



Toolkit on Salary and Other Compensation

Prepared by LWI's Professional Status Committee

February 6, 2020

Description of this toolkit:

This Toolkit on salary and other compensation compiles resources that the Legal Writing Institute's (LWI's) Professional Status Committee (PSC) expects will be helpful to our members in negotiating salary or other compensation issues. It includes (1) a summary of publicly available information that is potentially relevant, without vouching for the accuracy of those sources; (2) a brief description of non-public information that is available upon request from the PSC; (3) a discussion of strategic considerations and concerns to consider in crafting arguments; and (4) a list of PSC members willing to provide further support or serve as a sounding board on salary issues.

If you have feedback on this Toolkit, including any information that you think should be added to a future version, please contact PSC committee co-chair Mary Bowman at mary.n.bowman@asu.edu with that feedback.

1. Publicly available information

1.1 Surveys/empirical data

This section includes links to publicly available material, such as the Association of Legal Writing Directors (ALWD) LWI Joint Survey, PSC surveys, and the Society of American Law Teachers (SALT) Equalizer salary survey.

1.1.1 The ALWD/LWI joint survey

Since 1999, LWI and ALWD have jointly sponsored a survey of legal writing programs. The results of those surveys are available at

<https://www.lwionline.org/resources/surveys> and

<https://www.alwd.org/resources/survey>. This joint survey has several questions related to salary. The most current survey results available are from the 2018 survey; there are also results available from 1999-2015 and 2017. The Survey Report from 2018 is available at

<https://www.lwionline.org/sites/default/files/Final%20ALWD%20LWI%202017-18%20Institutional%20Survey%20Report.pdf>.

The following questions on the current version of the survey deal with salary and other compensation issues:

- Q9.11.1 - 9.14 (dealing with salary increases for LRW program directors);
- Q9.17#1 - 9.17#3 (comparing salary of LRW program directors to LRW faculty who are not directors, including variations in statuses and years of service);
- Q10.10 - 10.16 (regarding professional development benefits, including sabbaticals and travel and research funding);
- Part K deals with salary for full-time faculty, including Q12.2-12.3 (re. annual base salary for entry level LRW faculty of various statuses) and Q12.4-12.5 (re. annual base salary for non-LRW faculty);
- Part L (Q13.2-13.4) (comparing entry level salaries for LRW versus non-LRW faculty of various statuses and responsibilities);
- Q.14.2-14.3 (dealing with salaries for teaching fellows);
- Q15.3-15.5 (dealing with pay for part-time faculty who teach LRW courses); and
- Q16.3-16.5 (dealing with pay for adjunct faculty).

Data on pay differences between men and women directors were last documented in 2014. See Appendix A, page 96, of the 2014 survey report.

1.1.2 Professional Status Committee surveys

The PSC also surveyed LWI's membership about a variety of status issues in 2016 and 2018 and will do so again in 2020.¹ Members of the PSC presented the results of these surveys at the 2016 and 2018 LWI conferences; the PowerPoints from these presentations are available on the PSC's webpage at <https://www.lwionline.org/resources/status-related-advocacy>. The survey includes the following questions about salary and other compensation:

- Q3 (asking about current base salary);
- Q4 (asking about changes in base salary during the 18 months prior to the survey's administration in spring 2018);
- Q5 (asking about entitlement to summer research grants, including changes in the last 18 months); and
- Q6 (asking about entitlement to travel or professional development funding, including changes in the last 18 months).

1.1.3 SALT Equalizer surveys

The Society of American Law Teachers conducts a salary survey every year, which is available on its website at <https://www.saltlaw.org/equalizers-and-salary-surveys/>. The survey reports the median base salaries for three faculty ranks – assistant professor, pre-tenure associate professor, and tenured professor (both associate and full) – and median summer stipends in alphabetical order by school, in seven regions. The questions are limited to tenure-line faculty but are extremely helpful in showing salary disparities.

NOTE: The salary disparities revealed by the Equalizer survey are somewhat misleading in that most private law schools do not respond to the survey. For example, in 2019, only 79 of 202 law schools surveyed responded. Thus, the salaries of the highest-paid law faculty nationwide are generally not included.

¹ Unlike the ALWD/LWI joint survey, the PSC's survey allows for multiple individuals from the same school to respond. So do not assume that each response to the PSC survey represents a different school. For example, six respondents to the 2018 survey indicated that they have become eligible for travel or professional development funding after being ineligible in the past, but that does not mean that six schools made these changes.

1.2 Full Citizenship Project

In 2015, LWI adopted the following statement. Although it does not directly address salary, the language may be useful:

No justification exists for subordinating one group of law faculty to another based on the nature of the course, the subject matter, or the teaching method. All full-time law faculty should have the opportunity to achieve full citizenship at their institutions, including academic freedom, security of position, and governance rights. Those rights are necessary to ensure that law students and the legal profession benefit from the myriad perspectives and expertise that all faculty bring to the mission of legal education.

Both ALWD and SALT have also adopted this statement. To date, these organizations have collected over 570 individual signatories as well. See <https://www.lwionline.org/resources/status-related-advocacy> for more details.

1.3 Relevant books and articles

This section contains books and articles that are relevant to salary and other compensation. These sources are included in the more comprehensive bibliography of status-related sources that is posted on the PSC's webpage, <https://www.lwionline.org/resources/status-related-advocacy>.

Books

- ABA Section of Legal Educ. & Admissions to the Bar, SOURCEBOOK ON LEGAL WRITING PROGRAMS (Eric B. Easton ed., 2d ed. 2006) (the third edition is expected to be published in 2020).
- Joan C. Williams & Rachel Dempsey, WHAT WORKS FOR WOMEN AT WORK: FOUR PATTERNS WORKING WOMEN NEED TO KNOW (NYU Press, Updated Edition 2018).

Articles

- Renee Nicole Allen, Alicia Jackson & DeShun Davis, *The "Pink Ghetto" Pipeline: Challenges and Opportunities for Women in Legal Education*, 96 U. DET. MERCY L. REV. 525 (2019).
- Darby Dickerson, *Finding the Goldilocks Zone: Negotiating Your First Employment Offer in Legal Academia*, 68 J. LEG. EDUC. __ (forthcoming 2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3463496.
- J. Lyn Entrikin, Lucy Jewel, Craig T. Smith, Susan Salmon, Kristen K. Tiscione, and Melissa H. Weresh, *Treating Professionals Professionally: Requiring Security of Position for All Skills-Focused Faculty Under ABA Accreditation Standard 405(c) and Eliminating 405(d)*, 98 OR. L. REV. 101 (2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3524592.
- Jan M. Levine & Kathryn Stanchi, *Women, Writing, & Wages: Breaking the Last Taboo*, 7 WM. & MARY J. WOMEN & L. 551 (2001).
- Ann C. McGinley, *Discrimination in Our Midst: Law Schools' Potential Liability for Employment Practices*, 14 UCLA WOMEN'S L.J. 1 (2005).
- Kristen K. Tiscione, *Gender Inequity throughout the Legal Academy: A Quick Look at the (Few) Numbers*, 68 J. LEG. EDUC. __ (forthcoming 2020).
- Kristen K. Tiscione and Amy Vorenberg, *Podia and Pens: Dismantling the Two-Track System for Legal Research and Writing Faculty*, 31 COLUM. J. GENDER & L. 47 (2015).

1.4 Other relevant materials

There have been some recent lawsuits within the legal academy² regarding gender disparities in salary. The PSC and LWI have not taken a position on these cases, but materials from the litigation may be useful for members to consider.

² These cases arose at University of Denver's Sturm College of Law, University of Texas School of Law, and Wake Forest School of Law. Only the Wake Forest case was brought by a legal writing professor, but all three cases involve allegations of gender disparity in salary. The PSC has a copy of the University of Texas complaint; see section 2 of this Toolkit for how to request a copy.

There are also several popular press sources regarding salary negotiations. Here are a few of those sources that may be useful:

- <https://www.npr.org/podcasts/615851215/battle-tactics-for-your-sexist-workplace>. The Battle Tactics for Your Sexist Workplace podcast has a number of excellent episodes; particularly relevant here is the episode from June 26, 2018, “Want a Raise? First call your cable company,” which discusses tactics for negotiating salary.
- <https://www.glassdoor.com/blog/guide/how-to-negotiate-your-salary/>. This site’s guide to salary negotiations includes sections on negotiating for an initial salary, negotiating for a raise, and what to do after a salary negotiation.

2. Summary of information available upon request

The PSC has gathered some information that is more sensitive, so while it is not publicly posted on our committee’s webpage, it is available upon request to LWI members who agree to treat this information confidentially. Please contact committee co-chair Mary Bowman at mary.n.bowman@asu.edu if you would like to receive any of the following information:

- We have a sample memo on negotiating for equity salary interests for legal writing faculty. The memo was successfully used to persuade the administration at a law school to provide substantial merit increases of legal writing faculty salaries, and it has been revised slightly to make it a template that can be used at other schools.
- Additionally, we have the salary results from the PSC surveys in 2016 and 2018 discussed above (including aggregate data on base salary and entitlement to summer research grants and travel or professional development funding). We did not collect demographic data, so the salary figures are not broken down by things like years of teaching, public versus private schools, or region of the country. But they do provide a snapshot of salary and other forms of compensation, including whether survey respondents were seeing increases or decreases over the 18 months preceding each survey.

- We also have a chart compiled by a committee member showing the advertised starting salaries of publicly available job postings from June 1, 2017 to September 13, 2018. This chart contains information from each job posting about the school, location, starting salary, security of position (e.g. long-term contract), and number of credits per year of legal writing taught. We are working on updating this chart to reflect more recent job listings.
- Finally, we have another chart, also dated September 13, 2018, that shows salary data from the top 30 US News-Ranked legal writing programs. This chart includes information from confidential outreach. Some schools asked for institutionally identifiable information to be removed, so the chart is organized by geographic region rather than by ranking. Although the chart is organized by region, there are individual entries for each ranked school; each entry includes the status of legal writing faculty (e.g., tenure-track), starting salary, and credits allocated to the 1L legal writing program.

3. Strategic concerns and considerations

As you think about using the sources described above to craft arguments, consider the following issues that can affect salary figures. These issues may or may not be adequately accounted for in the sources described above, and they may be more or less relevant to the arguments that you might want to make in a particular case:

- *Starting salary versus salary for X years of experience (e.g., do schools show a high starting salary but then have compression because they pay their more senior people only a little bit more? On the other hand, do they have a low starting salary but pay their experienced people substantially more? Do schools use a percentage or flat rate for calculating raises, given that percentage raises widen the disparity between higher and lower paid faculty?);*
- *How status affects salary (e.g., if a school moves faculty from short-term to long-term contracts, does the school also raise salaries? Does a school pay its tenured or tenure-track legal writing faculty the same as their tenured or tenure-track non-LRW faculty, or is there still a salary disparity?);*

- *School location and its effect on salary adequacy (e.g., the same salary figure would be different in practical terms in New York City versus an area with a much lower cost of living);*
- *Salary comparisons based on “peer schools” (each school has a set of schools that it compares itself to, whether based on geography, school rank, etc. How does the salary at a school compare to that school’s “peer schools”?);*
- *The connection between credits, teaching load, and other workload issues and salary (e.g., how many credits are legal writing faculty expected to teach? How many students does each faculty member have? Do schools provide additional compensation for taking on additional work, or do they expect the additional work without extra compensation? Are there opportunities for taking on extra work for extra compensation without overburdening the faculty member? Are expectations realistic about opportunities and amounts of extra pay available?);*
- *School conduct that makes the salary number on paper inaccurate as compared to what the person actually receives (e.g., is a school using mandatory furloughs, unpaid leaves, etc. to reduce compensation in less visible ways? Do schools that provide housing assistance for tenure-track faculty also provide it to legal writing faculty? Have faculty “voluntarily” gone to phased retirement or part-time status etc.? Or, more positively, do schools provide generous sabbaticals, research stipends, travel funding, housing stipends, etc. that may help make up for a lower salary number?); and*
- *The long-term effects of seemingly short-term decisions on salary issues (e.g., if a school has a wage freeze for a certain period, how does the school “catch people up” (or not) for lost increases during peak years of productivity?).*

4. People you can contact

The following members of the Professional Status Committee are happy to serve as resources on issues related to salary.

- Mary N. Bowman, Clinical Professor of Law, Sandra Day O’Connor College of Law at Arizona State University, mary.n.bowman@asu.edu
- Professor Heidi K. Brown, Brooklyn Law School, heidi.brown@brooklaw.edu

- Suzanne Rowe, James L. and Ilene R. Hershner Professor, University of Oregon School of Law, srowe@uoregon.edu
- Kristen K. Tiscione, Professor of Law, Legal Practice, Georgetown University Law School, kkt7@georgetown.edu
- Melissa H. Weresh, Dwight D. Opperman Distinguished Professor of Law, Drake University Law School, melissa.weresh@drake.edu

If any LWI members who are not on the PSC would also like to serve as resources for other members who are working on salary issues, please contact Mary Bowman at mary.n.bowman@asu.edu to have your name included on future versions of this Toolkit.