. It ranges from the mundane (obtaining class lists) to the critical elements of the class (appropriate teaching methods and class participation). Part Three also covers review by full-time faculty or administrators.

A. Classroom Needs

The law school may adopt a variety of methods for making classroom accessories available to its adjuncts. It may provide a designated (and often locked) repository in each classroom, in a supply area, or in an adjunct office area. No matter which method it uses, the school must ensure that adjuncts have access to chalk or markers,¹⁴ erasers, and other supplies and to audiovisual equipment.

To assist the adjunct in taking roll and in otherwise keeping track of student performance, the school should provide up-to-date class lists. (If the adjunct can access these directly from a secure web site, the school must assist the adjunct in obtaining the necessary access codes.) In addition, the school should consider either distributing a blank seating chart that reflects the classroom configuration or assisting the adjunct in preparing a seating chart that includes student names and photographs.

The law school personnel who administer adjunct orientation might discuss the relative advantages of requiring students to sit in the same place for every class versus allowing them to change seats. The former method makes it easier for the adjunct to learn student names, but it can lead to disruption when a student whose seat is in the middle of a row arrives late.

B. Required Announcements

Although the class syllabus may include all required information, the school may choose to reinforce certain information by requiring that it be announced. Likewise, there may be events announcements the school deems important. If the law school requires that certain announcements be provided, either on the first day of class or on a regular basis, it must provide that information to its adjuncts.

C. Taking Attendance

The ABA Standards for Approval of Law Schools mandate regular and punctual attendance (Standard 304(d)). The law school should inform adjuncts of this requirement and its rationale. If the law school has a required or preferred method of compliance, that information is also necessary. For example, the school may believe that passing around a roll sheet in a large class takes significantly less class time than calling roll, but it may not have a preferred method for a relatively small class.¹⁵

As noted above in Part Three, Section A (Classroom Needs), the school should supply class lists, seating charts, or other tools to assist adjuncts in complying with attendance rules. Some schools require that faculty members notify students before dropping them from the course or imposing other sanctions for inadequate attendance; others make their rules self-executing. Some schools differentiate between excused and unexcused absences; others do not. Adjuncts must be informed of the rules concerning sanctions and the procedures to follow in imposing them.

¹⁴ A school that uses dry markers and fails to explain the difference between those markers and other writing devices is likely to need solvent to remove marks made with permanent marker. All faculty members must have access to the appropriate writing implements.

¹⁵ Schools that worry that some students will initial for absent friends may suggest that faculty members require students to sign their full names each time.

D. The Classroom Experience

1. Teaching Methods and Class Participation

Just as there are a variety of course types, there are also a variety of teaching methods, including lecture, Socratic, problem, and performance. Many courses involve different teaching methods at different points in a single class session even though one method tends to predominate (e.g., performance in a trial skills course). With respect to the particular class for which the adjunct is hired, the law school must relay its expectations as part of the hiring, orientation, and review process.

The conversation between the school and its adjuncts should include a discussion of class participation. Taking volunteers and not calling on other students may reduce the class's stress level. It may also allow a few students to do all the talking while others tune out or simply take a free ride. If the adjunct awards bonus points for class participation, more students may see benefit in participating even if the more aggressive students still dominate class discussion. Every student's exam performance may suffer if the students who do the bulk of the talking aren't the strongest students in the class.

2. Classroom Control

All faculty members wrestle with issues involving classroom control. In an earlier era, students might pass notes, whisper, or do crossword puzzles. In addition to those distracters, technology now allows them to talk on cell phones, surf the web, and Instant Message each other or non-class members. The school should help its adjuncts deal with these possibilities. It might suggest walking around the classroom on occasion or calling on students who appear to be typing more than might be necessary for recording class notes. If the school requires its students to purchase laptops, it may not permit faculty to prevent students from using computers in class. The school must let its adjuncts know the relevant policies.

Other classroom control issues relate to seat time. Adjuncts must require students to arrive on time and remain until the class ends. If class sessions last two or three hours, the school should provide rules about either giving breaks or allowing students to leave on their own to use restroom facilities. Student attention spans have limits, and breaks provide shyer students a chance to raise questions with the faculty member. A faculty member who allows neither option may be in control of the class, but student discomfort will adversely affect the ability to learn.¹⁶

3. Using the Board Versus Other Displays

Many faculty members have abandoned or reduced their use of chalkboards and whiteboards. They may use PowerPoint presentations, overhead projector slides, or handouts as supplements or as their sole presentation method.

Adjunct faculty members should be made aware of the options available, of any support the school provides, and of the potential benefits and detriments of using "non-traditional" aids. Pre-prepared materials certainly reduce the problems associated with poor handwriting and can reinforce certain aspects of the materials being taught. Unfortunately, there are risks associated with using them inappropriately. A faculty member who relies on PowerPoint presentations may have difficulty in responding if a student's question diverges from the structure imposed by the PowerPoint or other aid. If students receive the teaching aids (handouts or web postings), they may be less likely to pay attention in class, take notes, or ask questions.

4. Audiovisual Equipment

A faculty member may need audiovisual equipment to show a brief film clip in class. Alternatively, the school may allow (or have a policy requiring or encouraging) classes to be recorded and made available as web casts.

¹⁶ The law school should address ADA and student privacy issues in this context. If only students with disabilities receive permission to leave and return, non-obvious disabilities are no longer the student's private information. See Part Five, Sections B and C, for additional discussion of these issues.

The school must let adjunct faculty members know what equipment is available, how to obtain access to it (or other assistance in its use), and what the recording rules are. At the same time, it should discuss the potential overuse of recorded material. For example, showing brief film clips before a class discussion (for example of evidence objections or ethical violations) may be an excellent method of illustrating the topic. The school may, however, suggest out-of-class viewing assignments if students are to watch an entire movie or movies.

5. Guest Lecturers

Full-time faculty members may have more latitude than do adjuncts in using guest lecturers. A full-time faculty member may be auditioning a potential adjunct, whose teaching is being “reviewed” by the school. That is not the case in an adjunct-taught course. It is important that law schools communicate their rules about guest lecturers. These may range from simply informing the school to asking permission. The use of guest lecturers also implicates the school’s adjunct review process, particularly in a school that schedules unannounced reviews. The reviewer expects to review the assigned faculty member and not a guest lecturer.

6. Reflecting on the Experience

The law school and the adjunct faculty member share a common goal. Both hope that the experience will be positive and that the adjunct will continue teaching for many years. Because adjunct faculty members generally have less time to spend thinking about (and perhaps reworking) a course during the semester, the law school might suggest tools to use in preparing for teaching the course again. For example, the adjunct might keep a journal for each class session, listing problems that arose or tactics that worked particularly well. Contemporaneous notes are likely to be more valuable than a course reconstruction done at the end of the semester. The contemporaneous notes may also be useful for exam preparation.

E. Scheduling Issues

1. In General

Scheduling issues arise because each course must meet for a predetermined minimum number of minutes, classroom space is finite, and students have other classes in addition to outside obligations. A law school should explain both ABA requirements concerning classroom minutes¹⁷ (or the school’s standard if more stringent—*e.g.*, using a 60-minute clock hour) and methods for reducing the likelihood that the class will not meet for the required amount of time or will not cover significant portions of the assigned material.

Adjuncts should be counseled about beginning and ending class on time. Beginning early is an option only if the school can make the room available and all students can arrive at the earlier time.¹⁸ The school should remind its adjuncts that class breaks are another potential time drain and should be limited to the allotted time.¹⁹

2. Cancelled Classes

Although class cancellations are not desirable, they may be unavoidable. Depending on the school’s policy and room/student scheduling constraints, school policy may require adjuncts to schedule weekend make-up times, extend a class session past its normal end, give and critique an additional out-of-class assignment, or take some other step to cover the required class minutes. If the school’s policy regarding excused/unexcused absences or accommodating religious holidays is different for make-up classes than for regularly scheduled classes, it must convey that information to its adjuncts.

¹⁷ Although the ABA no longer ties class minutes to credit hours, Interpretation 304-4 notes that schools using the semester system typically require 700 minutes of instruction time per “credit,” exclusive of exam time.

¹⁸ Ending late involves similar classroom and student conflict issues.

¹⁹ As discussed above (Part Three, Section D, Subsection 2, Classroom Control), class breaks serve valuable purposes.

3. Review Sessions

Review sessions involve many of the same issues as make-up classes. Adjuncts should also understand that review sessions may be particularly difficult to schedule during the exam period, when rooms are more likely to be in use and students have other exams on their mind.

F. Communicating with the Class

Because adjuncts are not in the law school on a full-time basis, they have fewer opportunities to interact with students outside of class. The syllabus may be the first (and perhaps the primary) out-of-class communication between the adjunct and his or her students. A detailed syllabus may be more important for an adjunct-taught course than it is for a course taught by a full-time faculty member.

Although the law school should set aside meeting space adjuncts can use if they arrive early or can stay after class, that space has limited value for students who have a conflicting class during the adjunct's "office hours." The school may encourage its adjuncts to try other methods for communicating with individual students or with groups of students. These include providing a phone number or e-mail address students can use,²⁰ using e-mail groups so that responses to student questions can be disseminated to all students, and using web-based course management systems (e.g., TWEN, LexisNexis Web Course, or WebCT).

Before suggesting that an adjunct use a web-based course system, the school should make sure it can support that endeavor. If there isn't a critical mass of full-time faculty members using these tools, the school may lack the mentoring expertise its adjuncts need. This is particularly true if the school supports multiple web-based options, some of which are easier to use than are others.²¹

G. Quizzes

1. ADA Issues

Every law school has students who receive examination accommodations. These include extra time on examinations or taking examinations in a separate room. Because faculty members may be unaware that they have accommodated students in their classes, they may not realize that unscheduled "pop" quizzes may have deleterious effects on those students' grades. The school must explain its policy about unannounced quizzes, including any requirements that the syllabus indicate they will occur, and methods available to preserve the students' ADA rights without publicizing that they receive accommodations.²²

2. Other Administrative Issues

The law school should discuss with its adjuncts any school rules or expectations concerning what percentage of a student's grade can be attributable to quizzes; whether to count missed quizzes as zero grades (or allow each student to drop a fixed number of quiz grades); and what the syllabus must include if quizzes are going to count in the student's grade.

If the quizzes are objective in nature, the school should also discuss grading options. Possibilities include having quizzes completed on machine-gradable Scantron cards, using ExamSoft or other electronic means for delivering and grading quizzes, using exam books, or simply circling answers on the question sheet. Because some options require more advance notice than do others, particularly if the school must order the cards or exam books, the school must also explain the relevant time constraints. If the school prefers a particular method, it should offer its adjuncts any necessary training in that method.

²⁰ Although some adjuncts may be willing to meet students at the adjunct's firm, schools should be hesitant to require meetings that could disrupt the adjunct's work day.

²¹ At the very least, the school should assist the adjunct in "enrolling" students in the web course and provide FAQ or other guidance on posting materials and using the calendar.

²² The ADA is covered in greater detail in Part Five, Section C.

H. Emergencies in the Classroom

A student or instructor may be called out of class because of a family emergency. Occasionally, however, an emergency or potential emergency will occur in the classroom itself or elsewhere in the building. Emergencies can include intruders in the classroom, fire alarms, or student or faculty illness or accident.

The law school (and its parent university) should make sure its adjuncts receive all emergency procedure guidelines. These should cover evacuating the classroom or building, locating reassembly points, and calling for assistance (relevant numbers to call and location of any panic buttons or emergency phones in classrooms).

I. Evaluating Faculty Performance

Lawyers and judges are used to being evaluated—by members of the firm, by clients, and by bar association polls. Although they probably expect to be evaluated in their roll as adjuncts, they need information as to how the process works. Information must cover both the procedural and substantive aspects of the review process.

1. Student Evaluations

Because student evaluations have long been in use, adjuncts are likely to remember completing those forms when they were students. In addition to giving them a copy of the question form, the school should provide the information about the topics discussed below.

a. Timing of the Evaluations

The school may have set aside a particular date for each class or there may be a range of dates. The school may prefer that evaluations be conducted at the beginning versus the end of class.

b. Distributing the Evaluations

The school may give the adjunct an evaluation packet to distribute to the class. Alternatively, distribution might be effectuated by a law school administrator, a student bar association representative, or a student in the class. It is possible that no paper distribution will occur. Instead students may be instructed to visit a web site and complete the evaluation process online. In any event, the adjunct should be informed as to the appropriate distribution method.

c. Conducting and Collecting the Evaluations

The school should also make sure the adjunct knows its policies about leaving the room while the students complete the form and about how much time to allot for the completion process.

Because the school will probably bar the faculty member from seeing the evaluations before grades are submitted, it will designate someone other than the adjunct to collect the forms and return them to the office in charge of compiling them.

d. Publicizing the Evaluations

The adjunct should know if the school makes the evaluations (or a summary) available to its students. If the student bar association conducts the evaluations (or a shadow evaluation process), publication is probably a given. The school should let its adjuncts know how they can access their own evaluations.

2. Faculty/Administration Evaluations

a. Who Conducts the Review?

Adjunct review may be the responsibility of the administration, a faculty committee, faculty members with subject matter expertise, or the faculty member who supervises the program in which an adjunct teaches.

Students obviously have a part to play in the review process. They complete student evaluations and may also provide ex parte comments to administrators and full-time faculty members. If students are members of faculty committees charged with reviewing adjuncts for renewal, should student members actually serve as reviewers? Although precluding student members from such service arguably diminishes their status as full committee members, allowing it has other risks. Students who are accustomed to completing the faculty evaluation form in their classes may subconsciously review the adjunct based on those criteria and not on the criteria used by faculty reviewers. If that occurs, student reviewers add little to the information that will appear on the class evaluations. If a student reviewer later encounters the adjunct in another capacity—as a student in another class, as an applicant for employment, or as counsel in the adjunct’s courtroom—the meeting may be uncomfortable for both.

If the school decides to involve student committee members in the review process, it should ensure that the student member understands the difference between this role and that played by students in the class. In addition, the student must understand that he/she is not there to judge other students. Although a student reviewer may be approached regarding the adjunct by students in the class, that situation often arises no matter which group does the reviewing.

b. Review Procedures

If one or more full-time faculty members, administrators, or students will visit the adjunct’s classroom, the adjunct should receive relevant information about that process. If the school uses a particular form, the adjunct should receive that form.²³ The school should address the following topics:

- Whether visits will be announced or unannounced
- Whether multiple visits are made to all adjuncts, to new adjuncts, or to adjuncts whose teaching might benefit from additional mentoring
- Whether there will be follow-up discussion initiated by the reviewer
- Whether the adjunct will receive a copy of the written review
- Whether the adjunct should respond to the review, particularly to those portions that indicate room for improvement
- How adjuncts are evaluated in team-taught courses
- Whether experienced adjuncts are reviewed on the same timetable as newer adjuncts (and what definition the school uses of experienced)

c. Use Made of Evaluations

The adjunct should have a general understanding of how the school uses both student and faculty/administration evaluations.

3. Addressing Problems in Teaching

Ideally, each adjunct will receive two sets of reviews—those completed by students on the standard class evaluation form and those completed by a full-time faculty member or administrator assigned to review that adjunct. When the two reviews yield different evaluations, or when both reviews indicate problems, the law school must decide whether to continue its relationship with that adjunct. This decision is not entirely made by the school. The adjunct who receives copies of those reviews will probably also reassess the relationship.

²³ The school might also distribute the form used during ABA site visits. That form provides a collective judgment about information an accrediting body considers important.

“Poor” classroom reviews do not necessarily mean that the law school erred in hiring a particular adjunct. It is possible that the adjunct was not sufficiently oriented, had the misfortune of replacing a really popular teacher, or was assigned a particularly difficult day or time slot.

a. Mixed Reviews

If the students gave positive reviews but the faculty/administration review was mixed, the decision may depend more on whether the problems related to the particular course assignment or to issues such as classroom control, lecturing rather than engaging students in a dialog, or similar matters. If the adjunct was teaching for the first time, the school may give more weight to student reviews because they cover the entire semester, while the faculty/administration review may be based on a single visit to what may have been an atypical class. A school that uses announced instead of unannounced review days may give more weight to the faculty/administrator review on the theory that the adjunct knew when the review would occur.

b. The Next Teaching Assignment

If the law school believes the adjunct has the potential to succeed, and the adjunct is willing to continue, the school can assign the adjunct to repeat the particular course or assign him or her to teach a different course. For example, an adjunct assigned to a large survey course may be more effective in an advanced doctrinal or skills course in the same area. An adjunct who, because of unexpected illness or other commitments, cancelled and rescheduled several classes may appropriately be reassigned to the original course if those non-teaching conflicts have been resolved.

In addition to considering the course assignment, the school must decide between assigning the adjunct to teach in the next academic year and postponing the reappointment for a year. Factors the school should take into account in making those decisions include the reason for the initial failure, whether student evaluations are disclosed to the students, and the effectiveness of the student rumor mill. If students are likely to broadcast an adjunct’s perceived deficiencies, delaying the reappointment for a year reduces the likelihood that the next round of evaluations will be tainted by inaccurate student perceptions.

c. Terminating the Relationship

As is true for full-time faculty, there may come a time when the school decides that an adjunct’s teaching problems cannot be fixed and that the relationship must terminate. In the absence of aggravating circumstances, termination should occur after the semester ends and the adjunct submits grades. Otherwise, students must acclimate themselves to a new faculty member who may have completely different expectations. If students were fond of the original faculty member, the replacement’s chances of success are significantly diminished.

A law school should let the adjunct faculty member know that it will not be offering a position for the next year (or any future year). The school may be honest about its concerns with the adjunct’s performance. If the school wants to preserve a good relationship with the adjunct, it may instead use a face-saving reason. For example, full-time faculty members probably have preference over adjuncts for course assignments. Perhaps a full-time faculty member would be able to teach the course for a year or more. Or, if the course was lightly enrolled, the school may decide to “retire” it (or take it on hiatus) and use that as a reason to also retire the adjunct.²⁴ No matter what reason the school gives the adjunct faculty member, it should avoid giving students the impression that they were taught incompetently.

²⁴ If a law school has a mandatory “sabbatical” for adjuncts, requiring them to take a year off on a regular cycle, it might wait until the hiatus period to terminate the relationship rather than remove the adjunct earlier.

Part Four covers examination preparation, grading examinations and other student work, grading curves, post-grade reviews, and related topics.

A. Examinations

Most law schools rely heavily on end of semester essay examinations as the primary method of assigning grades in courses. Thus, it is critical that adjuncts have a clear understanding of the school's policies and procedures for examinations. The final examination period (and mid-term period, if applicable), and the dates and times set for particular exams in particular courses, should be communicated to adjuncts before they begin the semester or other academic term.

1. Exam preparation

Adjuncts should be encouraged to start thinking about student assessment and exams as early as possible, preferably as they are preparing their course syllabus. At the very least, they need to know when the law school staff must have the text of the exam available for photocopying. If faculty members are required to input the text of the exam questions on a disk, they should be made aware of this and offered suitable technical assistance.

Adjuncts who need guidance on how to write an appropriate law school examination should be encouraged to seek advice from a full-time faculty member before administering the exam. If the school maintains old exams and model answers on file or online, adjuncts as well as students could take advantage of this resource. Adjuncts who regularly teach the same course should be encouraged to place their old exams in the school's exam file.

2. Types of Examination and School Rules

Each law school has its own culture and policies concerning how students are to be assessed. If faculty members, including adjuncts, are free to choose from a number of options, such as quizzes, midterms, extra credit projects, papers or other assignments, and finals, this should be made clear. If the school wants to promote the use of more formative assessments rather than relying solely on a high stakes end of semester final, adjunct faculty must be informed and encouraged. Unless different goals are communicated, most faculty members, adjunct or full-time, are likely to use the type of examination they experienced as law students. They may not even be aware that other alternatives are available.

Assuming most classes are going to use some type of examination, there are a host of variations available, including, essay, multiple choice, short answer, true/false, oral, take-home, or in-class. Examinations can be closed book, open book, or a hybrid. They can be typed or handwritten. Whether the school allows faculty total freedom of choice on these matters, or has some commonly agreed upon boundaries or policies, these need to be communicated to its adjuncts. If the school has a policy limiting the use of any of these types of options, it would be unfortunate if adjuncts learn this from a staff member when they submit exam questions to be copied on the eve of the relevant deadline.

3. Length of Exam

Adjuncts will undoubtedly benefit from any information on suggested time limits, page limits, and types of fact patterns to use in final or midterm examinations. Similarly, the school's administrative staff will benefit from having the adjuncts tell them in advance what time limits and page limits might be applicable for their exams. Many schools require faculty (including adjuncts) to complete a form or questionnaire covering all the administrative details that the staff needs to know in order to efficiently process and administer examinations. If the staff is proctoring and/or collecting the exams, they need to know exactly when the students must turn in their answers. Knowing the time limit in advance also helps in scheduling exams of differing lengths given on the same day, so the students entering or leaving an exam area do not distract others.

4. Exam Instruction Sheet

Adjunct faculty need to know if the school requires certain elements to be included on the instruction sheet, such as time limit, authorized materials, a space to write exam numbers, name of course, professor, or date. A model or template for an instruction sheet, or several variations, could be helpful. Schools that require or encourage professors to distribute exam instruction sheets to students in advance should inform their adjuncts of the process for doing this (e.g., class handout, posting on a web site or a notice board, etc.).

5. ADA Issues in Exam Process

The ADA requires all educational institutions to make appropriate accommodations for students who have a disability that might affect their ability to take a test under the same conditions as other students.²⁵ Accommodations can include extra time, use of special equipment, use of a scribe, etc. In most schools, the law school administration or a centralized university student disability center approves and implements these accommodations without involving the professor. In fact, these students' disabilities and accommodations made are usually kept confidential, so that they will be treated identically to other students by the faculty grading their exams. Adjuncts should be informed of the school's policy on these matters so they can appropriately refer students who approach them with accommodation requests (or refer students they believe may need accommodations).

6. Use of Exam Software

In the digital age, more and more students come to law school with laptop or notebook computers. Indeed, many are so accustomed to the keyboard that they are not particularly skilled in the art of handwriting. Thus, there is a tremendous demand by students to be allowed to type their essay exams on their laptop computers. The main impediment to allowing this has been the possibility of cheating by accessing files, e-mail, or the internet during an exam. In response, companies such as ExamSoft, SecureExam and Exam4 developed programs that provide a "secure" environment for typing on a laptop. These programs turn the student's laptop into a word processor and block access to files, e-mail and the internet. They provide the professor with a legible, typed answer and can also provide records on timing.

Adjuncts need to be aware of the law school's policy on the use of laptops for in-class exams or online exams. They will greatly benefit from having typed answers and should be discouraged from improvising their own rules for typing. Take-home exams can usually be required to be typed without the need for a special software program, although in some schools take-homes can be taken or transmitted online through the use of special software. This is a relatively new innovation, so it is important to provide this information to adjuncts, who may not have had this option as law students.

7. Examination Administration

Law schools differ in their rules regarding proctoring exams. Some use staff to proctor, some use faculty, and some just have students proctor themselves under an honor code. To avoid problems, the school must provide this information to its adjuncts. This is particularly important if the school will expect them to proctor their own exams.

If the school has a policy that centralizes exam rescheduling with a dean or other administrator, adjuncts need to know how to refer students who request to reschedule an exam. They should be cautioned not to attempt their own rescheduling based on individual pleas from students. If the school's anonymity policy precludes faculty members from knowing which students need rescheduled exams, the school must convey that information as well.

Once the students have taken their exams, they need to be somehow placed in the hands of the relevant faculty for grading. If faculty are required to come in to pick up their exams, they need to know how and when to do that. Because some exams may be given late due to conflicts, illness, ADA accommodations, etc., adjuncts need to know how and when they can collect their entire set of exams. If they prefer not to wait for the entire set to be available, due perhaps to having a large number of exams to grade in a short period, they will need to know what procedures the school has to allow them to start grading without compromising anonymity of grading.

²⁵ The ADA is discussed in Part Five, Section C. It is important that all faculty members understand that their view of appropriate accommodations will not prevail over the determination made by the central office.

Schools should also communicate any policies they have concerning missing or incomplete exams.

B. Papers and Projects

Many courses involve papers and/or projects in addition to or in lieu of examinations. All faculty members, including adjuncts, should be clear to their students regarding applicable deadlines, appropriate methods for turning in assignments, policies on extensions, and penalties for late submission. If the school has a policy on this other than professor discretion, adjuncts employing these types of assignments need to be aware. Short of an actual policy, most adjunct faculty will probably appreciate knowing what most professors at the school do in this regard. If the adjunct applies a harsher (or more lenient) approach than is the school's norm, the school may experience problems with grade appeals or the moral hazard of students choosing an adjunct's course based on perceived leniency.

C. Grading Exams and Other Student Work

1. Anonymous Grading

Most adjunct faculty are aware of anonymous grading systems for examinations based on their own law school experience. The school may still find it useful to set forth the situations in which the adjunct faculty member will be expected to use the system. For example, it might apply to a mid-term exam, or a practice-oriented drafting assignment, but not to a research paper submission. It will also be useful for adjuncts to know how the school maintains anonymity on examinations, explaining how numbers are assigned to students and citing any other rules the school has for enforcing anonymity. Some law school honor codes make it a violation of the code for a student to compromise the anonymous grading system.

Another topic to address is the school's method for merging grade components awarded anonymously with non-anonymous components, such as class participation or simulated skills performance. If the school has a policy for how the merger is accomplished, adjunct faculty should be advised of it before grading begins. Some schools ask faculty to assign and submit scores for the non-anonymous component and the anonymous component separately; then the two grades are merged by the registrar or another staff member according to instructions provided by the faculty member. Other schools allow the faculty member him/herself to adjust the final exam grade based on participation or other criteria.

2. Grade Submission Deadlines

All faculty, including adjuncts, should be reminded early and often of the deadlines for handing in grades. If the school has an early deadline for graduating seniors, this is especially important. The consequences of late grades should be spelled out and hopefully will provide some motivation for faculty. A good example of this comes from the University of Cincinnati:

IMPORTANT: Submitting your grades in a timely fashion is one of the most significant responsibilities you have undertaken by agreeing to teach. Your failure to meet the grading deadline has consequences: we cannot award financial aid; we cannot certify graduates to bar examining authorities; we cannot prepare class ranks; students cannot prepare resumes for their job searches; and transcripts cannot be prepared and sent.

3. Grading Sheets Versus “Gestalt” Grading

Some adjuncts will want advice on how to grade their examinations. Grading generally falls into the category of the individual faculty member's full discretion, but suggesting several approaches might help. It might be important to point out that the overall objectives of the grading exercise are to assess whether the student has learned what the faculty member wanted them to learn and to fairly compare the work of one student to another. A secondary objective might be to facilitate any post-exam discussion between the faculty member and the student in which the points awarded for a particular answer is the topic.

Although a number of systems exist, two of the most common involve grading sheets and the “gestalt” approach. Faculty members who use grading sheets prepare these documents before the first exam is graded, deciding in advance how many points of the total available for a question will be awarded for spotting an issue and discussing it in a first-rate fashion. Then, when reading each student’s exam, the faculty member compares the student’s answer to the “ideal” answer and awards the appropriate number of points. Another approach is the “gestalt” approach, in which the faculty member reads the exam answer and judges it as a whole, without trying to assign a specific number of points to parts of the answer for spotting and discussing particular issues.

4. Assigning Points to Course Components

In general, adjuncts may not be aware of the focus students place on knowing what it will take to get a good grade. Learning objectives, no matter how compelling, may take a back seat to knowing how many points can be earned for performance on each class task—quizzes, projects, participation, performance, mid-terms, and final exams. Thinking about the points assigned can help an adjunct decide how important each graded event will be to the overall learning objectives of the course. Telling the students in advance about point allocations helps them understand the rules and expectations for the adjunct’s course.

Whether and how grades will be raised or reduced based on attendance or participation should be addressed in the syllabus and explained at the beginning of the course. If the adjunct wishes to make some adjustment for either of these, the school should emphasize the need to create and use some system for tracking attendance and participation starting on day one. Students will be troubled if they think the faculty member is adjusting grades based on some overall subjective (and therefore biased) impression of attendance and participation rather than on a systematic evaluation put in place from the outset of the course.

5. Grading Curves

Schools that have mandatory or suggested grading curves should provide the information about the curve to full-time and adjunct faculty in the same way, explaining fully how the curve works, how it is enforced if it is mandatory, and how to seek a variance if variances are permitted and one is needed. Sometimes general information about when the curve applies is not enough to get the desired result. The school might consider developing a system for telling each adjunct on an individual basis whether the curve applies to the particular course he or she is teaching, for example noting the requirement at the top of the grade submission sheet the adjunct completes when turning in grades.

If the adjunct is teaching one of multiple sections, be sure to explain how the curve works in that situation specifically.

Although most adjuncts have an overall understanding of what each letter grade means, it is occasionally helpful to spell it out to keep the frames of reference similar. Given the phenomenon of grade creep, some older adjuncts may remember a time when a “C” was considered the average grade. Law schools at which this is no longer true must be sure that their adjuncts understand both the subjective meaning and the numerical point equivalent for each grade.

Making sure adjuncts know they can give plus and minus grades, if the school allows them, will also avoid problems and student complaints. Adjuncts should also be informed whether plus/minus grades are worth .50, .30, or some other amount. Adjuncts may need to be informed about circumstances appropriate for the use of the “Incomplete” grade or any other grade used for continuing or unfinished work.

If adjuncts teach courses where pass/fail grading is available, the school should provide an explanation of what it understands passing and failing work to be. It should be sure its adjuncts know how bad the work must be for the student to get an F instead of a P. There is probably a general expectation (among students) that everyone

passes courses graded P/F. Aligning student performance expectations with faculty grading expectations will be particularly important in P/F grading situations.²⁶

6. Procedures for Submitting Grades

Informing adjuncts about how to submit their grades will help the school get them in the required format and time frame. Whether the school utilizes a hard copy grade sheet or allows online data entry, it must be sure each adjunct knows how the system works and its expectations for submitting grades in the proper format.

Note: If the school offers team-taught courses and uses an online grade-entry system, ascertain in advance which adjunct will enter the grades. Many systems will allow only the instructor designated as “primary” to enter grades.

7. Transmitting Grades to Students

Adjuncts need to be aware of the school's policies and procedures for telling students about their grades. The school may need to clarify who has the authority to tell students about the grades they have earned and the manner in which that is customarily done. If there is a policy prohibiting faculty from telling students directly about their grades, be sure the adjuncts know about it.

Adjuncts will want to know when students will receive their grades, as they may anticipate hearing from students wanting to discuss their exams after grades are posted. Be sure adjuncts know if the school has a blackout policy requiring grades to be withheld until regularly scheduled exams are completed.²⁷

8. Cheating and Plagiarism

Regrettably, cheating and plagiarism problems occasionally arise at every law school. Usually the procedures for reporting and dealing with these problems are covered by school rules or honor codes. Because these problems are rare, it may be enough to familiarize the adjuncts with the existence of the applicable policies and tell them to call the appropriate law school administrator if they think an incidence of cheating or plagiarism has occurred.

9. Highest Grade and Other Awards

Almost every school has some awards to give in designated courses for the highest grade or for other types of excellent student performance. This information should be communicated to adjuncts teaching such courses at least by the time grading begins. If there is an expectation that the adjunct faculty member will select the award- or prize-winning student, be sure the adjunct knows the criteria for the award and when the selection is expected to be made.

10. Reusing Exam Questions and Disclosing Exams

Unless the school has a contrary policy, each faculty member can decide whether to re-use exam questions. Adjuncts need to be made aware of the advantages and disadvantages of re-using exam questions. As a practical matter, if an adjunct has a good exam question and wishes to re-use it, the school may get his or her exam in a more timely fashion in subsequent years. If the adjunct plans to re-use questions, the school might suggest that skipping a year or two before using a question again is a good policy.

If the adjunct is not going to re-use an exam question, it can be helpful to students to make past exams available for them to use in preparing to take the current exam. Most students will include a review of disclosed past exams in their studying. Obviously, a question should not be disclosed if the adjunct plans to use it again.

²⁶ If the school uses a variant, under which a student can receive a P, a D, or an F, make sure the adjunct understands this option.

²⁷ If there is such a policy, and adjuncts are expected to submit their grades online, the school must be sure its adjuncts do not enter grades before the “all-clear” date.

11. Reviewing Exams with Students

Often students have questions about their grades or their performance on exams, and adjuncts are sometimes caught unaware by a student's request for an exam review session. It is helpful to tell adjuncts that they have an obligation to help the student understand the evaluation of the work submitted and that any discussion of exams or any other component of a final grade should be viewed as an additional teaching opportunity.

12. Grade Changes and Grade Appeals

In many cases, the student will not dispute the grade in a post-exam discussion, but in some circumstances, students will lobby the adjunct for a grade change. Adjuncts will therefore need to be familiar with the school's policy for grade changes, whether they are allowed or not, and if they are, under what circumstances. Some schools permit changes for calculation or clerical errors only, while others are more liberal in permitting faculty to change grades. In either case, the procedure for requesting a change should be clear to the adjunct faculty member, and should include definitions of the circumstances under which a change would be allowed.

If the school has a policy under which a student may appeal a grade, adjunct faculty should receive a copy of the policy and should be made familiar with the grounds on which an appeal may be based. It is also helpful to note any statute of limitations on student grade appeals.

13. Exam Retention Period/Storage

Whatever the school's exam retention policy is, be sure adjunct faculty are aware of it. Information should include how long exams must be retained, whether exams can be returned to the student instead of retained, and where the school prefers exams to be stored.

Part Five covers an array of topics, ranging from nondiscrimination, socializing with students, and privacy rights to dealing with students in crisis. Because faculty members are role models for students preparing to enter a profession, they must conform to applicable federal and state law, law school and university rules, and professional codes of conduct. The law school must ensure that adjunct faculty members are aware of these rules.²⁸

A. Nondiscrimination Policies

The law school's nondiscrimination policy may appear in its catalog and student handbook, on its web site, and in signs posted in its career services office. Because school policies may cover groups that are not mentioned in nondiscrimination statutes, the school should not assume that a faculty member is aware of its particular policy. Even if a group is not formally covered by a policy, the school should stress the need for a classroom environment that is not perceived as hostile by members of any particular group.

B. Student Privacy Rights

1. FERPA Nondisclosure Rules

Student privacy rights are governed by the Family Educational Rights and Privacy Act of 1976 (FERPA) or, as it is also commonly known, the Buckley Amendment. FERPA rules are wide-ranging, affecting both what may be disclosed to adjuncts and what adjuncts may say to others about their students. Because these rules may sometimes seem counter-intuitive, it is important to brief adjuncts on the requirements imposed by FERPA.

Although FERPA generally allows disclosures to the parents of undergraduates, graduate students such as law students are presumed to be independent of their parents. Thus, the adjunct faced with a call from a student's parent must assume (perhaps counter-intuitively, as noted above) that disclosure to the parent is prohibited. This may be difficult if a concerned parent is asking whether a student has stopped attending classes or is in danger of failing a course, but the adjunct must be aware that his or her duty is to refer the parent to the appropriate law school official, typically a dean or director of student services.

Adjuncts should also be aware that there may be information about a student that the adjunct might consider it useful to know, but which is not disclosed to the adjunct due to FERPA concerns.

Schools should make sure adjuncts understand that FERPA considerations extend beyond conversations with a student's parents or classmates. Adjuncts may disclose personal observations in a letter of recommendation without obtaining a FERPA release. If the letter will discuss a course grade or an overall GPA, the FERPA release is required. If faculty members post their grades publicly, they must be aware that public posting of grades by name, student ID number, or Social Security Number violates FERPA.

2. Exceptions to Nondisclosure Rules

Students may choose to disclose confidential information to a faculty member. In addition, there are three exceptions to FERPA's non-disclosure requirements that may affect an adjunct's receipt of or dissemination of student educational information. When the school explains FERPA rights to its adjuncts, it should include a discussion of these exceptions.

First, the adjunct may disclose information to a school official with a legitimate educational interest. Typically, the school official is a dean or director of student services or the faculty or administration member who is the adjunct's primary contact. "Legitimate educational interests" means interests directly related to an educational

²⁸ Many of the topics discussed in Part Five are governed by law school and university rules, state or federal law, and by ABA Accreditation Standards. See, e.g., Standards 210 and 211 (Equality of Opportunity) and Standard 212 (Individuals with Disabilities).

purpose which have a direct relationship to the student, are pertinent to the receiving school official's business, and which have no purpose extraneous to the official's responsibility.

Second, the adjunct may disclose information to a school official, or may receive information from a school official, if the student has signed a written FERPA waiver. The student services office may find it helpful to have a simple FERPA waiver form available for students to sign.²⁹

Third, FERPA contains an emergency exception. An adjunct who becomes aware that a student's health or safety is at risk may immediately make such disclosures as are necessary to address the situation. An obvious example would be a student who voices suicidal thoughts. In such situations the adjunct should know to immediately contact the student services office and the appropriate medical, emergency, or police authority.

C. Disability Issues

Adjuncts will undoubtedly find themselves teaching at least some students with disabilities. Anecdotally, it appears that the number of students seeking accommodations for disabilities is on the rise, due to growing societal acceptance of greater disability rights, to "mainstreaming" of those with disabilities, more openness about self-identification by disabled individuals, and greater numbers of students with disabilities successfully completing undergraduate programs. Adjuncts should be aware that disabilities can be both physical and cognitive.

1. Governing Law and Its Administration

Appropriate treatment of students with disabilities is governed by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Accommodations must in all cases be reasonable and must not interfere with the school's essential educational mission. Thus, not all accommodation requests are granted.

Adjuncts should be instructed to insert the following language or some equivalent notice in their syllabi, "Students with disabilities should contact the Dean for Student Services as soon as possible to request reasonable accommodations."

It is important that adjuncts be informed that the law school (often in conjunction with a central university office of disability services or the like), and not individual faculty members, assesses individual requests for accommodations and makes the necessary determinations.

2. Confidentiality Issues

In some cases (e.g., a student who is blind or deaf), adjuncts will inevitably be aware of the disability. In other cases (e.g., students with ADD or ADHD), adjuncts will not be aware that students with a disability are enrolled. Students with non-obvious disabilities are entitled to confidentiality, and many of them are very concerned about maintaining confidentiality. Other students will voluntarily disclose their disability to the adjunct. Students who do disclose should be aware that they should not do so in a way that would compromise the anonymous grading system, if applicable.

3. Classroom and Grading Issues

The presence of students with disabilities requires adjunct awareness in at least three areas: (1) the classroom teaching environment; (2) unscheduled quizzes; and (3) final exams.

Classroom accommodations may include the use of scribes, the use of a tape recorder (whether or not the adjunct normally allows taping of classes), and special accommodations for deaf or blind students.³⁰ Adjuncts should also be aware that their teaching style not only affects disabled students' ability to learn but has an impact on *all*

²⁹ This form will also prove helpful in other situations. For example, the student may want a dean to be able to talk to his or her parents.

³⁰ For example, if a deaf student reads lips, the faculty member should not speak while writing on the board.

students' learning. Faculty should teach in a way that engages visual and aural learners. Adjuncts who choose to use a whiteboard or PowerPoint presentations may be encouraged to provide the dean for student services with printed copies of this material for students who would benefit from it.

Second, many students who receive examination accommodations receive extra time on examinations (often time and a half) or are allowed to take examinations in a separate room in order to provide a "minimally distracting environment." Because faculty members may be unaware that they have accommodated students in their classes, they may not realize that unscheduled "pop" quizzes may have deleterious effects on those students' grades. The school must explain its policy about unannounced quizzes, including any requirements that the syllabus indicate they will occur, and methods available to preserve the students' ADA rights without publicizing that they receive accommodations. Faculty members will sometimes argue that they allow, say, fifteen minutes for a quiz that should take only five, and, thus, no extra time is needed. However, there are always some students who will take the full allotted time, putting the students with disabilities at a disadvantage. Unless the adjunct and the school can devise a reasonable accommodation, the school should discourage adjuncts from giving pop quizzes.

Third, and most importantly, students will receive accommodations for their final exams. This phase of the accommodation process should not greatly concern adjuncts because, as noted above, the appropriate accommodations will be determined by the student services office, often in conjunction with a central entity, and the adjunct should receive all final exams with no way of knowing which exams were taken under special circumstances.³¹ Nevertheless, if the accommodated examination will be completed after the other examinations, the school must devise a method (e.g., holding other examinations back) to avoid singling out the accommodated student.³²

D. Interpersonal Relationships with Students

Faculty-student interaction may extend beyond the classroom. Faculty members may have pre-existing relationships with students, or they may form such relationships during the semester. Such relationships may affect not only the students involved but also others in the class who worry about favoritism. If the law school has a policy preventing a faculty member from teaching a close friend or family member, it must communicate that policy to its adjuncts. The school must also communicate its policies on romantic relationships, sexual harassment, and socializing in general.

1. Romantic Relationships

Although law students are adults, the student-faculty relationship is still a power-dependency relationship. Depending on the school, romantic relationships between faculty members and students may be discouraged or even strictly forbidden. Each faculty member should be aware of the relevant rules and the consequences of noncompliance.

2. Sexual Harassment

Students may consider a faculty member's attempt to enter into a romantic relationship as sexual harassment. Even if faculty members do not attempt to date students, remarks they make in class or in conversation with students can also lead to complaints. Comments about attire or grooming that a faculty member considers innocuous may be perceived as creating a hostile environment. This is particularly true if the faculty member addresses them only to males or only to females.

Many universities require their employees to participate in sexual harassment training every few years. If that requirement extends to adjuncts, the law school might include such training in its orientation program or hold a special meeting for this purpose.

³¹ Schools that require faculty to participate in the proctoring process may have to find methods of preserving the accommodated students' anonymity. This situation is particularly problematic if the class is small enough to allow all students (other than those who are accommodated) to take the exam in a single room.

³² The school must devise similar safeguards if the course grade is based on a paper or other project.

3. Other Socializing with Students

There is a qualitative difference between attending an occasional off-campus event, such as an end-of-semester party, and regularly socializing with students after class. Although the bond between faculty members and students may be strengthened through out-of-class interaction, there are also many risks. Students who don't participate in these events may fear that students who do will earn higher grades or have an edge in obtaining employment. The effect on their morale may carry over into the classroom experience. If excessive drinking or other risky behavior occurs, students may view the adjunct's presence as school approval of their conduct.

E. Non-Social, Non-Classroom Interaction

Because a significant number of adjunct faculty members are practicing attorneys or judges, they may consider hiring a student in a law clerk capacity or using a law student as an unpaid intern. Alternatively, a student who is already serving in that capacity may want to register for the faculty member's class. These situations raise issues similar to those involved when there is a romantic relationship between a faculty member and a student. Other students feel disadvantaged vis-à-vis the student involved in the relationship and even vis-à-vis classmates who are that student's friends.

Because employment issues also arise when full-time faculty use students as research assistants, the school may have already confronted complaints of favoritism and have discussed these issues at faculty meetings or in mentoring sessions for new faculty. The school should discuss with its adjuncts the differences between the two relationships.

First, a law firm rather than the school is the employer; the school may not be aware the relationship exists. Second, because students attend school for only three or four years but may practice law in a community for years, they may be hesitant to annoy the adjunct who offers employment opportunities.

F. Other Classroom Professionalism Issues

Adjunct faculty members bring real-world experience to the classroom. Not surprisingly, they may occasionally expand on a topic by referring to a matter on which they have worked. In so doing, the adjunct may unwittingly disclose information to a student who clerks for opposing counsel.

Another risk the school should raise with its adjuncts is that of touting one's services. Because the school hired a particular adjunct, students know that the school values that adjunct's expertise. The school might counsel the adjunct against suggesting that students refer cases to the adjunct's firm.

G. Students in Distress

Law students who have academic or personal problems do not necessarily distinguish between full-time and adjunct faculty members. Problems that interfere with their class preparation or attendance may manifest themselves in any class. Because so many adjunct classes occur in the evening, when there are fewer law school and university offices open, the adjunct is already at a disadvantage in handling acute situations. Schools should provide their adjuncts with lists of available services—crisis counseling, academic support office, and even university security.³³

³³ As noted in Part Five, Section B, Subsection 2, FERPA allows the faculty member to notify such an office in this situation.

Part Six considers how often and by what methods schools can communicate with and distribute documents to their adjunct faculty. Meaningful communication between law schools and their adjunct faculty members is essential. Such communication must be a two-way street and serve the respective interests of both parties.

Because the vast majority of adjuncts tend to “remain shadowy figures who enter the law school under cover of darkness”³⁴ and do not have regular offices (and, thus, no regular office hours) at their schools, communication between law school personnel and adjuncts can often be spotty. Effective communication, however, is critically important for two reasons. First, it benefits the law school because it helps assure that adjuncts are kept abreast of relevant information and that their teaching conforms to the school’s expectations. Second, from the adjuncts’ perspective, it demonstrates the law school’s interest in, and appreciation of, their role.

A. Modes of Communication

There are numerous communication modes available—ranging from the old-fashioned (e.g., “snail mail”) to the high-tech (e.g., an internet “listserv”). Some adjunct faculty members eschew computers and the internet and communicate most effectively through U.S. mail, overnight courier services, or telephonically (including via fax). More “tech-savvy” adjuncts tend to prefer e-mail (with attachments) or other computer-assisted communication methods. Adjunct faculty mailboxes at the law school are yet another option. However, if the matter being communicated is time-sensitive, such mailboxes tend to frustrate rather than advance meaningful communication.

To reduce communication problems, the school should let each adjunct select the type of communication that he or she prefers to use as the primary means of communicating with the law school. A designated law school staff member—such as the assistant to the administrator overseeing adjuncts—should be assigned responsibility for keeping an up-to-date list of the type of communication preferred by adjunct faculty members and for seeing that all communications are in compliance with such preferences. Every semester, the staff member should update the list to reflect new information. In this regard, schools should remember that practitioners often switch office locations (or even law firms). Such changes will often occur during the academic semester.

The law school may be able to deliver mail in an unlimited number of formats. But, before offering its adjuncts every possible option, it should assess whether the staff member so charged has time to address mail and courier envelopes, send faxes, do e-mail attachments, burn CDs or DVDs, and post to a web site. Because the burden increases along with the number of adjuncts or communications, the school might consider developing a selection sheet that lists a few choices and includes a space for the adjunct to indicate a different preference. Unless a mode of communication proves impracticable or unwieldy in a particular situation (e.g., a 100-page attachment to an e-mail), the chosen manner of communicating should be used with respect to that particular adjunct throughout the semester or other term.

Sometimes, only physical delivery of a particular item is possible (e.g., parking decals). In such a situation, a staff member in the administration should first contact every adjunct via their preferred modes of communication and notify them that the item will be sent via the mail or a courier service.

B. Seeking Communications from Adjuncts

Communication with adjuncts should be a two-way street. In addition to *sending* information to adjuncts, a law school’s administration and full-time faculty should be in the practice of *receiving* communication from them. Nothing is more frustrating to an adjunct faculty member than feeling ignored by the school to which he or she is making a valuable contribution. Therefore, each law school should assign one or more members of the administration (usually an associate or assistant dean) to be a meaningful liaison with adjuncts. Adjuncts should be encouraged to contact such persons, and responses should be prompt and courteous. Depending on the size of a particular school’s adjunct

³⁴ Andrew F. Popper, *The Uneasy Integration of Adjunct Teachers into American Legal Education*, 47 J. LEGAL EDUC. 83, 83 (1997).

faculty, full-time faculty members who share a similar academic specialty also could be paired with adjuncts to facilitate such reciprocal communication.

C. Addresses for Communications

1. Adjuncts' Addresses

Adjunct faculty members are likely to have at least three e-mail addresses (school-assigned, firm-assigned, and personal) and three mailing addresses (law school, firm, and residence). They may also have multiple telephone and fax numbers. To the extent possible, the law school should use the "address" each adjunct prefers for each purpose. The school should ask the adjunct for alternate addresses in case the "preferred" address is not functional. As an example, when power was out during Florida's 2004 hurricane inundation, many faculty members who lost the use of their cell phones could still be reached on landlines (and vice versa).

2. Administrative Assistants' Addresses

The law school might send duplicate copies of major documents to an adjunct's administrative assistant. If the adjunct is regularly in court or in conference, the administrative assistant becomes a critical part of the adjunct's relationship with the school. As with the adjunct, the school should ascertain the assistant's preference for receiving communications.

D. Distributing Documents to Adjuncts

1. What to Distribute

Law schools, much like law firms, tend to generate a great deal of paperwork. Full-time faculty members usually receive such materials in their faculty mailboxes or e-mail. Unless it requires immediate action, they are likely to discard it or place it in a low-priority pile on their desks. Because adjuncts do not utilize faculty mailboxes (at least on a daily basis), they may not want unnecessary documents piling up in their school mailboxes or sent to their law firm addresses.

The law school administration should aim for a balance between inundating adjuncts with unnecessary material and ignoring their interest in school activities. One method might involve a two-step process. First, the school might automatically send only critical materials (e.g., a copy of an adjunct handbook). Second, it could make adjuncts aware of the existence of optional materials that are routinely made available to full-time faculty members (e.g., complimentary copies of the law school's law review or a draft of a paper being presented at an upcoming faculty workshop) and could send such materials upon request. The goal is to make adjuncts feel that they are an integral part of the law school's faculty while not inundating them with material that will likely go straight to the trash can.

2. Duplicate Documents

With respect to mandatory documents, law schools should be careful not to send duplicates unnecessarily. For instance, an adjunct who teaches every semester will need only one copy of an annual adjunct handbook each year. Likewise, the law school may never require a new W-4 form from adjuncts who teach every semester. The school might ask the staff member assigned to oversee communication with adjuncts to keep an up-to-date checklist of the materials sent to each adjunct.

3. Making Documents Available on the Web Site

A law school might consider posting documents to a web site and giving each adjunct the password to access those materials. One document could be a "law school events" calendar listing speakers and other programs that might be of interest. The site could also include commonly used forms, such as those used for book ordering. While such forms might also be included in the adjunct handbook, the web site provides a back-up in case the adjunct is away from his or her office and unable to access the handbook.

E. Importance of Checklists, FAQ Sheets, and Sample Documents

The law school is hiring an adjunct to share expertise with its students, not to spend months reading school rules. Nevertheless, there are rules and procedures that the adjunct must learn. To the extent possible, the law school can facilitate this process by providing user-friendly checklists, FAQ sheets, and sample documents. For example, a school that requires every syllabus to begin with the same eight items could provide a skeleton syllabus with those items already completed.

F. Involving Adjuncts in Non-Classroom Activities

1. Inviting Adjuncts to School-Sponsored Events

There are competing schools of thought about inviting adjuncts to school-sponsored events, such as faculty presentations or commencements. Some believe that adjuncts should regularly be invited to such events,³⁵ while others believe that events that involve adjuncts with full-time faculty serve no beneficial purpose.³⁶ The school is likely to benefit if it at least offers adjuncts the opportunity to participate in events such as faculty workshops or presentations. The invitations should be clear that adjuncts' attendance is entirely optional.³⁷ Depending on the topics being discussed and the amount of space available, a law school might consider occasionally inviting adjuncts to faculty meetings or to meetings of curriculum groups in the adjunct's subject area.

2. Involving Adjuncts in Student Activities

The law school might consider inviting select adjunct faculty members to serve as faculty advisors (or co-advisors, along with full-time faculty members) for certain student organizations. For instance, an adjunct who teaches in a particular specialty area could be invited to serve as a faculty advisor to a student group devoted to that area of the law.

In the same vein, the school could invite adjuncts to participate in a law school's mock trial or moot court competition—either as a judge or coach. Such invitations should be clear that adjuncts' participation is truly considered optional. Some adjuncts thoroughly enjoy serving as judges or coaches, while others (particularly those with busy schedules) feel that teaching at the law school is a sufficient contribution and no further participation is necessary.

³⁵ See, e.g., Karen L. Tokarz, *A Manual for Law Schools on Adjunct Faculty*, 76 WASH. U.L. Q. 293, 298 (1998).

³⁶ Popper, *supra* note 34, at 86 (“Receptions and parties have almost no beneficial effect on adjuncts. Faculty members appear because they feel that it is obligatory, but no decent discourse takes place about subject matter or pedagogy.”).

³⁷ Tokarz, *supra* note 35, at 298.

Many of the documents listed in Part Seven are discussed in the other parts of this handbook. Appropriate documents include forms and templates used by the school and its adjuncts, texts and explanations of relevant rules, checklists adjuncts can use as guides in completing tasks, and other materials. The school may include many of these documents in an adjunct handbook, or it may distribute them by other means.

The law school might use a single handbook or it might have separate documents covering teaching and grading; library and technology; student academic rules and conduct codes; university policies (ranging from parking rules to conflict of interest policies); and relevant accreditation rules. Whether the school uses one handbook, multiple handbooks, or a series of individual documents, it is important that its documents be up to date and easy to use. Because documents can be misplaced during a semester, the school should consider posting information to a secure web site in addition to distributing it directly to its adjuncts.

A. Sample Documents

1. In Hiring Process

- Spreadsheet or database for tracking adjunct applications
- Adjunct faculty appointment letter
- Adjunct faculty contract (if not combined with appointment letter)
- Employee benefits information
- Logistical information
 - Notice of class size, room assignment, time, exam date/time
 - Office assignment, staffing assignment, parking info, delivery of keys

2. In Review Process

- Course evaluation form used by students
- Course evaluation form, if any, used by faculty or administration reviewers

3. In Orientation or Other Mentoring Process

- Various school policy documents
- Audiovisual and room request forms
- Examination instruction sheet
- Sample examination and model answers
- Sample syllabus
- Course proposal form

4. Miscellaneous Documents

- Application for CLE teaching credit
- Press release to announce adjunct is teaching

B. Checklists (step by step procedures for completing tasks)

- Documents Needed to Complete Appointment Process
- Syllabus Preparation
- Textbook Selection and Ordering
- Examination Preparation and Printing

C. Other Information to Provide Adjuncts by Handbook or Other Means

1. Schedule Items

- Academic calendar (and explanation of “legislative days”)
- List of religious holidays for which absences are excused
- Emergency closing information
- Class schedules
- Information about make-up classes

2. Classroom Items

- Classroom schematics
- Seating Charts
- Required announcements to read in class
- Emergency procedures
- Location of supplies

3. Maps and Similar Items

- University and law school campus maps
- Parking lot locations
- Shuttle bus information

4. Contact Information

- Contact persons—names, duties, office number, phone, and e-mail
- List of faculty and teaching areas
- List of adjuncts
- Instructions regarding phone and internet access

5. Examinations and Grading Information

- Procedures and Deadlines for submitting exams
- Grading curves, grade appeals, and other grading information

6. Teaching Materials

- **Examination Copies**—list of publishers' addresses (if school is not ordering the copies directly)
- **Listserv Access**—if a subject-specific listserv is open to adjuncts as well as full-time faculty, the school can facilitate access by its adjuncts. The listserv may be particularly helpful if no one on the school's full-time faculty has taught the course that the adjunct is offering.

PART EIGHT. SELECTED PUBLICATIONS ABOUT TEACHING

A new adjunct may be highly experienced in a substantive field but have very little experience with classroom teaching. For that matter, even experienced adjuncts who have lectured widely to professionals may claim little skill in the craft of teaching law students. Part Eight lists publications schools can use to help adjunct faculty members navigate the transition from practicing law to teaching law. Some of these publications are directed to the school itself; others can be suggested (in whole or part) to adjunct faculty members.

A. Books

Steven Friedland & Gerald F. Hess (editors), *TEACHING THE LAW SCHOOL CURRICULUM* (Carolina Academic Press 2004).

Parker J. Palmer, *THE COURAGE TO TEACH: EXPLORING THE INNER LANDSCAPE OF A TEACHER'S LIFE* (Jossey-Bass 1997).

Madeleine Schachter, *THE LAW PROFESSOR'S HANDBOOK: A PRACTICAL GUIDE TO TEACHING LAW STUDENTS* (Carolina Academic Press 2004).

University of Iowa Office of the Provost, *HANDBOOK FOR TEACHING ASSISTANTS* (3d ed. 2002) (other schools may have similar publications).

B. Articles

Susan J. Becker, *Advice for the New Law Professor: A View from the Trenches*, 42 J. LEGAL EDUC. 432 (1992).

Jill Schachner Chanen, *Becoming Kingsfield*, A.B.A. J., Feb. 2004, at 25.

Marcia Gelpe, *Professional Training, Diversity in Legal Education, and Cost Control: Selection, Training and Peer Review for Adjunct Professors*, 25 WM. MITCHELL L. REV. 193 (1999).

Howard Gensler, *The Compleat Syllabus: An Exemplar*, 30 N.Y.L. SCH. L. REV. 677 (1985).

Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75 (2002).

Gerald F. Hess, *Seven Principles for Good Practice in Legal Education: History and Overview*, 49 J. LEGAL EDUC. 367 (1999) (and articles by other authors expanding on each principle at pp. 371-466).

Gerald F. Hess, *Listening to Our Students: Obstructing and Enhancing Learning in Law School*, 31 U.S.F. L. REV. 941 (1997).

Institute for Law School Teaching, 38 GONZ. L. REV. 1-250 (2002-03) (articles on teaching published as a collaboration between the Institute for Law School Teaching and the Gonzaga Law Review).

Daniel Keating, *A Comprehensive Approach to Orientation and Mentoring for New Faculty*, 46 J. LEGAL EDUC. 59 (1996).

Douglas K. Newell, *Ten Survival Suggestions for Rookie Law Teachers*, 33 J. LEGAL EDUC. 693 (1983).

Andrew F. Popper, *The Uneasy Integration of Adjunct Teachers into American Legal Education*, 47 J. LEGAL EDUC. 83 (1997)

William L. Prosser, *Lighthouse No Good*, 1 J. LEGAL EDUC. 257 (1948).

Kent D. Syverud, *Taking Students Seriously: A Guide for New Law Teachers*, 43 J. LEGAL EDUC. 247 (1993).

Karen L. Tokarz, *A Manual for Law Schools on Adjunct Faculty*, 76 WASH. U. L.Q. 293 (1998).

Arturo L. Torres and Karen E. Harwood, *Moving Beyond Langdell: An Annotated Bibliography of Current Methods for Law Teaching*, GONZ. L. REV. 1 (1994 special edition).

Arturo López Torres, *MacCrate Goes to Law School: An Annotated Bibliography of Methods for Teaching Lawyering Skills in the Classroom*, 77 NEB. L. REV. 132 (1998).

Arturo López Torres and Mary Kay Lundwall, *Moving Beyond Langdell II: An Annotated Bibliography of Current Methods for Law Teaching*, GONZ. L. REV. 1 (2000 special edition).

Paul T. Wangerin, *Teaching and Learning in Law School: An "Alternative" Bookshelf for Law School Teachers*, GONZ. L. REV. 49 (1994 special edition).

Douglas J. Whaley, *Teaching Law: Advice for the New Professor*, 43 OHIO ST. L.J. 125 (1982).

C. Other

Association of American Law Schools, *Statement of Good Practices by Law Professors in the Discharge of Their Ethical and Professional Responsibilities* (1989), available at <http://www.aals.org/ethic.html>.

Institute for Law School Teaching (Gonzaga University), available at <http://www.law.gonzaga.edu/Programs/Institute+for+Law+School+Teaching/default.htm>.



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