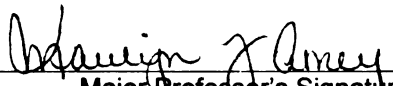This is to certify that the
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THE FACULTY MEMBERS' PERSPECTIVE

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HOW LAW FACULTY SOCIALIZATION OCCURS:
THE FACULTY MEMBERS' PERSPECTIVE

By

Connell Alsup

A DISSERTATION

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

Department of Higher, Adult, and Lifelong Education

2007

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ABSTRACT

HOW FACULTY SOCIALIZATION OCCURS:
THE FACULTY MEMBERS' PERSPECTIVE

By

Connell Alsup

Considerable research has been done in an attempt to understand how socialization occurs for new faculty who have been trained in graduate programs. Little is found in the literature that helps in understanding how new law faculty, who have been only professionally trained, become socialized. Despite the fact that law students of today are more diverse than a century ago, the legal academy continues to be heavily influenced by Langdell, dean of Harvard Law School in the late nineteenth century, in its approach to law faculty hiring and use of the Socratic dialogue, using the case method, to teach law. Langdell believed that new law faculty, who happened to be from the same socioeconomic background as their students, required no experience in the practice of law and only needed to be legal scholars with potential to teach law. The purpose of this exploratory qualitative study was to find answers, from the perspective of new law faculty, how socialization occurs for law faculty who had been only professionally trained for the practice of law.

Research of faculty in other disciplines reveals that the promotion and tenure process provides the best example of how socialization occurs for new faculty. To that end, socialization theory as it relates to the promotion and tenure of faculty with Ph.D.s was the framework used in this exploratory study. Fourteen recently tenured and tenure-track law faculty at 10 ABA-approved law schools, who did not possess Ph.D.s were interviewed. This study reports findings that can provide deans, tenure advisory

committees, and university provosts with insight into how tenure-track law faculty perceive their socialization experiences. This study also compares law faculty socialization experiences to other disciplines, suggestions to improve law faculty socialization, and the impact that *U.S. News and World Report* rankings and law faculty socialization have on a diverse student body.

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ACKNOWLEDGMENTS

No one can write your dissertation for you, but there are many who help to make the journey easier. I want to thank my guidance committee, Dr. Ann Austin, Dr. James Fairweather and Dr. Steven Dow for their words of wisdom, and extend a special thank you to my committee chair, Dr. Marilyn Amey. I also want to thank the law faculty members who took time out of their busy schedules to participate in my study.

My parents, Henry and Lillie Alsup, deserve a special acknowledgement. They have always felt that they could not provide the "educational" support I needed to travel this road. But having come from a background where I "beat the odds", they provided much more than educational support. They provided the solid foundation that is needed for anyone to achieve success. So, thanks to my father for instilling in me a good work ethic and for passing on the genes that gave me the energy to complete this journey. Thanks to my mother for her encouragement and instilling that it does not matter what you do in life, but to always be the best in whatever you do and to show respect for everyone, no matter what they choose to do with their lives.

Thanks to my two daughters, Shanel and Kimberly, for understanding how much time I had to devote to complete this journey, and accepting me for who I am. Pat Alsup, my best friend, deserves special recognition because she has always been one of my biggest supporters and would worry about my well-being even when I lacked the good sense to do it myself. Linda Edwards, who I have known since childhood, deserves thanks for her words of wisdom that always came when it was desperately needed.

There are so many others who deserve thanks and I want them to know that their support was not taken for granted or has gone unnoticed. I chose to limit specific acknowledgements to certain individuals who have provided support and encouragement throughout my life. Finally, I want to thank the United Negro College Fund for leaving an indelible impression on me with its adage "A mind is a terrible thing to waste."

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Chapter 1: Introduction

Statement of the Problem

Just as socialization theory plays a vital role in organizations (Van Maanen &

Schein, 1979), it also plays a vital role in the development of faculty (Austin &

McDaniels, 2006; Johnson, 2001; Tierney & Bensimon, 1996; Tierney & Rhoads, 1994).

For socialization to occur, one must take time to understand and acquire the values,

attitudes, norms, knowledge, and skills needed to perform to the satisfaction of those who

are already a part of the group of which he or she seeks to be a member (Merton, 1957;

Merton, Reader & Kendall, 1957). In the case of academia, the initial stages of faculty

socialization actually begins prior to assuming the first faculty position and is referred to

as anticipatory socialization (Corcoran & Clark, 1984). For the most part, anticipatory

socialization occurs during graduate school training (Austin, 2002b; Austin &

McDaniels, 2006; Bess, 1978; Rosch & Reich, 1996; Staton & Darling, 1989; Tierney &

Rhoads, 1996), and the promotion and tenure process provides the best example of how

socialization occurs for new faculty (Fairweather, 2002; Tierney & Bensimon, 1996;

Tierney & Rhoads, 1994).

Understanding what it means to be a faculty member differs depending on the discipline,

as well as varies from institution to institution within the same discipline (Austin &

McDaniels, 2006; Fairweather, 2002; Leslie, 2002; Weidman, Twale & Stein, 2001).

Tierney and Rhoads (1994) provide a possible rationale to account for these differences,

noting how the culture of the discipline or institution can affect how faculty are

socialized. But there is a common factor that surrounds faculty socialization. That is,

while there may be differences in the socialization process, depending on the discipline

and institution, teaching, scholarship and service are required of tenure-track faculty in all

disciplines to gain tenure. For example, Leslie (2002) found that a study of 16 disciplines

by Diamond and Adams (1994) revealed that teaching, scholarship and service were

required by all disciplines for tenure-track faculty to gain tenure. It was only the weight

placed on these three requirements that varied among disciplines.

While the reward system for tenure-track law faculty is also driven by teaching,

scholarship and service (Carbado & Gulati, 2003; Colbert, 2002; Moran, 2002; Report of

the AALS, 1992; Tierney & Bensimon, 1996), little is known about how law faculty

learn how to achieve these objectives. Even less is known about how this process is

learned from the perspective of law faculty. Although much has been written about

faculty socialization in various disciplines, the literature is virtually void in describing

what it means to be a faculty member in legal education and how socialization occurs.

For example, the disciplines highlighted in the study conducted by Tierney and Bensimon

(1996) on faculty socialization included business, communication, education, engineering

and the liberal arts and sciences. Austin's (2002b) longitudinal study that "examine[d]

doctoral education as socialization for the professoriate" (p. 95) included disciplines in

"humanities (English and music), sciences (chemistry, zoology, engineering, and

mathematics), social sciences (history, psychology, and communication) and professional

areas (business, journalism, education, and food science)" (p. 101). Fairweather's (2002)

study to assess faculty productivity included agriculture/home economics, business,

education, engineering, fine arts, health sciences, humanities, natural sciences and social

sciences. While the work of Weidman, et al., (2001) included legal education in their

review of socialization of graduate and professional students, their focus was on

professional socialization of law students for the practice of law. Even Thielens's (1980) study on the socialization of law students only looked at professional socialization.

Perhaps the failure to include law faculty in studies about faculty socialization stems from the fact that the approach used in the extant literature was through the lens of a graduate school training model. Under the graduate school model, students earn a Ph.D. where they receive training in academic research, writing, and relevant social sciences (Austin & McDaniels, 2006; Weidman, et. al., 2001). The socialization experiences that aspiring faculty are exposed to during graduate training are deemed to be a crucial aspect of anticipatory socialization that prepares them for faculty life (Austin, 2002b; Tierney & Rhoads, 1994). On the other hand, most law faculty are trained under a professional training model, where they earn a professional degree that trained them for the practice of law, as opposed to the academic side of law (Carbado & Gulati, 2003; Colbert, 2002; Moran, 2002; Redding, 2003).

As Moran (2002) notes, "[a]cademic life calls for the pursuit of one's own interests" (p. 285), whereas the focus of professional training is to serve others. As a result, the professional model of training prepares law students for the practice of law and exposes students to a different set of cultural norms (Garner, 2000; Redding, 2003) than their humanities and social science counterparts whose graduate training is intended to prepare them to assume faculty roles (Austin, 2002b; Austin & McDaniels, 2006; Rosch & Reich, 1996; Staton & Darling, 1989; Tierney & Rhoads, 1996).

A study conducted by Fossum (1980) using data obtained from the 1975-76 Association of American Law Schools ("AALS") Directory of Law Teachers revealed that only approximately twenty-seven percent of law teachers possessed any prior

teaching experience before embarking on a tenure-track career. Fossum's study also found that approximately six percent of law teachers began teaching immediately after graduating from law school and approximately five percent began teaching after earning a Master of Laws degree. New law teachers who did not have prior teaching experience did possess some form of practical legal experience, however (Fossum, 1980).

In 1991, a study similar to Fossum's (1980) was conducted by Borthwick and Schau (1991), based on data obtained from the 1988-89 AALS Directory of Law Teachers. The results of their study reveal that only approximately thirty-three percent of law teachers possessed any prior teaching experience before embarking on a tenure track career. In addition, their study showed that approximately four percent of law professors began teaching immediately after graduating from law school and approximately three percent began teaching after earning a Master of Laws degree. Any new law professor without prior teaching experience had some form of practical legal experience (Borthwick & Schau, 1991). Similarly, Redding (2003) found that little had changed over the past 25 years, in that only 37 percent of new law faculty had previous teaching experience prior to becoming tenure-track law faculty.

While the studies conducted by Borthwick and Schau (1991), Fossum (1980), and Redding (2003) reveal that new law faculty may be lacking in anticipatory socialization, these studies do not report on how faculty socialization occurs. In fact, it would have been difficult for these studies to uncover how faculty socialization occurs, given that the data used in these studies were merely extracted from directories. Although the Report of the AALS (1992) attempted to delve deeper into faculty socialization, as it related to the

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promotion and tenure process, the report relied on data obtained from law schools and did not include the law faculty perspective in its findings.

Purpose of the Study

Considerable research has been done in an attempt to understand how socialization occurs for new faculty who have been trained in graduate programs (Austin, 2002b). On the other hand, although the literature reveals that a deeply rooted disciplinary culture exists in legal education (Anzalone, 2001; Borthwick and Shau, 1991; Fossum, 1980; Garner, 2000; Katcher, 2006; McAninch, 1993; Weidman et al., 2001), little insight is provided to help understand how new law faculty, who have been only professionally trained, become socialized. The purpose of this exploratory qualitative study was to fill this void, by conducting face-to-face interviews with a representative sample of recently tenured and tenure-track law faculty who did not possess Ph.D.s degrees to answer the following research question and subquestions:

1. How do tenure-track law faculty who have been only professionally trained become socialized?

    a. How do they come to understand the aspects of faculty work?

    b. How did they come to understand the socialization process?

    c. What are the challenges they face in learning their roles?

    d. What strategies helped in learning how to do what was expected of them as tenure-track faculty members?

Framework

Research reveals that the promotion and tenure process provides the best example of how socialization occurs for new faculty (Fairweather, 2002; Tierney & Bensimon,

1996; Tierney & Rhoads, 1994). This being the case, tenure-track and recently tenured law faculty were purposefully selected to participate in my exploratory study. The primary reason for selecting this population stems from the fact that, while little is found in the literature describing how new law faculty become socialized, what is known is that the requirements to gain tenure—teaching, scholarship, and service—for law faculty who have been only professionally trained, are the same for faculty trained in doctoral programs. On the other hand, little is known about how law faculty learn how to satisfy the requirements of tenure. To that end, socialization theory as it relates to the promotion and tenure of faculty with Ph.D.s was the framework used for my study. A detailed discussion of relevant socialization theory is provided in chapter 2: Review of the Literature.

Significance of the Study

While there are limitations to my exploratory study, as stated above, there are a number of stakeholders who can benefit from my findings. First and foremost, new law faculty can benefit from the study findings, because it provides insight through the lens of tenure-track and recently tenured law faculty who have first-hand experience about how socialization occurs. It is equally as important that the legal academy, which include law schools and accrediting agencies, understand how new law faculty perceive their socialization experiences, so training workshops and bylaws can be tailored to address the common and major concerns raised by new law faculty. The findings in my study can contribute to this understanding. Universities should understand how new law faculty perceive their socialization experiences. For example, with the exception of faculty in professional programs, such as law and medicine, a Ph.D. is required for most

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faculty positions (Austin & McDaniels, 2006). While a Ph.D. is not a requirement to become a faculty member in the legal academy, as it is in most other disciplines, the requirements of teaching, scholarship, and service to gain tenure are the same for law faculty as they are for faculty of other disciplines. On the other hand, while broad requirements for law faculty are consistent with those for faculty in other disciplines, the findings in my study reveal that the initial stages of faculty socialization, including anticipatory socialization, typically differ for law faculty. A better understanding of how faculty socialization is affected by anticipatory socialization can assist universities in developing programs and workshops to assist law faculty when they assume their first faculty position.

Students can indirectly benefit from the findings of my study. For example, in most states one cannot be licensed to practice law without graduating from a law school that is accredited by the Section of Legal Education and Admissions to the Bar of the American Bar Association ("ABA"). This means that ABA-approved law schools serve as "gatekeepers" for the profession (Redding, 2003). In that light, if law faculty are not being adequately socialized, there is the potential that law students are also not being adequately trained by these faculty members who hold the key to their future. This places them in jeopardy of not being prepared to pass a bar exam.

Chapter 2: Review of Literature

Socialization Defined

The literature reveals that the work of Merton (1957) and Merton, Reader, and Kendall (1957) continues to be the foundation used to define socialization from a sociological and psychological perspective (see Austin & McDaniels, 2006; Tierney & Bensimon, 1996; Tierney & Rhoads, 1994; Weidman, Twale & Stein, 2001). According to Merton et al. (1957) socialization, in the sociological and psychological context, is defined as "the process through which [an individual] develops his professional self, with its characteristic values, attitudes, knowledge, and skills, fusing these into a more or less consistent set of dispositions which govern his behavior in a wide variety of professional (and extraprofessional) situations" (p. 287).

Using the work of Merton, Reader, and Kendall (1957) as a foundation, Bragg (1976) defines socialization as the "process by which individuals acquire values, attitudes, norms, knowledge, and skills needed to perform their roles acceptably in the group or groups in which they are, or seek to be, members" (p. 6). Bragg identifies five steps in the socialization process: observation, imitation, feedback, modification, and internationalization. In the first step, the individual who is being socialized observes a behavior that he wishes to mimic and stores what is observed into memory. In the second step, the individual relies on memory and attempts to imitate the behavior of the role model. Feedback is the third step in the socialization process, where the individual receives positive reinforcement from others regarding his imitated behavior. The fourth step of the socialization process is modification. In this step, the individual determines whether the imitated behavior is one that has been positively received by others. If not,

the individual either attempts to refine the behavior, or discard it completely and return to the first step. Once the individual finds a behavior, attitude or value that he is comfortable in identifying as his self-image, the final step of internalization has occurred, making socialization complete. In short, Bragg (1976) asserts that "successful socialization is the internalization of group values into the individual's self-image within the group" (p. 10).

In defining organizational socialization, Tierney and Rhoads (1994) also relied on the foundation laid by Merton (1957), noting that an individual follows the same socialization process to exist in an organization as he does in trying to exist in a given society. However, unlike Merton (1957), Tierney and Rhoads believed that a one-directional approach to socialization was flawed. They note how "[s]ocialization is not merely the analysis of how an individual changes to fit within the confines of a particular organization" (p. 2). Rather, socialization is bidirectional because "it is a process that produces change in individuals as well as organizations" (p. 2).

Similarly, Tierney (1997) later referred to the flawed one-directional approach to socialization as a modernist perspective because

> (a) the modernist assumption is that socialization is a process where people
> 'acquire' knowledge, (b) socialization is viewed as a one-way process in which
> the initiate learns how the organization works, and (c) socialization is little more
> than a series of planning activities (p. 5).

Tierney (1997) believes the bidirectional approach to organizational socialization is a more realistic approach consistent with the postmodernist assumption that "socialization involves a give-and-take where new individuals make sense of an

organization through their own unique backgrounds and the current contexts in which the organization resides" (p. 6). In other words, while a new member to the organization must learn and adapt to the organizational culture, the rituals and ceremonies that make up the culture "often need to be adapted or changed to meet the changed contexts that the initiates bring to the organization" (Tierney & Rhoads, 1994, p. 6).

Faculty Socialization

Boice (1992) conducted a longitudinal study of four successive cohorts of new tenure-track faculty from one campus. The purpose of the study was to obtain insight about what Boice refers to as three obstacles that face new faculty: teaching, writing, and collegiality. To make sense of his findings, Boice constructed a four-part theory that he refers to as IRSS theory—involvement, regimen, self-management, and social networks—that "deals with the most fundamental skills and attitudes that we can impart to our new hires, skills and attitudes so elementary that we may take them for granted" (p. 12). According to Boice, focusing on the IRSS theory can provide the best insight into the development of new faculty, "[b]ecause it concerns the most fundamental component of what new faculty need to master, [and] IRSS theory also promises generality" (p. 14).

Boice (1992) began his observation of new faculty by examining collegiality because he believed it to be "[t]he most salient experiences of new faculty during their first few years on campus, the ones they most wanted corrected, are loneliness and understimulation. So we begin our examination with collegiality, a usually neglected area of adjustment by new faculty" (p. 19). In that light, Boice found that most participants expressed feelings of neglect, isolation, overwork, and "deprived of vital support and feedback" (p. 44). He also discovered a small group of participants who

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seemed to adapt to faculty life quicker than their colleagues. In applying IRSS theory

Boice found that quick starters took the initiative to seek out their own mentoring

opportunity with colleagues (involvement); develop time management skills that enabled

them to complete task, such as class preparation and writing, and still be able to engage in

social networking (regimen); recognize that there is certain knowledge about things such

as time and task management, and social networking, that institutions believe to be tacit

knowledge, and must be independently sought out by new faculty (self-management);

and have the wherewithal to relax the "usual proud autonomy so often characteristic of

new faculty so that colleagues can assist as coteachers, as coauthors, and as mentors . .

.[which means] moving from independence to interdependence" (p. 49).

Tierney and Rhoads' (1994) two-stage process of faculty socialization, using a

cultural framework, was inspired by Van Maanen and Schein's (1979) theory on

organizational socialization. Just as Van Maanen and Schein posited, Tierney and

Rhoads (1994) conceptualized the first stage of faculty socialization as anticipatory

socialization. According to Tierney and Rhoads, anticipatory socialization that occurs

primarily in graduate school, "serves as a significant force in socializing students into the

roles and expectations associated with faculty life" (p.24). Tierney and Rhoads further

note how anticipatory socialization can affect how quickly an individual moves from the

initial entry to the role continuance phase of organizational socialization. That is, if

anticipatory socialization for an individual is consistent with the culture of the

organization, the individual does not have to make any adjustments to fit into the

organization. However, if anticipatory socialization for an individual is inconsistent with

the culture of the organization, "the socialization experience will be more transformative

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in nature" (p.25), which could delay movement to the second stage of faculty socialization.

Organizational socialization is the second stage of faculty socialization, which has two phases and several dimensions. Tierney and Rhoads (1994) identify initial entry as the first phase of organizational socialization. This phase occurs as a faculty member is being recruited and selected by an organization and continues during the early stages of employment. Once the faculty member has become situated in the organization, role continuance, the second phase of organizational socialization, which is ongoing, begins (Tierney & Rhoads, 1994).

Dimensions of Organizational Socialization

Tierney and Rhoads' (1994) bidirectional approach to faculty socialization applied the tactical strategies that were proposed by Van Maanen and Schein (1979). Van Maanen and Schein conceptualized six major tactical dimensions of organizational socialization that "refers to the ways in which the experiences of individuals in transition from one role to another are structured for them by others in the organization" (p. 231, citing Van Maanen, 1978), either consciously or unconsciously by those in charge of organizational management. Van Maanen and Schein note how the tactics can be "used in virtually any setting in which individual careers are played out" (p. 231). In academe, an understanding of the promotion and tenure process is important in this phase, because it provides the strongest example of socialization for new faculty (Fairweather, 2002; Johnson, 2001; Tierney & Bensimon, 1996; Tierney & Rhoads, 1994).

The six dimensions of organizational socialization are: (1) collective versus individual; (2) formal versus informal; (3) sequential versus variable; (4) fixed versus

variable; (5) serial versus disjunctive; and (6) investiture versus divestiture (Van Maanen & Schein, 1979).

Collective versus Individual Socialization. Collective socialization views every new member, such as a group of tenure-track faculty at the same institution, who enters the organization the same, whereby they are all subjected to a common set of experiences. These shared experiences often result in the creation of a subculture among new members where they develop mechanisms to learn from one another and also pursue alternative resources that can be helpful during the socialization process (Van Maanen & Schein, 1979). Individual socialization usually exists when there are a small number of new members entering the organization who are to be similarly socialized. Individual socialization is also likely to occur when there only a few senior members in the organization capable of assisting new members with the socialization process. New members are forced to view these senior members as their role models, who they will attempt to emulate (Van Maanen & Schein, 1979). "Individual socialization more aptly describes the experiences of faculty in the vast majority of colleges and universities" (Tierney & Rhoads, 1994, p. 27).

Formal versus Informal Socialization. Formal socialization occurs when new members are set apart from other organizational members, for the purpose of subjecting new members to a set of experiences that are explicitly designed for this group. The primary focus of formal socialization is on teaching the "newcomer 'correct' attitudes, values, and protocol associated with the new role" (Van Maanen & Schein, 1979, p. 237). Formal socialization also provides others in the organization the opportunity to closely observe and assess the new member's "commitment and deference to the critical values

of the [organization]" (p. 238). Informal socialization forces new members to learn their new roles through trial and error, and they must seek out their own socialization agents to teach them. As a result, socialization for new members is limited to the knowledge of their self-selected socialization agents. In addition, mistakes that occur through informal socialization can prove to be more costly and detrimental to new members than those that occur through formal processes (Van Maanen & Schein, 1979). According to Tierney and Rhoads (1994) faculty socialization is typically a 'sink or swim' experience that is more informal than formal requiring the need for new faculty to have experienced and caring mentors.

Sequential versus Random Socialization. This tactical dimension is usually prevalent when "the socialization process may cover a broad spectrum of assignments and experiences, taking sometimes many years of preparation" (Van Maanen & Schein, 1979, p. 241), such as the socialization process that occurs in graduate and professional programs (Weidman et al., 2001). Sequential socialization occurs when there are identifiable and specified sequences of steps that new members must follow to reach the desired goal. Random socialization occurs when the steps that new members need to follow to achieve the desired goal have no order or sequence and are "unknown, ambiguous, or continually changing" (Van Maanen & Schein, 1979, p. 241). In the case of the promotion and tenure process, "[o]ne is never sure how much to write, how good a teacher to be, or what to do in terms of public service to attain promotion and tenure" (Tierney & Rhoads, 1994, p. 28).

Fixed versus Variable Socialization. The focus of this dimension is on the extent that "the steps involved in a socialization process have a timetable associated with them

that is both adhered to by the organization and communicated to the recruit" (p. 244).

Fixed socialization occurs when new members to the organization are aware of the time

that it takes to complete the process. Fixed socialization is preferred by organizations

when peer group solidarity is desired. Variable socialization occurs when new members

are unaware of the time that the process takes to complete, which could differ for each

member. Variable socialization also creates anxiety and frustration for new members, as

they try to figure out required timetables needed to complete the process. Tierney and

Rhoads (1994) note,

> Usually, transitions from one role to another for faculty are a mixture of fixed and
>
> variable processes. The passage from novice through the promotion and tenure
>
> process is relatively fixed—usually six years. The role continuance that occurs
>
> when a person passes from an associate professor to a full professor is more an
>
> individualistic time frame and thus more variable. (p. 29)

Serial versus Disjunctive Socialization. Serial socialization occurs when senior

members of the organization serve as role models to socialize new members who will be

assuming similar positions in the organization. The training of an untenured faculty

member by a tenured member of the faculty is an example of serial socialization (Tierney

& Rhoads, 1994). When new members of the organization are not emulating their role

models, or when there are no role models available to new members, disjunctive

socialization occurs that could cause complication and confusion for both the new

member and organization because an incorrect outcome could result. For example,

underrepresented groups having issues relating to gender, race, and sexual orientation

might experience difficulty finding mentors who can relate to their unique issues (Tierney

and Rhoads, 1994). On the other hand, disjunctive socialization provide opportunities for new members to be inventive and original (Van Maanen & Schein, 1979).

Investiture versus Divestiture. Anticipatory socialization plays a significant role in this dimension because it focuses on "the degree to which a socialization process is constructed to either confirm or disconfirm the entering identity of the recruit" (Van Maanen & Schein, 1979, p. 250). Investiture socialization values the personal characteristic that new members bring to the organization by taking "advantage of and build[ing] upon the skills, values, and attitudes the recruit is thought to possess" (p. 250). Investiture socialization results in new members feeling that they can become viable parts of the organization. Divestiture socialization devalues the personal characteristics that new members possess, remolding them to the point that they adopt the values of the organization. An individual's willingness to voluntarily submit to divestiture socialization is "typically premised upon a strong desire on the part of the recruit to become an accepted member of the organization" (p. 251).

Promotion and Tenure Process

The strongest example of faculty socialization is the promotion and tenure process (Fairweather, 2002; Tierney, 1997; Tierney & Bensimon, 1996). As Fairweather (2002) observes, "[i]t is here rather than in institutional rhetoric that the faculty seek clues about the value of different aspects of their work. It is here that productivity is most meaningfully defined and evaluated" (p. 27). In that light, Tierney (1997) notes the valuable insight that junior faculty can provide about organizational norms, values, and culture, as they work to gain tenure.

Applying the two-stage framework developed by Tierney and Rhoads (1994), a study was conducted by Tierney and Bensimon (1996) to better understand the socialization process for new faculty. The study participants included tenure-track faculty from five discipline areas—business, communication, education, engineering, and the liberal arts and sciences, who were in various stages of the tenure track process. During the organizational stage of faculty socialization, Tierney and Bensimon (1996) found that tenure-track faculty were exposed to both formal and informal mentoring, with the process being more informal than formal; needed multiple mentors; and the burden was on the tenure-track faculty member to seek out mentors.

In terms of faculty work, Tierney and Bensimon (1996) found that tenure-track "faculty are socialized about teaching in the most haphazard way" (p. 64), even if the faculty member never taught a class prior to entering the tenure system. Also, student evaluations were heavily relied upon for assessing quality teaching. While scholarship was found to have the greatest importance in tenure decisions the expectations were not clearly defined. Tierney and Bensimon (1996) also found that tenure-track faculty tended to shy away from doing ground-breaking scholarly work because gaining tenure was based on the number of publications, and ground-breaking work could take years to complete and still not result in a publication. In addition, while service was found to have little or no effect on tenure decisions, it "provided a way for senior faculty to form opinions about junior faculty, and in this sense, it became more important symbolically than practically" (p. 69).

Overall, Tierney and Bensimon (1996) concluded that there was a lack of clarity about the tenure process or time frame for all study participants, whether they were in

small or large institutions, claiming, "The basic themes and dilemmas that emerged in this study are remarkedly consistent with the findings of faculty socialization studies conducted by several other scholars" (p. 128, citing Austin, 1990; Boice, 1992; Bronstein, Rothblum & Solomon, 1993; Sorcinelli, 1992). Austin (2002b) made a similar observation that "[s}tudies of new faculty also consistently report that faculty newcomers are isolated, perceiving a lack of collegiality that contradicts their expectations of faculty life" (p. 99; citing Menges & Associates, 1999; Rice & Austin, 2000; Sorcinelli & Austin, 1992; Tierney & Bensimon, 1996).

Graduate School Socialization

The preparation that occurs prior to assuming the first faculty position is referred to as anticipatory socialization (Corcoran & Clark, 1984). During anticipatory socialization "non-members take on the attitudes, actions, and values of the group to which they aspire" (Tierney & Rhoads, 1994, p. 23). The literature reveals that anticipatory socialization for aspiring faculty occurs largely during graduate school training (Austin, 2002b; Austin & McDaniels, 2006; Corcoran & Clark, 1984; Tierney & Rhoads, 1994). Austin (2002b) notes, "[a]s a socialization or a preparatory experience for the faculty career, the graduate experience is the crucial point in time to determine whether or not students are exposed to the types of skills and expectations likely to confront them on the job" (p. 96). Austin further describes how several socialization processes are experienced by graduate students at the same time: "socialization to the role of graduate student, socialization to the academic life and the profession, and socialization to a specific discipline or field" (p. 96).

Currently, the work of Weidman, Twale and Stein (2001) provides the most detailed analysis of how socialization theory relates to graduate and professional programs in higher education (Austin & McDaniels, 2006). As Weidman et al. note, the work of Bragg (1976) was considered to be the most comprehensive on the socialization of graduate and professional students until the report of Tierney and Rhoads (1994) on faculty socialization was published "that included much of the same classic literature but used a cultural approach" (Weidman et al., 2001, p. 1). They also note how Tierney and Rhoads's work did not focus on the socialization of graduate and professional students, but did "include the graduate experience as a component of anticipatory socialization" (Weidman, et al., 2001, p. 1). Accordingly, Weidman et al. (2001) chose to "expand, extend, and update the discourse on socialization in higher education" (p. 1), using the work of Tierney and Rhoads (1994), Bragg (1976), and Thornton and Nardi (1975) to conduct their analysis.

Similar to the approach taken by Tierney and Rhoads (1994) with faculty socialization, Weidman et al. (2001) took Van Maanen and Schein's (1979) six polar dimensions of organizational socialization to show how these dimensions apply to the socialization of graduate and professional students:

Collective Socialization versus Individual Socialization. Weidman et al. (2001) refer to students in a medical clinical setting as being subjected to collective socialization as they are grouped together to make rounds with experienced doctors. On the other hand, students completing their dissertation in the arts and sciences experience individual socialization while working with their committee chairperson.

Formal versus Informal Socialization. Every school has formal "rites of passages that track students through the program" (Weidman et al., p. 7). However, to help students navigate the formal system, they rely on informal departmental and peer cultures.

Random versus Sequential Socialization. Information that is provided to students is "random, ambiguous, and subject to change (including opinions on courses and faculty)" (p. 7) and is an example of random socialization. Specific steps that must be followed such as those required for examinations or dissertation are examples of sequential socialization.

Fixed versus Variable Socialization. The specified curriculum and timetable to complete certain professional programs such as medical, law, dentistry, and business are examples of fixed socialization. However, the independent component in doctoral program is variable because completion is dependent on the student and faculty who are working with the student.

Serial versus Disjunctive Socialization Disjunctive Socialization. "Those graduate students who also have previous knowledge of the role through anticipatory socialization experience serial socialization; those lacking this assistance and support that is often critical to success experience disjunctive socialization" (Weidman, et al., 2001, p. 8).

Investiture versus Divestiture Socialization. Students are expected to complete their programs "with an internalization of appropriate values, attitudes, and beliefs associated with their intended professions and professionalism" (p. 8). When confirmation of these values is acknowledged in the professional setting investiture

socialization has occurred. Divestiture socialization may occur when "new students are not accepted by faculty because they are not like their predecessor" (p. 8).

Stages of Role Acquisition

Weidman et al. (2001) also applied the framework for role acquisition developed by Thornton and Nardi (1975) to analyze the socialization of graduate and professional students. Like Merton (1957), the work of Thornton and Nardi (1975) viewed socialization from a sociological and psychological context in developing their framework for role acquisition that was "capable of being applied (with varying degrees of accuracy) to virtually any role which may be acquired rather than restricted to a particular type of role" (p. 871). According to Thornton and Nardi, role acquisition is not a one-step process that is merely conveyed and assimilated in a vacuum. Rather, "role acquisition involves in part an increasing awareness of implicit as well as explicit expectations encompassing attitudes and values, and knowledge and skills in addition to behavior" (p. 872). Acquisition of a role includes four stages: anticipatory; formal; informal; and personal. In other words, "[a] role is not fully acquired until an individual has anticipated it, learned anticipatory, formal, and informal expectations comprised in it, formulated his expectations, reacted to and reconciled these various expectations, and accepted the final outcome" (p. 873).

Anticipatory Stage. This stage of role acquisition, commonly referred to in the literature as anticipatory socialization, begins before an individual assumes a position (Corcoran & Clark, 1984). During this stage, the individual who aspires to be a member of a particular group has a perception of the values of the group that he hopes to join and begins to adopt these values. These perceived values can be learned directly or

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indirectly, and are generally not completely learned when the individual becomes a part of the group. Since what may actually be experienced when the individual assumes the role may be inconsistent with the individual's perception of the role, the individual will be faced with "unlearning as well as further learning" (Thornton & Nardi, 1975, p. 875).

In thinking of how the anticipatory stage relates to students in graduate in professional programs, Weidman, et al. (2001) note,

> They exude uncertainty in terms of professional jargon, vocabulary, knowledge of subject content, normative behaviors, and acceptable emotions. Communication tends to be one-way downward flow from professor, supervisor, and/or clinician to student. Novices generally seek information, listen carefully, and comply readily to faculty-initiated communication such as verbal imperatives and explicit directions for program success and eventual completion. (p. 12)

Formal Stage. The individual has become an insider at this stage and begins to experience the role from this perspective. During the formal stage of role acquisition, the expectations tend to be explicitly communicated and often address behavior that must be adopted by all members of the group. This being the case, ". . . it appears that conformity to the perspective aspects of role often occurs most thoroughly at the neophyte level, when the individual must prove his competence, sincerity, and awareness of his place" (Thornton & Nardi, 1975, p. 877, citing Goffman, 1961, p. 130).

The novice receives formal instruction during the formal stage and observes activities of role incumbents and older students, and learns what is required in carrying out role expectations (Thornton & Nardi, 1975). It is during the formal stage that novices become veteran newcomers (Thornton & Nardi, 1975) and students "interpret their

environment, establish their professional goals, and seek positive feedback and modification in their continued growth and development" (Weidman et al., 2001, p. 13). However, the success of an incumbent can only be achieved if the informal stage of role acquisition is explored.

Informal Stage. The individual becomes exposed to unofficial or informal expectations and ways of doing things in this stage, usually through everyday interaction with colleagues. These informal expectations usually refer to behavior that are not absolute requirements for the individual, but may be adopted. As a result, "an individual now has an opportunity to start shaping a role to fit himself, his past experiences and future objectives, and to work out an individual style of role performance" (Thornton & Nardi, 1975, p. 879).

Individuals begin to make the transition from student to professional during the informal stage. Their understanding of the culture is solidified whereby they come to know acceptable behavior that has not been formally expressed, and they begin to rely on peers to provide social and emotional support systems. In short, "[t]he novice becomes aware of flexibilities in carrying out roles while still meeting role requirements" (Weidman, et al., 2001, p. 14).

Personal Stage. Thornton and Nardi (1975) note how important it is that role performance contain a psychological dimension that includes an individual's "personality, past experiences, unique abilities and skills, and culturally defined values and beliefs" (p. 880). So, it is during this last stage of role acquisition, after various types of expectations have been experienced, the individual can impose his own style into the role and receive acceptance from others. According to Weidman et al. (2001) the

personal stage of role acquisition occurs as students form their professional identities that sometimes require modification of their self-conceptions of the role, to comply with the values and attitudes of their chosen profession where they are recognized as scholars and colleagues. Weidman et al. further note, "[t]hrough the process, however, graduate and professional students are to realize that their program is only preparatory to their professional goal, not the real thing" (p. 15).

Core Elements Leading to Role Acquisition

Relying on the foundation laid by Thornton and Nardi (1975) and Stein (1992), Weidman et al. (2001) described the core elements that lead to role acquisition as knowledge acquisition, investment, and involvement, which work in tandem with one another.

Knowledge Acquisition. Weidman et al. (2001) noted the relevance of knowledge acquisition as twofold:

> First, novices must acquire sufficient cognitive knowledge and skills for effective
>
> professional role performance. Second, novices must acquire affective
>
> knowledge such as awareness of normative expectations associated with the
>
> professional role being sought, a realistic assessment of personal ability to
>
> perform the demands of professional roles successfully, and awareness of the
>
> confidence others have in the novice's capacity to practice professional roles
>
> successfully. (p. 16)

As socialization occurs the knowledge level of the novice shifts from generalized to more specialized and complex to the point that the novice understands the culture and begins to assume the identify of an incumbent. "In all stages, the accuracy of knowledge

and of the novice's personal assessment of capacity to perform the professional role successfully will influence socialization outcome" (Weidman et al., sp. 16).

Investment. "To invest in a role is to commit something of personal value such as time, alternative career choices, self-esteem, social status, or reputation to some aspect of a professional role or preparation for it" (Weidman, et al., 2001, p.17). In the case of the four stages of role acquisition, investment occurs in the anticipatory stage of socialization once the novice enrolls or makes a commitment to enroll in a particular school, because the likelihood that the novice will attend another school has diminished. Investment has occurred during the formal stage of socialization once the novice enrolls in specialized classes that are not easily transferable to other programs. A greater level of investment occurs during the informal and personal stages of socialization because even more specialized knowledge is acquired at these stages. Allegiance to a role model also creates a sense of commitment and obligation in the investment stage.

Involvement. "Involvement is participation in some aspect of the professional role or in preparation for it" (Weidman et al., 2001, p. 18). The willingness of a novice to immerse in a program has a direct impact on his commitment to the program and whether he will develop a professional identity in the eyes of others.

Anticipatory Socialization

To learn more about faculty socialization Corcoran and Clark (1984) conducted an exploratory study that provided insight into anticipatory socialization. The study participants included two groups of tenured university faculty members who were from three generations of faculty. One sample group was from humanities, biological sciences, physical sciences, and social sciences. The second group was from the same

fields, but was known to be highly active in teaching, research, and service, compared to the first group. Corcoran and Clark (1984) asked participants "about the opportunities they had during graduate school to learn what a faculty member does" (p. 141). While more than half of each group was exposed to teaching experiences in graduate school, the highly active group tended to have more exposure to research opportunities. On the other hand, Corcoran and Clark (1984) found that many participants appreciated the "anticipatory socialization value of observing their graduate school professors" (p. 141), which provided both insight of what to do and what not to do as a faculty member. Corcoran and Clark's (1984) findings also revealed that having a good relationship with advisors proved beneficial in the socialization process.

With regard to the contribution of peers in the socialization process, Corcoran and Clark (1984) noted how, "for the most part, informal discussions, exchanges of ideas, mutual stimulation, and competition characterized these relationships" (p. 143). For the highly active group, peer relationships evolved into networking opportunities once they became faculty members. "[T]he highly active group maintained professionally helpful contacts such as invitations to write, speak, or collaborate, support for grant applications, help in obtaining employment, and more regular exchanges at professional meetings" (Corcoran & Clark, 1984, p. 143).

To obtain a better understanding of how anticipatory socialization occurs in graduate programs, Austin (2002b) conducted a four-year longitudinal, qualitative study that focused on graduate students aspiring to be faculty who began their graduate programs with teaching assistantships. Austin found that the socialization process for graduate students varies among disciplines and it plays a critical role in how graduate

students learn to assume academic roles. In addition to the heavy influence of disciplinary cultures on the socialization process, Austin found that graduate students "shared common challenges and concerns" (p. 103). They included "the lack of systematic professional development opportunities, minimal feedback and mentoring from faculty, and few opportunities for guided reflection" (p. 104). As a result, graduate students were forced to seek informal socialization opportunities that included "observing, listening, and interacting with faculty, interacting with peers, and interacting with family and personal friends" (p. 104).

In providing "an overview of socialization theory as it relates to the socialization of doctoral students to faculty roles" (p. 399), Austin and McDaniels (2006) heavily relied on the framework of Weidman et al. (2001) because of their detailed analysis of socialization theory. They indicate that recent research reveals that several issues and concerns were found to exist in the socialization of graduate students to faculty roles. According to Austin and McDaniels six issues "emerged with consistency across several major studies on graduate education" (p. 438): (1) a lack of systematic and developmental organized preparation; (2) lack of explicit expectations and feedback; (3) limited attention to academic work and career options; (4) insufficient sense of community; (5) perception of academic life; and (6) little opportunity for guided reflection.

Lack of Systematic and Developmentally Organized Preparation. According to Austin and McDaniels (2006), apprenticeship and observation are how doctoral students learn to succeed in graduate school and prepare for faculty roles. However, while observing, graduate students tend to refrain from asking questions of faculty, or even

engage in discussion with faculty for the purpose of learning "about scholarly life, higher education issues, or the particular skills and abilities that they should develop in preparation for their careers" (p. 432). Instead, graduate students rely on peers, family, and friends, to assist them in becoming socialized. Also, while graduate students who aspire to be faculty members are socialized to teaching and research, they often are not exposed to other facets of faculty work they will be expected to perform when assuming their first faculty position (Austin & McDaniels, 2006).

Lack of Explicit Expectations and Feedback. Graduate students who aspire to be faculty members receive unclear information about the graduate process, or limited or no feedback regarding their performance as graduate students.

Limited Attention to Academic Work and Career Options. While graduate students explain what was involved in faculty work, as it relates to teaching and research, they were less familiar with the many others responsibilities of faculty work. Austin and McDaniels (2006) further note how graduate students were not typically exposed to "discussion[s] of the history of the profession and the responsibility of academics within the broader society" (p. 435).

Insufficient Sense of Community. Austin and McDaniels (2006) relied on the work of Lovitts (2004) to describe how the lack of community affects graduate students' decision to remain in the graduate program, and how a bidirectional approach to socialization that was conceptualized by Tierney and Rhoads (1994) can assist in retaining graduates. They observe that "Lovitts (2004) suggested that the best way to retain graduate students . . ., is to develop a culture characterized by a sense of community and to adjust departmental culture to the interests and needs of the students,

rather than expecting students to make all the adjustments to conform" (Austin &

McDaniels, 2006, p. 436).

Perception of Academic Life. Austin and McDaniels' (2006) review of the

literature reveals the socialization experience of graduate students is leaving students

with concerns about the quality of life of faculty members. That is, based on graduate

students' observations of faculty it is believed that "isolation and competition, rather than

community, characterize academic life" (p. 437).

Little Opportunity for Guided Reflection. While students wrestle with challenges

and significant questions throughout the graduate school experiences, there are often no

mentors to provide guided reflection opportunities. "If graduate students had more

regularly scheduled opportunities, the bidirectional socialization process might work

more effectively" (Austin & McDaniels, 2006, p. 438). Austin and McDaniels further

note that guided reflection can also help students learn about some of the expectation and

experiences that are unique to their disciplinary cultures.

While highlighting the six common issues in the graduate socialization

experience, Austin and McDaniels (2006) conclude their discussion by pointing out that

one of the objectives of graduate school training is to "ensure appropriate and thorough

preparation and socialization to the roles that new faculty will assume across disciplinary

and institutional contexts and appointment types" (p. 438).

Law Faculty Socialization and the Impact of Disciplinary Culture

It is clear from the literature that disciplines play a role in faculty socialization

(Austin, 2002b; Austin & McDaniels, 2006; Corcoran & Clark, 1984; Weidman et al.,

2001). The literature also reveals that anticipatory socialization that prepares an

individual for academia primarily occurs during graduate training, for most disciplines (Austin, 2002b; Austin & McDaniels, 2006, Tierney & Rhoads, 1994). However, this is not the case in professional programs, nor is preparation for academia their purpose (Weidman et al., 2001). To better understand the impact that disciplinary culture has on faculty socialization this section will discuss the role that law school plays in preparing aspiring faculty for academia; the use of the Socratic method to teaching and its effect on faculty socialization; and law faculty socialization studies and surveys found in the literature.

Law School as Preparation for Academia

While Weidman, et al.'s (2001) analysis of graduate and professional student socialization was not specifically directed to the socialization of those aspiring to academic careers, the literature is clear that there is a distinction between how students are socialized in graduate programs compared to professional programs (Thielens, 1980; Weidman et al., 2001). For example, after their review of the literature, Austin and McDaniels (2006) suggested that doctoral students preparing for academia should possess four competencies: "(1) conceptual understandings; (2) knowledge and skills in key areas of faculty work; (3) interpersonal skills; and (4) professional attitudes and habits" (p. 417). On the other hand, "[p]rofessional education is clearly meant to prepare individuals for a set of social and intellectual roles, the performance of which reflects an advanced level of specialized knowledge of skills" (Weidman et al., 2001, p. 34). In that light, the role of legal education is to prepare students for the profession, which is the practice of law, not for academia (Thielens, 1967; Redding, 2003; Weidman, et al., 2001).

While the literature reveals that anticipatory socialization might be different for new law faculty than it is for faculty in other disciplines, socialization plays a significant role in the promotion and tenure process for law faculty (Report of the AALS, 1992), just as it does in other disciplines (Carbado & Gulati, 2003; Colbert, 2002; Fairweather, 2002; Leslie, 2002; Moran, 2002; Tierney & Bensimon, 1996). However, the primary focus of the literature regarding promotion and tenure is based on anticipatory socialization from a graduate school model of training (Austin, 2002; Tierney & Rhoads, 1994; Tierney & Bensimon, 1996), versus a professional school model approach that is used to socialize law faculty (Redding, 2003).

Disciplinary Culture

For over a century, law schools approached the teaching of law in the tradition of Christopher Columbus Langdell, who was appointed dean of Harvard Law School in 1870 (Fossum, 1980). Langdell believed that law was a science, in that "the library was its laboratory, and cases were its natural elements" (Fossum, 1980, p. 502). In keeping with the tradition of Langdell, the case method, using Socratic dialogue, continues to be the most common approach (frequently referred to as merely the Socratic method) for teaching law students how to "think like lawyers" (Anzalone, 2001; Garner, 2000; McAninch, 1993).

In legal education, the popularity of the case method centers around the fact that it forces students to be active learners, in that they take responsibility for developing a pattern of reasoning that is adaptable to solving similar problems in the law (Stropus, 1996). The Socratic dialogue makes the case method even more complex for law students because the dialogue usually "involves a teacher asking a series of questions,

ideally to a single student, in an attempt to lead the student down a chain of reasoning either forward, to its conclusions, or backward, to its assumptions" (Garner, 2000, p. 329).

Langdell believed that the use of the case method was effectively employed by a teacher of the principles of law, who was not necessarily a successful practitioner, but one who was learned in the law (Borthwick & Schau, 1991; Katcher, 2006). The appointment of James Barr Ames in 1873 as an assistant professor of law at Harvard "signalled the beginning of a division in the legal profession between 'academics' and 'practitioners'" (Borthwick & Shau, 1991, p. 193). Ames had only received his law degree a year prior to his appointment as assistant professor of law and was hired because of his scholarly abilities and teaching potential (p. 191).

Merseth (1991) wrote that faculty must possess extensive and specialized skills to use the case method, in that these skills are not innate. Merseth (1991) goes on to note that just knowing the material well is not enough to teach the case method. Rather, it "demands that instructors be thoroughly familiar with the subject at hand, and that they also understand the characteristics of their learners and the dynamics of group interaction" (p. 20). An important characteristic that instructors must understand when using the case method is the fact that the majority of law students must learn how to become active learners, given that they have practiced passive learning most of their educational lives (Hawkins-Leon, 1998). It is also crucial for the teacher using the case method to control the pace and the directions of the discussion (Shulman, 1992). Shulman points out how difficult it is to teach using the case method, "[e]specially when

paired with Socratic teaching, they require well-trained, gifted teachers who are willing to invest longer periods of preparation than is typical for other methods" (p. 26).

Although there are other effective methods for teaching law, the case method and Socratic dialogue continues to be the dominant teaching techniques in American law schools (Anzalone, 2001), particularly in the first-year curriculum (Iijima, 1998). In addition, the current approach to hiring new law faculty continues to resemble hiring practices of Langdell (Borthwick & Schau, 1991; Fossum, 1980; Katcher, 2006), despite the fact that law students are more diverse than a century ago (Austin & McDaniels, 2006). This is attributed to the fact that the focus on recruitment of law professors is based on scholarship potential, as opposed to teaching ability (Garner, 2000; Redding, 2003). Garner observes, "law faculty members come to their academic positions outstandingly able in their own legal capacities but quite lacking in their conceptions, let alone understanding of the teaching-learning process" (Garner, 2000, p. 344).

Law Faculty Socialization Studies/Surveys

Research has been conducted to help understand the socialization process for faculty trained in graduate programs, but little is found to help understand how tenure-track law faculty trained in professional programs are socialized. This section discusses studies and surveys that affect law faculty socialization: faculty recruitment, teaching methods, and law school promotion and tenure practices.

Faculty Recruitment. While the literature on faculty socialization indicates that anticipatory socialization primarily occurs during graduate training, this is usually not the case with training in professional programs. Although law faculty play a pivotal role in shaping today's lawyers, there is a limited amount of empirical research regarding how

they are socialized to assume faculty roles (Borthwick & Schau, 1991). On the other hand, the literature reveals that new law faculty have diverse backgrounds, with one exception. A study conducted by Fossum (1980) included a section on the educational and professional credentials of law teachers and found that "60 percent of the legal profession's teaching specialists were products of fewer than 15 percent of the nation's accredited law schools" (p. 507). Fossum observes that the 20 law schools producing the majority of the law teachers consisted of the nation's oldest and most prestigious law schools. The results of Borthwick and Schau's (1991) study were similar to Fossum's (1980) findings, in that the twenty top-ranked law schools produced almost 60 percent of all sampled professors.

Redding's (2003) study included a longitudinal comparison of demographic characteristics and qualifications of law faculty over a 25 year period and found that little had changed during that time span. Like Borthwick and Schau (1991) and Fossum (1980), Redding found that 60 percent of all law faculty graduated from the top 20 law schools. Redding found that only 37 percent of new law faculty had previous teaching experience. In addition, only 12.5 percent of new law faculty possess an advanced degree beyond the Juris Doctor, such as a Ph.D. (Doctor of Philosophy) or S.J.D. (Doctor of Juridical Science), where students are expected to produce projects that lead to publication and exposure to faculty work. While these findings provide strong evidence that "graduation from an elite school may be the most important criteria used in law school hiring" (Borthwick & Schau, 1991, p. 230), they do not provide insight into how tenure-track law faculty become socialized.

Teaching Methods. In the 1994-95 academic year, a nationwide survey was circulated to law professors, for the purpose of "obtaining information about teaching goals, methods, rationales, new techniques, and any techniques professors wished they had used" (Friedland, 1996, p. 2). Friedland wanted to gain insight about teaching objectives and methods of law professors, focusing on how professors made the connection between their teaching methods and the learning process (Friedland, 1996). Approximately 2000 surveys were sent to full-time law professors at ABA-approved law schools and 574 surveys were completed. Although the survey provided insight about law school teaching and connections with the learning process, it falls short of addressing the research questions that were the focus of my study. The Friedland study merely sought the opinion of law professors about teaching, but did not question or provide insight regarding how they learned how to be faculty members.

In 1995, Franklin Pierce Law Center (FPLC) adopted a program to improve classroom teaching. To learn about other possible programs, a survey was sent to all 173 ABA-accredited law schools (Simon, Occhialino & Fried, 1999). Based upon the 54 responses received, FPLC "found that the efforts law schools make to improve teaching are generally focused on newer faculty and take place in the emotionally charged context of tenure decisions (footnote omitted). Few if any schools have a systematic program to encourage tenured and experienced teachers to improve their use of class time" (p. 257). Given that law professors are recruited based on scholarship, the lack of attention to faculty development may be attributed to a common belief that "scholars actively involved in legal research are better teachers of legal theory and doctrine, to which their research usually relate" (Gelpe, 1999, p. 208; Katcher, 2006). This belief implies that a

learned professor of the law is also an effective teacher of the law. Even if this belief is correct, there is still a need to understand how these individuals learned to be faculty members.

Tenure and Promotion. In 1988 a Special Committee on Tenure and the Tenuring Process of the Association of American Law Schools (AALS) was commissioned to conduct an empirical study of the tenure process at ABA-approved law schools (Report of AALS, 2002). In 1989 the Special Committee surveyed the 175 ABA-approved law schools, using a questionnaire containing 22 questions. The questions in the 1989 questionnaire were similar to the questions asked in the survey that was conducted in the AALS 1979 study, for the same purpose.

The Special Committee was successful in having 141 of the 175 law schools respond to the survey. Although the law schools that responded to the survey agreed that the criteria for awarding tenure included a review of teaching, scholarship, and public service, there was no consistency regarding how much weight should be given to each category. But the 1989 survey revealed that the service component of the tenure process was given little weight at most law schools. On the other hand, the survey results showed that if service activities are closely linked to the other two tenure criteria, it "can have a favorable impact on tenure and promotion decisions" (p. 491). Despite the inconsistency that exists among ABA-approved law schools regarding the tenure process, coupled with the fact that most law faculty lack in anticipatory socialization, the survey revealed that the majority of the ABA-approved law schools did not provide newly hired faculty with a copy of their promotion and tenure procedures until the faculty member had already arrived on campus.

The findings of the study lead the Special Committee to conclude that there was a need for law schools "to encourage and facilitate discussion, debate, and self-study within and across schools about mission, standards, and procedures of the tenuring process and the nexus between goals and standards normatively declared and practices empirically applied and experienced in that process" (p. 501). The Special Committee also recommended (1) the need for each law school to undertake a self-study of its tenuring process; (2) a core set of norms and standards be articulated by each law school that can be used to guide faculty development for untenured faculty; and (3) that law schools review their tenure procedures to insure that they are clearly articulated and disseminated, no later than the time a new faculty received an offer. While indicating that tenure processes at ABA-approved law schools lack clarity, which affects the socialization of law faculty, data was not gathered from the perspective of the faculty member, which was the focus of my study.

Conclusion

This chapter provided an overview of the literature and research on faculty socialization and the effect that promotion and tenure, graduate and professional program training, and disciplinary culture have on the process. Review of this literature supports a study on law faculty socialization. Following examples set in other studies of new faculty, I used a framework of anticipatory and organizational socialization to guide my research.

Chapter 3: Design of the Study

Summary of the Purpose

While understanding what it means to be a faculty member differs depending on the discipline, the literature consistently notes that anticipatory socialization primarily occurs prior to assuming the first faculty position. The socialization process begins with graduate school training (Austin & Daniels, 2006; Blackburn & Fox, 1976; Tierney & Rhoads, 1994; Weidman, Twale & Stein, 2001). This is particularly true in doctoral programs that prepare students to assume faculty roles (Austin, 2002; Austin & McDaniels, 2006; Tierney & Rhoads, 1994). Despite the socialization process that occurs during graduate training, most new faculty members begin their first position feeling inadequately socialized to handle what is expected of them in their new roles (Austin, 2002b; Austin & McDaniels, 2006; Johnson, 2001; Tierney & Bensimon, 1996; Tierney & Rhoads, 1994; Whitt, 1991). Considerable research has been done to understand how socialization occurs for new faculty trained in graduate programs (Austin, 2002b). Although the literature reveals that a deeply rooted disciplinary culture exist in legal education (Anzalone, 2001; Borthwick & Shau, 1991; Fossum, 1980; Garner, 2000; McAninch, 1993; Katcher, 2006; Weidman et al., 2001), little insight is provided for understanding how new law faculty, who have been only professionally trained, become socialized.

The purpose of this exploratory qualitative study was to address this void by conducting face-to-face interviews with a representative sample of recently tenured and tenure-track law faculty who did not possess Ph.D.s. In my study I examine one research question and four sub-questions:

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1. How do tenure-track law faculty who have been only professionally trained become socialized?

   a. How do they come to understand the aspects of faculty work?

   b. How did they come to understand the socialization process?

   c. What are the challenges they face in learning their roles?

   d. What strategies helped in learning how to do what was expected of them as tenure-track faculty members?

Sample

Merriam (1998) notes that non-probability sampling is primarily used for qualitative research, because the researcher intends to use the data "to solve the qualitative problems, such as discovering what occurs, the implications of what occurs, and the relationships linking occurrences" (p. 61). Probability sampling allows results to be generalized in an effort to answer questions, such as how much and how often (Merriam, 1998). Purposeful sampling is the most common form of non-probabilistic sampling used in qualitative research (Creswell, 1998; Merriam, 1998; Patton, 1990). Qualitative studies generally focus in depth on relatively small samples that are selected purposefully (Creswell, 1998; Merriam, 1998; Patton, 1990). The objective of purposeful sampling is to enable the researcher to select information rich cases that can be studied (Patton, 1990).

Recently tenured and tenure-track law faculty without Ph.D.s who were located at law schools approved by the Section of Legal Education and Admissions to the Bar of the American Bar Association ("ABA") were the focus of my exploratory qualitative study. These faculty and their ABA affiliation were purposefully selected for a number of

reasons. First, I believed the findings of my study would be richer if they included the views of tenure-track law faculty who have been in the tenure system for a few years, and recently tenured faculty who still remember the experience of being a new member of the law faculty (Creswell, 1998; Merriam, 1998; Patton, 1990). Second, it is likely that non-tenure-track faculty, such as visiting professors, lecturers, academic specialists, instructors and adjuncts, may have faculty development issues and concerns that are different from tenure and tenure-track faculty. Including this group in my study could skew the findings (Creswell, 1998; Merriam, 1998; Patton, 1990). Third, recently tenured and tenure-track faculty from ABA-approved law schools were purposefully selected because this population has been the focus in the literature and the subject of empirical research (Borthwick & Schau, 1991; Fossum, 1980; Friedland, 1996; Redding, 2003; Report of the AALS Special Committee on Tenure, 1992; Simon, Occhialino & Fried, 1999). Given that reliance on this literature would be beneficial in answering the research questions in my exploratory qualitative study, it made sense that the sample be drawn from the same population that had been surveyed in the literature.

Affiliation with an ABA-approved law school is another reason why this population was selected for my study. The ABA provides national accreditation to law schools and requires that all accredited law schools be in compliance with certain standards (ABA Standards for Approval of Law Schools [ABA Standards], 2006). These standards pertain to curriculum, faculty qualifications and responsibilities, and organization and governance. Although there may be state or regionally accredited law schools that are not ABA-approved whose standards are consistent with ABA Standards, they are not bound by these standards. Given the potential that my findings could be

skewed if non-ABA-approved law schools were included in this study, faculty from these law schools were not considered.

The AALS Directory of Law Teachers (AALS Directory) (2005) published by the Association of American Law Schools (AALS) was used to identify the sample. The AALS is a non-profit education organization "recognized as one of the two national accrediting agencies for law by the Council for Higher Education Accreditation" (Association of American Law Schools Handbook, 2006, p. 1); the other is the ABA. Although not every ABA-approved law school is a member of the AALS, 168 of the 195 ABA-approved law schools are members.

The AALS Directory provides extensive biographical information about every faculty member. One section of the directory provides a listing of all member law schools. This section also includes a complete listing of each member schools' faculty, title, telephone number, and email addresses. In addition, the directory has a separate section that contains an alphabetical listing of all law teachers with extensive background information about each person. For example, the section provides the law school conferring the Juris Doctor degree; other advanced degrees; current title; year of hire; the hiring law school; preservice legal experience; years of law school teaching experience; and years of non-law teaching experience for every law teacher (AALS Directory, 2005). A more detailed list of the information found in the AALS Directory is shown in Appendix A.

I initially identified several law schools to solicit potential participants for my study. For purpose of convenience and to allow for a relevant comparison, I chose to use purposeful sampling (Patton, 1990). Potential law schools were selected based on their

geographic location, or because I would already be visiting the area for other reasons.

Also for purpose of convenience, a potential site was selected if the law school was in

close proximity to other ABA-approved law schools that could serve as potential sites.

Once a law school was identified as a potential site, the member list section of the

2004-2005 AALS Directory of Law Teachers was reviewed to obtain a purposeful

sample of potential participants. I reviewed this section to identify faculty members who

had titles of assistant or associate professor. After compiling this list, the alphabetical list

of law teachers section was reviewed. If a faculty member possessed a Ph.D., the person

was eliminated as a potential participant. If the faculty member did not have a Ph.D.,

further review was done in this section to determine the number of years in law teaching.

Any faculty member who taught for less than seven years was considered a potential

participant.

Over a four month period, a total of 74 solicitation letters, along with a copy of

my interview protocol, were mailed to recently tenured or tenure-track law faculty

located at 18 ABA-approved law schools. A breakdown of the number of solicitations,

law schools, and approximate time period between mailings is shown in Table 1.

Solicitation of Potential Participants			
	Number of solicitations in mailing	Number of Potential Sites	Approximate time lapse between each mailing
	22	6	
	17	4	2 weeks
	21	5	2 months
	13	5	6 weeks
Totals:	74	20	
Table 1			

Given that I am employed as a senior administrator at Michigan State University College of Law, I chose to place the solicitation letter on my letterhead, in an effort to improve the response rate. A sample of the letter is found in Appendix B. Also, there were times when I knew in advance that I would be visiting or near an ABA-approved law school, either for a work related matter, or because I arranged to conduct other interviews at a nearby law school. In those cases, I mailed a different solicitation letter on my letterhead, to inform the potential participant of this fact. A sample of this letter is found in Appendix C. If a response to my solicitation letter had not been received within two weeks after the mailing, a follow-up email message was sent to the potential participant. A sample of the email message that was sent to potential participants is shown in Appendix D. If a potential participant failed to respond to my solicitation letters and email messages, a final solicitation was made by telephone.

Participants in my study consisted of 14 faculty members from 10 ABA-approved law schools. Three of the participants were women, and 11 were men. Two of the 11 male participants were persons of color, and one of the three female participants was a person of color. Table 2 show the number of years participants have been in the tenure system ranging from two to six years.

Years in Tenure System				
2 yrs	3 yrs	4 yrs	5 yrs	6 yrs
5	1	1	3	4
Table 2				

Three of the 14 participants had either just been approved for tenure at the time of the interview, or were granted tenure within the past few years. Also, only seven of the 14 participants had teaching experience prior to entering the tenure system. The number

of years of practical experience possessed by participants ranged from two to 17 years, with the majority of participants having five or less years of practical experience, as shown in Table 3.

Years of Practical Experience							
2 yrs	3 yrs	4 yrs	5 yrs	7 yrs	15 yrs	16 yrs	17 yrs
4	2	1	1	2	1	1	1
Table 3							

There were a total of 10 sites, with one site in the Eastern part of the country, seven in the Midwest, and two located in the Western part of the country, as show in Table 4.

Site Locations		
East	Midwest	West
1	7	2
Table 4		

Also, Table 5 shows that three of the site law schools were located at a university having a Carnegie Foundation rating of "research university/very high activity (RU/VH)", one was classified as "research university/high activity (RU/H)", two were classified as "doctoral research universities (DRU)", and the remaining four law schools were not classified as research institutions.

Carnegie Foundation Rating			
RU/VH	RU/H	DRU	Non-Research
3	1	2	4
Table 5			

U. S. News and World Report ranks the top 100 ABA-approved law schools in order of their overall score. Law schools not ranked in the top 100 are listed alphabetically in two groups, the Third and Fourth Tier. Each tier includes law schools

similar in quality with Fourth Tier schools receiving the lowest overall assessment score.

One site school was ranked in the top 10, one in the top 20, one in the top 40, three in the

third tier, and four in the fourth tier, as show in Table 6.

Participant Schools				
2006 U.S. News and World News Ranking				
Top 10	Top 20	Top 40	3rd Tier	4th Tier
1	1	1	3	4
Table 6				

In addition, three of the 10 law schools were located at public universities, six were

private not-for-profit universities, and one was an independent free standing law school.

Data Collection

I developed an interview protocol for discussing with participants how they

learned to become law faculty. The protocol consisted of a series of open ended

questions inquiring about the participants' experience during the job interview, the type

of work they do as law professors, how job expectations were learned, a description of

the demands placed on them as law professors, how they figured out how to be law

professors, and how colleagues interact with one another. If a participant already had

tenure, the protocol included additional open ended questions to determine what the

participant would have done differently as a new faculty member, based on hindsight,

and any advice the tenured participant would share with new law faculty. The complete

interview protocol is found in Appendix E.

To test whether the interview protocol would assist in obtaining rich findings, a

pilot study was conducted with a tenure-track law faculty member located at an ABA-

approved law school who was not asked to be a part of my study. After the interview

was completed the pilot participant was asked to provide feedback regarding the

effectiveness of the interview protocol in eliciting responses that could assist in answering my research questions. A review of the transcribed interview was also done for this purpose. The feedback received was used to improve the effectiveness of the protocol before any study participant was interviewed.

In the case of a qualitative study, the primary data collector is the researcher (Merriam, 1998). This could cause many participants to feel uncomfortable or reluctant to respond to certain questions posed by the researcher. Merriam (1998) notes how this discomfort and reluctance generally stems from the fact that participants are concerned about the accurate reporting of the data and how it will be disseminated, as a result of the researcher's theoretical position and biases.

Confidentiality could have been of particular concern in my study because of my position as a law school administrator and the fact that the legal academy is a close-knit community. To assist in assuring confidentiality, a consent form was developed that described for participants the research objectives, how the data will be used, and the fact that they would be provided the opportunity to review the transcribed interview prior to the dissemination of the study. A sample of the consent form is found in Appendix F. Given the concern for confidentiality and to avoid having skewed findings, pseudonyms were used and "he" was used in referring to participants, regardless of gender. Also, I chose not to solicit any faculty members at my law school to participant in my study because of confidentiality concerns and not to skew my findings.

Data collection for my study was achieved by conducting a single interview with each participant that ranged from 60 to 75 minutes. Although attempts were made to conduct face-to-face interviews with every participant, three of the interviews were

conducted by telephone. Prior to conducting any interviews, each participant was asked to execute a consent form. In the case of telephone interviews, participants were asked to sign and return the consent form by mail or fax before the interview took place. Also, to facilitate accuracy in transcription of each interview, a tape recorder and high quality audiotapes were used (Creswell, 1998). A speaker phone was used for the three telephone interviews, so they could also be tape recorded.

Data Analysis

To give meaning or understanding to the data collected, a researcher must consolidate, reduce and interpret what has been said by the participants (Merriam, 1998). To assist in this process, the researcher can develop codes for the data (Creswell, 1998). In my study I reviewed the transcripts of each participant. As I reviewed each transcript, codes were developed to facilitate in identifying themes, categories and subcategories to assist me in understanding how the socialization of law faculty occurs.

Role of the Researcher

Building trust with participants, learning the culture, and checking for misinformation add to the value and validity of a qualitative study (Creswell, 1998). In addition, the researcher's personal experiences and insights play an important role in data collecting and understanding the phenomenon (Patton, 1990). My experience in law school administration and educational background placed me at a distinct advantage for building trust, understanding the phenomenon, and adding value and validity to my study. I am an Associate Dean for Student Affairs and Registrar at my law school, where I have worked as a senior administrator for over thirteen years. In this capacity I serve as an ex-officio member on several faculty committees (Academic Standards, Curriculum,

Journal, Student-Faculty Liaison) and adviser to the law school student governance organization. While serving in these capacities I gained significant insight into the dilemmas that law faculty encounter during the promotion and tenure process. I have a Juris Doctor degree and have taught law courses at the law school. I am what Creswell (1998) describes as an "*active learner* who can tell the story from the participants' view rather than as an 'expert' who passes judgment on participants" (p. 18).

My "insider" status and law school affiliation afforded me the opportunity to interview participants who would not ordinarily agree to participate in a study. For example, one participant agreed to participate in my study by virtue of the fact that I worked for Michigan State University College of Law. Another participant agreed to participate in my study because it was felt that I could appreciate the importance of preserving confidentiality.

Verification of Data

Given the potential for bias in a qualitative study, it is extremely important that the findings are reported accurately and in an ethical manner, if they are to be considered to be valid and reliable (Creswell, 1994; Merriam, 1998). Validity can be either internal or external. As Merriam (1998) notes, "[i]nternal validity deals with the question of how research findings match reality" (p. 201). External validity focuses on whether the findings of one study can be applied to other situations (Creswell, 1994; Merriam, 1998). In the case of internal validity, I chose to use member checks, which were accomplished by taking my interpretations back to each participant and asking if the results were accurate (Creswell, 1994, Merriam, 1998). With regard to external validity, the make-up of the sample population in my study proved to be a representative sample of the larger

population. For example, the 14 participants in my study were located at 10 different ABA-approved law schools. The make-up of the law school sites (research and non-research institutions, Carnegie Foundation classification, and type of institution – public, private, etc.), and *U.S. News and World Report* rankings are consistent with the make-up of the law schools in previous studies (Borthwick & Schau, 1991; Fossum, 1980; Redding, 2003). The training before becoming faculty members and law schools where their Juris Doctors were obtained are also consistent with what has been reported in previous studies Borthwick & Schau, 1991; Fossum, 1980; Redding, 2003).

Limitations of the Study

Since this was an exploratory qualitative study, both purposeful and small samples were used for the purpose of obtaining meaningful data that could be used to solve the research question (Creswell, 1998; Merriam, 1998; Patton, 1990). Although the sample population used in my study might be a representative sample of the larger population, only generalizations have been made throughout my study to describe how socialization occurs for law faculty. Also, while socialization experiences vary from one law school to another, based on such factors, as institutional cultures and missions, type of institution (research versus non-research; national versus regional, public versus private, etc.), and the law school's *U.S. News and World Report* rank, the findings in my study limited reporting to the socialization experiences that were common to study participants.

Chapter 4: Findings

Introduction

How socialization occurs for tenure-track law faculty who are only professionally trained was the focus of my exploratory study. The experience of the 14 participants prior to entering the tenure system is as follows: Practical experience ranged from 2 to 17 years, with the majority of faculty entering the tenure system after having only five or less years of experience; most participants worked in a judicial clerkship; half of them had prior teaching experience ranging from 6 months to 3 years; and several participants participated in a professor training program that was designed to assist law graduates segue into academe. A summary of the experience is shown in Table 7 with detailed information found in Table 8.

Summary of Participant Pre-Tenure-Track Experiences	
Years of Practical Experience Before Entering Academia	2 to 17 years
Judicial Clerkships	9 participants
Prior Teaching Experience under 3 years	7 participants
Participation in Professor Training Program	4 participants
Table 7	

Two primary themes emerged from the data. The first theme surrounds the amount of anticipatory socialization that participants possessed when they first assumed their position as tenure-track law faculty. The second theme is centered around organizational socialization and how this process occurred for participants as new tenure-track law faculty. To identify study participants while preserving anonymity they are referred to as "he" regardless of gender and pseudonyms are used, as noted in Table 8.

Anticipatory Socialization

Participants were all trained in professional programs that were designed to prepare them

for the practice of law. After graduation, a few participated in professor training

programs designed to

Backgrounds of Study Participants				
Pseudonym	Judicial Clerkship?	Years of Law Practice Experience	Participation in a Professor Training Program?	Teaching Experience B4 Tenure-track
Professor Albert	Yes	2 years	No	6 months
Professor Brinks	No	7 years	No	None
Professor Campbell	Yes	2 years	Yes	3 years
Professor Drummond	Yes	5 years	Yes	2 years
Professor Egan	Yes	2 years	No	None
Professor Francis	Yes	2 years	No	None
Professor Greene	Yes	7 years	Yes	2 years
Professor Henry	No	16 years	No	None
Professor Ink	Yes	4 years	No	None
Professor Johns	Yes	3 years	Yes	2 years
Professor Kay	No	15 years	No	None
Professor Lowe	Yes	3 years	No	None
Professor Mims	No	3 years	No	6 months
Professor Nunn	No	17 years	No	6 months
Table 8				

prepare practicing attorneys for academe. Virtually every participant attended the

Workshop for New Law Teachers sponsored by the Association of American Law

Schools (AALS) the summer prior to assuming their first position, to gain insight about

what it means to be law faculty. The themes that emerged when participants describe

how these programs assisted them in understanding the various aspects of faculty work

will be discussed in this section. The themes that emerged when participants described

what they learned about job expectations of their employing institutions, based on

promotion and tenure policies provided during the interviewing process will also be

discussed.

Professor training programs. Four of the 14 participants were able to take advantage of law professor training programs that are sponsored by a few high ranked law schools. Professor training programs are offered by a small number of ABA-approved law schools in the form of fellowship programs. Fellows are provided opportunities to teach, work on scholarship, and have access to mentoring and networking opportunities; fellows are required to publish an article by the end of the program, or produce an article that is publishable quality; and many of the programs require fellows to teach a section of legal research and writing to first-year law students. Some of the programs also require fellows to devote the first year in the program entirely to research and the second year to teaching (Cain and Pincus, n.d.).

Individuals who participate in these programs are usually referred to as Visiting Assistant Professors, even though they are not visiting from another law school. It was understood by all professor training program participants and the sponsoring institutions, that participants were being groomed to go on to be professors at other law schools. Professor Campbell who participated in a professor training program shared how these programs are "designed to help people segue from law practice into law teaching." Professor Campbell went on to describe how the training program was for two years and "you're there for four semesters, and you teach two of them, and have time to write the other two, and they sort of groom you for a career as a law professor." Professor Daniels who participated in a different professor training program commented that the program is designed to assist its "graduates who have been practicing law and who want to go into law teaching[.]" Professor Johns felt "[i]t was an atmosphere that was low pressure

because I was not trying to impress the people that I was working with in the sense that I was trying to get them to hire me."

There was consensus that scholarship is the primary focus of the programs. When asked how the training program prepared participants for teaching, Professor Greene noted that "the support that I've gotten [at my current law school] in terms of preparing me to do the job . . .[is] much more fulsome than what I received in [the professor training program]. Professor Greene further explained how participating in the professor training program was a way to get "sort of the [Prestigious School] imprimatur when you are going out on the [job] market[.] [I]t was [also] a way to get some writing time for me and be paid to teach and write at the same time before I went out on the market."

When asked if what he was currently doing as a law faculty was what he expected, Professor Campbell responded,

> I think so. I think in terms of the job responsibilities, it's not far off from what I would have thought. I was to some extent, exposed to the culture [in my professor training program], before I accepted a tenure-track job, ... And so I was in that sort of cultural milieu and sort of got a sense of what it was that people did. So it didn't really come as a surprise.

Workshop for new law teachers. Virtually every participant noted how they were encouraged by their employing institutions to attend the annual Workshop for New Law Teachers sponsored by the Association of American Law Schools (AALS). The three-day workshop sponsored every summer is designed for newly appointed law faculty and faculty with up to two years of teaching experience. The workshop addresses issues of teaching, scholarship, service, and other concerns of new law faculty.

A variety of sessions are held during the workshop. The sessions include: Preparing for Your First Semester of Teaching; Learning Theory; Question and Answer; Teaching Techniques and Demonstrations – Upper Level, First Year, Technology, and Seminar; Assessment and Institutional Citizenship; Scholarship, and Junior Faculty Feedback. The length of the sessions vary, with the shortest session – Question and Answer – lasting 30 minutes and the longest session – Scholarship – lasting two hours. In addition to workshop sessions, new law faculty are exposed to networking and mentoring opportunities through small group discussions, sponsored meals that have keynote speakers, receptions and informal gatherings. A complete agenda of the Workshop is found in Appendix G.

The vast majority of participants in my study attended the workshop and regardless of their level of training, felt they benefited in some way. For example, Professor Kay, who had extensive practical experience and no prior teaching experience commented how the workshop "was about the most formal piece of information that I got in a real broad sense. Nothing specific to your university." Professor Lowe, with less than five years of practical experience and only a few years of teaching experience, found the workshop to be "generally helpful," but felt that

> we don't do enough of it. I think it would have been better if there was a sort of
> follow-up workshop. Once you teach for at least a couple of months, to sort of
> know that you actually understand what a day looks like, here's advice on how to
> go about that. I was told certain things during the new faculty workshop which
> have all proven to be true. But I didn't quite know exactly what I was being told
> at the time because I hadn't actually started teaching.

Professor Johns who participated in a professor training program also found the workshop beneficial in a number of ways:

> I found it to be helpful. There were still sessions and ideas I hadn't thought about. You know, I had two years of teaching experience at that point and so there['s] definitely . . . new things to learn. [O]ne of the ways I've learned is by talking to colleagues, watching colleagues both here and at other schools, and I found it to be a very useful opportunity for meeting people at other schools which was nice. [T]hey divided us up by substantive area for some of the breakout groups and so it was helpful to meet people who were about in the same place in their career, working in the same areas in which I was working, and I still draw on those resources. Those are still people I turn to when I have questions about things.

Professor Francis, who possessed no prior teaching experience before becoming a tenure-track faculty member, believed the AALS Workshop provided valuable insight regarding teaching, but did not share the same opinion regarding scholarship:

> It gave me a couple of ideas about how to structure a class, but it really was not helpful at all, especially on the scholarship side. The scholarship side, it really did not communicate to me what I was getting myself into. The teaching, it was little bit more helpful, because they talked about learning theory. One thing that I took out of that, for instance, if you can use visuals, if you can do group activities, all of that will help students learn and have a better experience in the class. So that's one thing I took away that was very useful.

While Professor Ink found the AALS Workshop helpful, he was of the opinion that the informal aspect of the workshop might have proven to be more beneficial to attendees:

> I thought it was great for what I got out of it. I'm not sure that if you had taken 200 new law professors and just let us hang out for two days we wouldn't have gotten close to the same thing. You know, meeting other people who were new, seeing what they were thinking about I think was helpful. There was one thing on teaching that was helpful, I think, that kind of talked about the things you needed to do and that you needed to be yourself and you could think about doing these creative things. But you had to be careful of your institution because some institutions weren't going to like your being creative.

Promotion and tenure policies. Participants knew that, to gain tenure, they must be good teachers, published scholars, and good citizens. But the steps and processes that must be followed to achieve these objectives were not known at the time they took their faculty positions. While participants were provided copies of their employing institutions tenure policies, the lack of clarity in promotion and tenure policies is a theme that emerged in the data.

For the most part, participants did not feel that their candidate "call back" interviews provided enough insight into exactly what was expected of a tenure-track law professor. The interviewing law school search committees focused on such things as the "niche . . . that they had been interviewed for", or communicating how important teaching and scholarship was to the tenure process, without providing specific details. As Professor Francis pointed out,

you have a general expectation of what different schools have and you have the opportunity to ask questions. But I really didn't get a good idea of what this particular job entailed until the dean actually called me up and gave me an offer, and gave me the offer letter. At that point, I knew sort of what my teaching package was going to be, how many classes I would have to teach, what the teaching standards were in terms in number of articles. . . . . But in terms of the interview process, I really didn't have much of an idea.

Although participants acknowledged that their employing institution possessed some form of tenure policy, there were very few faculty who said that their understanding of what was expected of them was a result of reviewing the tenure policy. Two participants who commented on their law school's tenure policy had differing opinions about its clarity. Professor Campbell felt that the "clearest message that I got regarding what my responsibilities were going to be when I got here was the tenure policy that was sent to me." Professor Henry believed that the tenure policy possessed "a lot more information beyond the paper" with expectations that were "even higher than the paper". So he "used the [tenure policy] as a baseline to have informal conversations with faculty colleagues."

A possible rationale for the lack of clarity in tenure policies that many participants encountered during the interview process was provided by Professor Kay:

Probably from the [law school's] perspective, they thought they were clear. I'd have to say no, and part of that has to do with I came from a business environment where I'm used to a level of clarity that is not always the case in academia. [Job expectations] were fuzzy enough where, with my own initiative, I was able to

figure out some things by continuing to ask questions. And I can tell you now, not everything is still crystal clear.

Another possible rationale that might explain why law school tenure policies were not explicit in helping participants understand what is expected of them as tenure-track faculty is a heavy reliance on what Professor Lowe referred to as "common law." That is, "one infers", or "people telling what made somebody successful or made somebody fail" in obtaining tenure. Professor Mims also noted,

> I think it's kind of interesting looking back . . ., but I think that's how it was pitched to me, what they were expecting was not like here's what we expect you to do this year. It's more here's what you need to do to get tenure five, six years from now. [T]hat was passed informally. . . . . I think, talking to several different people and hearing the same message.

Organizational Socialization

Organizational socialization occurs when an individual has acquired the values, attitude, norms, knowledge and skills needed to be accepted into the group of which he aspires to be a member. The promotion and tenure process provides the best example of how socialization occurs for new law faculty. Although new law faculty assume their first position with an understanding that teaching, scholarship, and services are the three requirements to attain tenure, they encounter many challenges as they learn their roles, particularly since they were trained in professional programs that were not intended to prepare them for academia. The themes that emerged in the data to assist in answering the research question "How do tenure-track law faculty who have been only professionally trained become socialized?" are discussed in this section.

Teaching. A lack of anticipatory socialization for participants seems to be a predominant theme that emerged in the data, particularly as it relates to teaching. Although trained in professional programs that were not designed to prepare aspiring law faculty for academia, most participants had little opportunity to learn about academe after graduating from law school and before becoming tenure-track faculty. As Professor Brinks noted, "[w]hat seems to be still the more predominant pattern that people follow for law schools, at least, is law school, then perhaps some sort of clerkship, then either directly into academia or perhaps with one or two years of practice experience and then into academics."

Many participants used statements such as "trial and error", "sink or swim", "just figure it out", and "trial by fire" to describe their first-year experience in the classroom, and they provided a number of reasons for having these feelings, such as what was provided by Professor Kay's comments:

> I am actually surprised, particularly those of us with just JDs who teach at law school, how it is that we learn to be good teachers, because one of the things I often think about is that at the elementary school and high school levels, there's a big push now to have teachers have subject matter expertise as opposed to learning to be good teachers. And at the graduate school level, I'll just give law school as an example, there's now more concern, well you're subject matter experts but you're not good teachers and then there's more learning now about how it is that adults learn. . . . . And so I often sit and think well, I have lots and lots of subject matter expertise, but I don't know how to incorporate issues related to adult learning into teaching. And I don't know how to embrace that, to figure it

out. I don't have time to research and study it or, you know, as many people say here, 'well, I read an article about it.' Well, that's not the same to me as research and studying something, now how do I turn that into something that is practical. And so I kinda just do what I think makes sense for me personally.

While many participants were not socialized to become law faculty, the majority of them relied heavily on how they were trained as law students to give them a starting point in the classroom as new law faculty. Professor Ink captured the sentiments of these participants:

I went to law school and that's probably what a lot of us say. I mean, that's your vision of a law professor, right? I had 30 of them, 40 of them and I know which ones I liked and which ones I didn't like. And so you try to emulate the ones that you like as opposed to the ones you didn't like.

Although emulating their law professors may have been a starting point in the classroom for participants, they quickly realized after assuming their first faculty position, how much they were lacking in anticipatory socialization. That is, most participants underestimated the amount of time it took to prepare for class, despite their exposure to teaching during their professional program training. As noted by Professor Albert,

I come from a school where a lot of people aspire to law teaching and a lot of people have gone on to law teaching. So I had friends of mine who were a year to two ahead of me who . . . had entered [teaching] a year or two before I did. . . . . So one thing everyone always said was that your first couple of years, you will spend an incredible amount of time preparing for class. And I said, okay, and I

understood that intellectually, but when I got there, the amount of time it took to prep up a class, in the first semester that I was there was really incredible. . . . . I worked even harder in the second semester to get my class prepped up. . . . . It's just a shock to your system, even if you've been told and intellectually appreciate that it will take time to prepare for class. And I had taught before even. So, it's not as if I had never prepared a lesson. But law lessons are different. . . . . There's a lot more preparation. Especially if you want to be able to succinctly explain black letter law. And at the same time also have interesting discussions about big picture issues that surface in particular cases.

Professor Johns underestimated the amount of time it took to prepare for class in the first-year for a different reason:

[I]n working with students, it sort of opened my eyes to the fact that we don't all come with the same interests, same abilities, same background knowledge. We don't come with the same learning styles. We don't come with the same goals. And that all affects how each student learns. And I guess that [is] the thing that I most unanticipated was how much, in going back and teaching, I really have to reanalyze and think about all those things. I guess I kind of had this foolish notion that it was like, well, I can explain this in a way that I understood and it'll reach everyone. And you know, of course that's not the case. And so I've had to learn how to sort of rethink and realize the things that I thought were wonderful in law school and that I really enjoyed professors doing, actually, not all students love that and it doesn't work for all students. And so kind of the thing that was unanticipated was how much time I'd spend actually just thinking about rather

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than substance of law, the learning style, the pedagogy I want to use in presenting the material. . . . . It's just something I didn't anticipate I would be doing.

What also appears to be consistent among the majority of participants is their feeling that they were left to figure out on their own how to be effective teachers. Professor Brinks, with extensive practical experience but no prior teaching experience, captured the essence of what most participants expressed:

[W]hen it came to the classroom, my biggest question was how do I figure out a pace for the material and how do I figure out how to occupy [students] in one class that's an hour, it was the first year, it was, let's see, an hour and 15 minutes. And the other one was a full hour and a half, two hours. . . . . [I] thought that's a long period of time. . . . . I had to think about how do you develop a syllabus? What do you put in a course description? How do you write a final exam? . . . . I had to learn those things . . . they didn't say here's your one day orientation. Here's what we accept, here's what we expect for exams. Here's the program on how to stand in front of a class and teach. Here's how you write a syllabus. None of that.

Socialization experiences of Ph.D.s compared to non-Ph.D.s. While all participants possessed Juris Doctor degrees, none of them possessed Ph.D.s. So, many participants believed that the lack of a Ph.D. may have presented additional challenges as they learned how to be effective teachers. As Professor Ink noted,

[I]f there's a criticism of us as JDs in teaching, it's that we don't necessarily have any clue about what good teaching is, how to teach well, what the pedagogy is of why it's good to do one over another. We're, in a sense, repeating methods we've

learned by watching and then modifying them to see what works. But I think that

criticism likely applies to Ph.Ds too. The only difference may be that they get

more practice. [But w]hen we walk in the door, we're expected to know how to

do this thing of educating that nobody's really taught us how to do.

On the other hand, a number of the participants believe that "lawyers as lawyers are

doing more teaching than maybe a Ph.D. candidate" because lawyers "spend a lot of time

as lawyers in [their] craft teaching, even in transaction work."

It was very evident during my interviews that participants who possessed

extensive practical experience exuded a level of confidence and calmness when

describing their teaching experiences as new law faculty that did not seem to be present

with participants who had considerably less practical experience. For example, Professor

Henry with more than 10 years of practical experience shared,

I probably spend less time getting ready for class than other new teachers because

I am comfortable being down there and I am comfortable with a thin margin of

safety. I have been in trial. There are times where the witness wasn't prepared,

the witness doesn't do it the way we expected. Not that it went perfectly but I am

comfortable that I can get myself through a problem. And then many times, the

testimony or the class goes the best when I didn't over think it, when I didn't over

prepare. I have a gut sense of what needs to be done. But that takes some

confidence and it takes experience, having gone through experiences where you

didn't prepare all day or all night. Look back and say, that was fine. I'm not

saying I go unprepared into class but I don't need to go over and over what I'm

going to do.

Professor Nunn who also had more than 10 years of practical experience commented that his non-law teaching experience did not adequately prepare him for law school teaching, but the combination of prior teaching and practical training gave him a level of comfort in the classroom. Professor Nunn stated that

> I am very comfortable speaking in front of groups and I am good on my feet and I can divorce myself from what I am going to say next to be able to listen to what the student is saying. So I am not concerned about my response as much as I am at the moment of really trying to understand and listen to what the student's question was, where their concerns are, why they're not getting what I said the first time. I think that comes with a certain level of confidence about an ability to respond. . . . . I was an appellate litigator for a long time and so I, you know, it's the same process, I went before a panel of judges and I had to be responsive to their questions. So instead of worrying about what I was going to say, I had to listen to what they were asking and then somehow you just develop the skill to be able to respond quickly. I think there's nothing more frustrating for a student to be in a classroom and be trying to communicate a concern or question and the teacher is not able to get or too worried about going on or is not focusing on what they're saying.

The lack of formal socialization in the first-year forced participants to be resourceful. Professor Daniels described how he did the "traditional law school thing. Ask around for other people's syllabi, look at a bunch of textbooks, and then sink or swim[]", while Professor Lowe used the art of listening to perfect his teaching skills:

Part of how I learned how to do the teaching was hearing other people describe sort of in snippets and off hand comments what they do in class. . . . . I have rarely, if ever, had a sort of clear conversation with anybody about what they do in the classroom. So you know, honestly, the way I've sort of gotten a sense of what I'm supposed to do in the classroom is by hearing, you know, maybe older colleagues regarded as a good teacher of say, oh, you know, I did my PowerPoints today and that went really well. Or hearing somebody say you know, the students did a good job answering my questions today. Or hearing somebody say my lecture didn't go over well today and then sort of more specifically, . . . or didn't work. I really feel this profession does an awful job of telling people what you're supposed to do in the classroom.

It was common practice for participants to receive feedback in the form of written evaluations from their tenure advisory committees, student evaluations, and annual reviews from their deans. The vast majority of participants described the formal feedback they received from their tenure advisory committees and senior colleagues regarding their teaching to be similar to what was described by Professor Francis:

[E]very semester you have two tenured faculty members visit your class and review it. They sit down with you after their review and say 'here are some pointers. Here are some things that you might want to be doing differently.' They also gave a written report for your tenure file.

Professor Kay expressed concern about the effectiveness of feedback received following only one class visit, given its limited duration:

[T]he dean has come to class and my mentor has come to class and they give comments. [L]ike the dean said, 'you need to improve this and get students engaged'. My real feeling is, well, you came to class once and you sat there for 20 minutes, . . . and I appreciate the fact that you're more knowledgeable and you bring a perspective that I don't have, but to me, it's not possible to sit in on somebody's class for even 50 minutes, a whole class period, and assess that. No one has the time to sit and to do a real assessment, which to me, is to spend a week there, in a classroom, looking at an entire class period over a week or some other period of time. Because you might hit the day when the students don't talk. You might hit the day where I'm not as on. So it's too hard to judge. I mean, I haven't received any critical remarks, but I haven't received anything, even if it was critical, that I could take and think that I would improve. They've been shallow remarks to me, empty remarks.

Most participants also felt that their primary feedback comes from student course evaluations, because they are helpful in providing a "sense of how you are doing on the teaching side", both formally and informally. As Professor Johns noted,

[f]ormally, you get evaluations. You see them, you see what the numbers are, you see what the students' comments are and that's a pretty formal statement if you're doing a good job or you're not. Informally, you see students sign up for classes again and you get a sense they must think your class is okay. The students here are really great about informally saying, gee, I really like the way you did that. Thanks. That was helpful. And equally great about saying that wasn't really helpful. Can you find another way? You should find another way to do that.

Although the findings reveal that scholarship must be the primary focus for tenure-track law faculty to gain tenure, the weight that is given to student opinions and expectations cannot be taken for granted or ignored by tenure-track faculty. One reason why student opinions and expectations must be taken seriously, according to Professor Albert, is "[b]ecause even if you turn out to be a great scholar, . . . no one is going to notice it for four or five years, whereas what they are going to notice . . . in two or three months is whether your students are happy." Professor Nunn points out the challenge this presents:

> [W]hat most people don't appreciate is how difficult it is to teach and to be in the classroom and how this generation of students is very consumer savvy and if their expectations are not being met, they will be very vocal about it and you'll have a very short career.

Despite the effect that student opinions and expectations can have on the careers of tenure-track law faculty, Professor Albert observed how "[s]tudents really don't know whether [we] are good teachers or not", because students "reward easiness. . . . . They reward someone who they do not fear or have any reason to fear, the professor that makes them comfortable, that's not threatening" in an intellectual way. On the other hand, to gain tenure in legal education, a law professor must successfully have a certain number of articles published in another law school's legal publication, such as the law review. These publications are student-edited and managed, which is another reason why student opinions and expectations offer a challenge and must be taken seriously, at least to some degree.

Scholarship. Like teaching, most participants relied on how they were trained in law school to assist in their understanding of what is expected of law faculty in terms of scholarship. For example, Professor Greene stated:

Scholarship, I think, you know, I was on *Law Review* when I was [in law school]. . . .. [N]obody sort of tells you how to do the process [as a law professor], you know, how to come up with an idea, how to narrow it down. That's sort of a process of trial and error. But I think it starts in law school when you start doing research papers in law school. So . . . , I think most of us have more experience with that than with teaching when we come to be law professors[.]

Similarly, Professor Francis captured the sentiments of participants who had extensive practical experience and how their training as lawyers assisted them as law faculty:

In terms of the research, I had done a number of clerkships and worked in practice and things like that. And had done appellate work. So a lot of the stuff I was doing in practice was sort of high level thinking type stuff. And so in that way I sort of had ideas about how to do sort of high level scholarship and thinking. Certainly not the amount of abstractness, I guess is the word for it, in terms of the academy, in terms of the theory and stuff. But in terms of just doing high level thinking and doing high level work, I think I had a little bit of that in practice.

Professor Ink also provided insight about the benefit of practical experience to scholarship: "[W]hat I had to learn to do on scholarship was just switch from more of a legal brief type of writing to more of a law review type of writing."

While all participants acknowledged that scholarship is a key factor in gaining tenure, teaching was the primary focus of the majority of participants during their first year as law faculty. However, the lack of attention to scholarship was not intentional. Rather, it was a result of having limited time in the first year and quickly recognizing that "you should be able to get a piece done . . . within a summer", and "[i]t doesn't have to set the world on fire." For example, Professor Albert whose law school requires contract renewal votes each year prior to tenure noted that "the idea is you have two articles before tenure, you don't have to have any [published] articles to be renewed." Professor Mims pointed out that "I got the message [that if] you want tenure, this is what you have to do. . . . [W]hat they were expecting was not like here's what we expect you to do this year. It's more here's what you need to do to get tenure five, six years from now." Professor Ink noted how his school "pushes people not to write in their first year" and "to put all of our time and effort into teaching."

In addition to the demands that teaching placed on participants in their first year as new law faculty, Professor Drummond talked of how teaching a first year course places even greater stress on a new faculty member's ability to focus on scholarship. That is, although Professor Drummond acknowledged that scholarship should place the greatest demand on a tenure-track faculty member's time, he realized that

> [i]n a semester in which I'm teaching a first year class, the teaching and the associated visits from students to my office, etc., can consume an equal number or maybe even a greater number of hours for that, you know, 13 week period when I'm actually teaching that class than my scholarship. But on yearly basis, or a year-to-year basis, scholarship consumes the most of my time.

Another reason why the focus of participants in the first year was more on teaching than on scholarship has to do with the fact that, in most cases, candidates for tenure-track law faculty positions are "expected to have prior publications, [or] at least pieces that are ready for publication to present at their [candidate interview] job talks." Also, in the first year, tenure-track law professors have what Professor Mims refers to as a "grace period." That is,

> [i]f you have done some writing that you have thought about, it's great, but you really want those reviews. You want your teaching to get off to a good start, because . . . it's amazing how fast you create a reputation with students and with faculty [as to whether] you are a good teacher.

Like teaching, most participants indicated that they received both informal and formal feedback regarding their scholarship. Instead of mainly coming from within their various institutions, the feedback was received from sources that were within and outside the institution. These include "direct feedback [from] people who read your work, conferences you went to, colleagues [at your law school] who knew something about your field, . . . and indirect signals[,] such as where your articles are being accepted [and] are you being invited to the right conference[.]" Professor Henry, with no prior teaching experience and extensive practical experience before becoming a tenure-track law faculty member points out how

> I didn't pay as much attention to law reviews as a practitioner or in college but I'd go and read the law review articles that were considered to be fairly good, and the good journals. [I would] study the style, study the length, the number of footnotes, ask colleagues what are the parameters these days. How many words?

How many footnotes will be in an average law review article? Read[ing] the first

four pages you get an idea of the conventional layout to a law review article.

How to do the research and writing for that, I do on my own.

Overall, the insight provided by Professor Mims, who was recently tenured and

began his law faculty career with no prior teaching experience and limited practical

experience, supported what was expressed by most participants: "[T]he feedback you'll

get is more likely to be informal than formal. So if you're going to count on a formal

mentoring system, or a formal evaluation system, you're going to be out of luck, very

likely."

Service. No participant was overly concerned about their effectiveness in this

area during their first year. In addition to service being the least important requirement to

attain tenure, the overwhelming rationale behind the lack of concern for performance in

this area was summed up by Professor Ink: "I think anybody getting into this business

knows that nobody loses tenure on service." Despite this knowledge many participants

devoted more time to service than anticipated. As Professor Johns stated:

I underestimated the amount of time I would spend outside of the classroom,

administratively and with student organizations and students themselves, trying to

help them and help out. . . . . [W]hen I came here and first saw committee

assignments, I thought 'big deal'. A faculty meeting once a month, sit on this

committee, but then of course, that's not the case. That actually takes a

significant amount of time. . . . . That was not even on my radar, so obviously

that didn't comport with my expectations.

Although opinions varied regarding the explicitness of tenure policies and procedures, as related to job expectations, participants generally agreed that service is the least important of the three requirements for tenure. Several referred to the requirements for earning tenure as a "three legged stool" with legs that are not equal in size. "[S]cholarship has got the longest leg, then teaching", and "service being sort of a distant third." Simply stated, service is viewed by participants as an "acceptable factor", because it is common knowledge that tenure is never lost because of service, as long as you do your "committee assignment[s] that you're forced to take[.]" This may explain why Professor Drummond stated that "the most important thing I do is scholarship and the most important thing I do is teaching. I can't say the most important thing I do is also service."

Professor Francis provided insight that might explain why service demanded so much time of these early career faculty, despite the fact that participants believe that tenure decisions are primarily based on performance in scholarship and teaching.

[F]rom the dean's eyes, [service is] very important. Like you've gotta be a team player and you gotta get your stuff done. From the rest of the faculty, I don't think they keep score of who's on what committee or who's doing a good job on what committee. I mean, you can certainly set yourself apart and get to know people better when you're serving on these committees. But in terms of how many committees you serve on, I don't think people notice. So I don't think in terms of the tenure vote, other than maybe the dean's impression of you, I think committee service really doesn't make all that much difference.

Organizational culture. Although each law school culture is unique, adapting to the culture, along with the challenges that this presents, is something that all participants have in common. The findings reveal that the primary reason why adapting to a law school's culture was so challenging is due to the number of "unwritten rules" that exist within it. In most cases, violation of these "unwritten rules" would be viewed as a violation of the culture in the eyes of colleagues or students. The findings also reveal that a lack of understanding of the culture does affect tenure decisions for new law faculty, as noted by Professor Greene:

> [T]here's sort of a cultural understanding of what the tenure code requires, that it's not necessarily codified. For example, the tenure code doesn't talk about a specific quantum of scholarship that's required. . . . . I think it actually says at least two law review articles that are published or have been accepted for publication, or the equivalent. . . .. But even at least two is not sufficient, even though it says at least two. I don't think anybody believes that two is enough. . . . . [T]hat's an instance where I think the culture is different from the code.

Another example of where the culture is different from the code is found in what several participants referred to as the unspoken fourth requirement to gain tenure. This fourth requirement is referred to as the "likeability" or "personality test which few faculties talk about", because, as Professor Mims observes,

> [i]f they like you, they're willing to overlook some weaknesses that they might not for someone they don't like. . . . . [W]hen I say like, I mean, are you personable on a committee? Do you do the kind of work [that is expected of you]? Are you a pain to deal with, and so on. And so that comes into play and I

think it kind of fits into all three groups . . . . What we say sometimes of service

is, are you a good citizen to the university, meaning, are you pulling your weight

with the committees? I also think it means are you a good colleague.

Many participants found a number of strategies to assist with the so-called fourth

requirement of tenure, such as having "lunch with everybody on the faculty" for the

purpose of passing the "lunch test." "That is, some people will judge [you] based on

whether they want to have lunch with [you]." Other strategies include interacting with

colleagues in order to get "to know the lay of the land", and making every effort to make

sure that students like you.

Another instance where participants found the culture to be different than the code

is in the periodic review process that occurs for tenure-track faculty. Most participants

felt that being subjected to periodic progress reviews for tenure is even more stressful in

that tenure documents only "objectively says this is what you have to do to achieve

tenure," but do not have "clearly quantifiable" standards that can be measured during the

process. There were a number of participants whose law schools require annual renewal

contracts, in addition to annual reviews, for their tenure-track law faculty. These

participants note how this causes even greater stress to an already challenging process.

For example, Professor Albert notes,

> my school has renewal votes every year when you're untenured. . . . . [I]t's an
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> important feature of the job that you will have an annual renewal and evaluation
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> process that I had no idea coming in. . . . . And didn't really appreciate what the
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> contours of it would be, and I'm still learning what the contours of it are, because
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> initially, it's just teaching. Now it's teaching and scholarship. . . . . [I]t's always

nervous to know that tomorrow there will be a vote on whether you have a job next year. . . . . The idea that you could potentially not have a job the next year, and have only four months of notice basically can induce some nervousness, unnecessary nervousness.

Mentoring. Several participants mentioned that their law schools have recently created faculty development committees. Professor Drummond spoke of how the faculty development committee at his school "assigns to each [professor training program participant] and new tenure-track faculty member a mentor for teaching and a mentor for scholarship. And those people are charged with checking in on the development of syllabi and visiting classes[, etc.]" For the most part, participants felt that there is not much formal mentoring. Professor Henry believed that one factor is due to lack of mentors: "If you ask the senior members, is mentoring part of your responsibility, most of them are going to say yes. But then if you ask, . . . how many of [your colleagues] spend significant time mentoring junior faculty, that would be a much smaller group."

The perceived level of anticipatory socialization possessed by certain new faculty members is another factor. For example, Professor Nunn who had prior teaching experience and extensive practical experience said,

I'm well into mid-career and very experienced and mature, I think maybe they have been more hands off in terms of trying to actually train me or educate me about the role of being a law professor. So I don't know if I were . . . years younger, just starting out in my career, whether they would be more hands on, more mentoring.

On the other hand, Professor Nunn also observed, "I did have a faculty member assigned to me, but you know, we just really haven't ever really met and I haven't really felt the need to use that person or ask [for] help."

Professor Kay, who had extensive practical experience expressed his feeling of isolation,

> I enjoy the research and the time to be able to think about it but what I don't enjoy right now is the sense of isolation as I do it. I feel that if I had a better systematic way of involving colleagues and others in the profession along with what I do. . .
> . . But I do think it will come as I get to more conferences and get to know other people who teach in my discipline and have a broader network outside of the school.

Exposure to informal mentoring that was not organized and prearranged by the employing institution was much more prevalent with participants than formal mentoring. Also, most of those interviewed gained much more insight about learning how to be law faculty through informal mentoring, as compared to what was learned through formal mentoring. Many participants shared the perspective on informal mentoring expressed by Professor Francis who pointed out that "[o]ther untenureds really want to see the younger folks [succeed]. They sort of see it as their duty to give the inside scoop, the real scoop." Professor Francis goes on to observe that

> [t]he senior folks, like third and fourth year into their tenure-track want to sit down and say here's what [your] experience is going to be . . . and here's some of the things that you should think about. Research is A, number one and you should really focus on getting this many articles . . . and try to place them here

and here's the best time to send them out . . . . So really, the more senior

untenureds have been really honest about what the expectations are because

they've sort of been socialized into the institution.

Another reason why participants felt they gain greater insight on learning how to

be tenure-track law faculty through informal mentoring centers around compatibility, as

described by Professor Mims:

[W]hat I think happen[s] is what happens in a lot of places, whether it's law

schools or not, is I kind of picked up on mentors and people who I liked and who

I trusted, and . . . would ask for their advice. You know, how's this going? Do

you think this is going well? Am I on the right path and so on. So there was no

sort of formal . . . memos or groups or anything like that but, talking to people I

was able to get a sense of [whether] . . . things look good or this is what you might

need to work on and so forth.

Ways that informal mentoring evolved for many participants was through

networking, both within their employing institutions and across institutions. Professor

Francis believed, "[t]here's nothing formal about the process of advising, . . . [on] how to

do your job. . . . [I]t's all about," taking the initiative to learn through "anecdotes . . .

going out to [lunch or] dinner . . .[,] hearing war stories", attending conference, and

asking questions.

Also, observation is a form of networking that many participants found very

beneficial in learning how to be law faculty. Professor Johns' comments captured these

sentiments:

[T]he thing that most taught me how to be a law professor is watching the law

professors around me. That's how I still learn how to be a law professor is

watching the people more senior to me and how they do it and how they

prioritize, how they balance, how they allocate their time amongst [the] three

prongs of [teaching, scholarship and service.] What do they do within those three

prongs? It's everything from big picture, how to prioritize and balance those

three prongs every day like little stuff about how to present material in the

classroom. I mean, every bit I learn from observing them. I learn from talking to

colleagues at other schools, and I learn from talking to my junior colleagues here

as well, and then some by trial and error. But mostly by just looking and

watching and seeing what other people are doing [and who gets tenure].

In addition, although participants recognize that "service really doesn't make all that

much difference" in terms of tenure decisions, Professor Francis noted how service

provides networking opportunities: "[Y]ou can certainly set yourself apart and get to

know people better when you're serving on [] committees."

 Concerns for law faculty of color. Although it did not emerge as a theme in the

data, two participants commented on experiences that are unique to women and law

faculty of color during the socialization process that should not be ignored. Professor

Campbell shared,

I do think that there are gender and racial aspects to the experience of junior

faculty members which we did not really touch on. I just know from talking to

other people that perceptions can be quite different, even seemingly similar facts.

So I think people can have a negative reaction, or vice versa, because of the lenses

that we view stuff through. So I recognize that based on what I'm telling you, I'm

talking as a white male. And in my experience, it's a white male institution for

the most part. Male in terms of leadership here. It's a pretty white student body.

It's a pretty white faculty. And it has some cases practical implications to

teaching, as one. Plenty of studies show teaching evaluations tend to be biased

along those lines. .... So I do think that in terms of how people are treated by

students and to some extent by leadership can be affected by gender and race. I'm

not sure that I'm in the best position to tell you what exactly the issues would be

but I do recognize that there can be different reactions and different experiences

based on someone's identity.

[I]t sounds like you are not studying that but I do think, to draw general

conclusions without at least exploring or identifying that certain issues can be

perceived very differently depending on who you are talking to.

Professor Lowe, a faculty member of color, believes he does not receive the

support from the administration or respect from students because of his race:

My first year or so here, I thought the school was doing a better job in being

receptive to minority faculty than it is. And I've sort of come to realize that

there's a lot of work to do. Not necessarily on the faculty level, but on the student

level. . . . students are allowed to sort of pick on minority faculty and deans. ....

My theory is that the reason it happens is that administration are invested in

having students feel that the law school is responsive to them.

Professor Kay, another faculty of color, commented how students of color see him as a

resource. This could be viewed as a benefit and a detriment to Professor Kay. It is a

benefit because students of color have a role model. When faculty of color serve as the only resource for students of color, this role could place an added burden on the professor that takes away from time available for scholarship or other requirements of tenure.

As Professor Campbell aptly noted, the focus of my exploratory study was on the socialization of recently tenured and tenure-track law faculty, which was designed to focus on common themes involving faculty socialization. However, the concerns raised by Professors Campbell and Lowe deserve mentioning because these concerns have been the focus of studies in other disciplines and are themes that will likely emerge in studies on law faculty socialization with a different focus than my exploratory study.

Summary

How socialization occurs for tenure-track law faculty who were only professionally trained was the focus of this exploratory study. According to participants in my study the promotion and tenure process plays a significant role in the socialization of tenure-track law faculty, and the granting of tenure is based on three requirements – teaching, scholarship, and service. Despite the significant role that promotion and tenure plays in the socialization process, participants felt that tenure policies lacked clarity. Also, due to many informal and unwritten practices, tenure policies failed to provide complete details about the promotion and tenure process.

The findings reveal that participants believed they were lacking in anticipatory socialization when they assumed their first position as a tenure-track faculty member, particularly in teaching. They felt left on their own to figure out how to teach law students, even though it was known by their employing institutions that they lacked training when they assumed their first position. So, participants began teaching by

emulating their law professors and had underestimated the amount of time it takes to prepare for class. Even participants with prior teaching experience underestimated the amount of time it takes to prepare for classes in the first-year, and how this made it difficult to focus on scholarship.

While it is was difficult for most participants to be productive scholars in their first-year of teaching, most felt they possessed a higher level of anticipatory socialization as scholars, compared to teaching. This was attributed to the fact that they were exposed to scholarship while working on journals in law school, as practicing attorneys, and the requirement that they have prior publications before becoming tenure-track faculty. Also, no participant was overly concerned about their effectiveness in service, which is the third requirement to gain tenure, because tenure was not lost based on service. Even so, participants underestimated the amount of time that had to be devoted to service.

Several participants benefited from participation in professor training programs that are offered by a limited number of law schools, and designed to help practicing attorneys segue into teaching law. The benefit of participating in professor training programs included exposure to the disciplinary culture, opportunities to teach before becoming tenure-track faculty, time to focus on scholarship skills, and the potential of becoming more marketable because of the prestige that the institutions offering these programs yield.

Participants quickly learned that there were limited opportunities for formal socialization as faculty. The primary sources of feedback on teaching were written evaluations based on cursory classroom visits by tenure advisory committees or the dean, and student evaluations. Participants also learned that observation, listening, and

networking with colleagues helped to compensate for the lack of formal socialization. With regard to scholarship, faculty got both formal and informal feedback about their scholarship from expert readers, other attendees at conferences, colleagues, or indirectly based on where their articles were published.

Participants also found that organizational culture can affect promotion and tenure and therefore affect the socialization process. Most participants discovered that there were a number of unwritten rules at their institutions and going against these rules could be viewed as violating the culture. Faculty also spoke of how tenure decisions could be affected by what they referred to as a fourth, but unwritten requirement of tenure, which many called the likeability or personality test. To avoid going against this fourth unwritten requirement of tenure, many participants developed strategies to learn the "lay of the land", such as networking with colleagues, and making sure they were liked by students. While many participants were assigned formal mentors, they reported that more informal than formal mentoring occurred. Participants prefer informal mentors because they felt more compatible with their informal mentors.

While socialization experiences based on gender and race was not a theme that emerged in the data, nor was it the focus of my exploratory study, concerns were expressed by two participants regarding this population. Given that the experiences of faculty of color and white women have been the focus of studies in other disciplines, it is a concern worth mentioning.

Chapter 5: Discussion

Organizational Socialization

Once a new faculty member arrives on campus both academic and cultural skills must be mastered for socialization to occur (Tierney & Rhoads, 1994). In the case of recently tenured and tenure-track law faculty, who were the focus of my study, the academic skills that must be mastered are the three requirements needed to attain tenure—teaching, scholarship and service. The cultural skills that must be mastered for faculty socialization to occur include learning the culture of the organization and the discipline. To assess whether skills are being learned new law faculty usually require feedback and mentoring, which could be either formal or informal. This section will describe how participants in my exploratory study believed organizational socialization occurred.

Teaching. With the exception of the four faculty who felt they benefited from participating in professor training programs before assuming tenure-track positions, most participants began their faculty careers with little training or knowledge about what must be done to adequately prepare for class, different pedagogies, how to develop syllabi, understand student learning styles and their effect on teaching, and create final exams. Participants recognized that scholarship must be the primary focus to gain tenure, but they struggled with finding time to produce scholarly work in the early stages of the tenure process. Participants attribute these constraints to be a result of the unanticipated amount of time devoted to class preparation in their first year.

Each discipline has a distinct culture that must be learned by new faculty members for socialization to occur (Austin & McDaniels, 2006; Tierney & Rhoads,

1994). In legal education, Socratic dialogue, also referred to as the Socratic or case method, is the most common method for teaching law students how to "think like lawyers" (Anzalone, 2001; Garner, 2000; McAninch, 1993). The Socratic method is also used because it forces students to be active learners. It "involves a teacher asking a series of questions, ideally to a single student, in an attempt to lead the student down a chain of reasoning either forward, to its conclusion, or backward, to its assumptions" (Garner, 2000, p. 329).

Participants in my study had enough exposure to the Socratic method in their professional programs to appreciate it as part of the disciplinary culture, because virtually every participant noted how they began teaching as faculty members by emulating how they were taught in law school. Even Professor Henry, who began faculty life thinking he could deviate from this "distinct culture", commented that, "even if you want to have your own style, your own approach, you are still burdened by your past." But despite the exposure to the Socratic method while in law school, participants still did not feel adequately trained to teach using the Socratic method in their first year as faculty members.

Merseth (1991) notes how just knowing the course material is not enough to teach the Socratic method. It is a skill that "demands that instructors be thoroughly familiar with the subject at hand, and that they also understand the characteristics of their learners and the dynamics of group interactions" (p. 20). Simply stated, to be effective teachers using the Socratic method requires that law faculty devote a lot of time preparing for class (Shulman, 1992), which was quickly realized by my study participants in their first year of teaching.

While in law school, participants were primarily limited to observing how professors conduct their class lectures and present course materials, which is only the first stage in the socialization process (Anthony, 2002; Bess, 1978; Bragg, 1976). Law students have little or no exposure to the other stages of the socialization process needed to teach law. In addition to limiting its focus to teaching students how to think like lawyers, law schools foster a culture in which "law faculty interact with students less frequently and more formal . . . [and] often appear distant and aloof to students" (Weidman et al., pp. 68-69), compared to faculty in other disciplines (Austin, 2002b; Weidman et al., 2001). So, at the end of their professional programs, law students have only seen the "end product" of teaching and have little knowledge about what is actually involved in the process.

Braggs' (1976) described a five step process to socialization:

(1) observation—the identification of a role model(s); (2) imitation—the 'trying on' of the role model's behavior; (3) feedback—the evaluation of the 'trying on' of behavior; (4) modification—the alteration or refinement of behavior as a result of evaluation; and (5) internalization—the incorporation of the role model's values and behavior patterns into the individual's self-image (p. 7; see also Anthony, 2002; Bess, 1978)

In applying these five steps to what participants in my study experienced as new teachers, they were exposed to the first two steps of the process while in law school—observation and imitation. Never having been exposed to the remaining three steps described by Bragg could explain why participants had to devote so much time to class preparation in

their first year of teaching and why they underestimated the time commitment involved in class preparation.

While lack of training for academe is common for these early career law faculty, what occurred for teaching tended to be more informal than formal with their employing institutions taking more of a "hands off" approach. Participants were exposed to "trial and error", "sink or swim", "just figure it out", and "trial by fire" type experiences, just as Tierney and Rhoads (1994) observed as common for organizational socialization. Participants also sought out their own socialization agents, which is a common informal approach of faculty in new situations (Austin & McDaniels, 2006; Tierney & Bensimon, 1996; Tierney & Rhoads, 1994).

Participants indicated that the formal feedback received from peers regarding their teaching is usually limited to a single class visit each semester from members of the tenure advisory committee, or other tenured faculty members, and sometimes the dean. These individuals typically spent less than a complete class session observing. Afterwards they visited with the new law faculty member to provide recommendations for improvement. A written report of the visit and meeting was also prepared for the tenure file and the participant had an annual meeting with the dean where teaching effectiveness was a part of the discussion.

Although most participants felt that student evaluations were the most valuable source of formal feedback they received regarding their teaching, they commented, with surprise, how much the dean and tenure advisory committees rely on student evaluations for assessing their teaching effectiveness. Participants felt students do not possess the requisite knowledge or insight to appreciate and assess whether someone is a good

teacher. But relying on student evaluations is not unique to legal education, as noted by Tierney and Bensimon (1996): "Student evaluations were given much credence in every institution we visited" (p. 63). Yet, the concerns expressed by participants have been recognized by law schools. For example, the Report of the AALS Special Committee (1992) revealed that reliance on student evaluations by deans and tenure review committees is "often regarded with caution or skepticism" (p. 496), particularly if the evaluations appear to represent "uncharacteristically favorable or unfavorable assessments by students" (p. 496).

Scholarship. Although participants may not have focused on scholarship to prepare them for academe during their professional training, anticipatory socialization still occurred while they were enrolled in law school. It also continued after graduation. As noted by a participant in the findings section, "[w]hat seems to be still the more predominant pattern that people follow for law schools, at least, is law school, then perhaps some sort of clerkship, then either directly into academia or perhaps with one or two years of practice experience and then into academia."

Law students learn that working in a legal clerkship under the supervision of a judge upon graduation is very beneficial to the advancement of their careers, whether they are planning to practice law or pursue a career in academe (Weidman et al., 2001). In addition to having high grades to qualify for a clerkship, applicants must possess strong research and writing skills. So during their professional training, law students are trained to pursue scholarly writing, publication, and editorial position opportunities on student-edited and published journals, such as law review.

Training that prepared participants for academe also occurred after graduation from law school in a number of ways. One way is through their experiences as practicing attorneys. To adequately represent clients in adversarial proceedings, litigator and appellate attorneys are trained to write briefs for the court that are very persuasive. Calleros (1994) explains how persuasive writing requires, "(1) strong, but not exaggerated, language and (2) effective emphasis through sentence structure, specificity, and concreteness" (p. 310). In an adversarial proceeding, the court brief is prepared in a manner that only acknowledges weaknesses of a client's case to the extent necessary to maintain credibility and to satisfy ethical obligations. An attorney achieves these objectives by highlighting the arguments that are in favor of the client's position, and acknowledging opposing arguments, while at the same time deemphasizing the law that is unfavorable to the client's position (Calleros, 1994). To write a brief that is persuasive, credible, and satisfies ethical obligations requires extensive research and strong writing skills. Given that these are the same skills needed for quality scholarly writing, it is not surprising that participants who had more than five years of practical training commented how the skills and high level thinking they learned as litigators and appellate attorneys were easily transferable to scholarly type writing.

A second way that anticipatory socialization occurred for aspiring law faculty after graduation was during the time when participants were preparing to pursue a position in academe. Candidates for tenure-track law faculty positions are expected to give "job talks" during their interviews that relate to their published work, or work-in-progress. Job talks require candidates to present their research and findings to current faculty members and other invited guests, such as students, at the potential employing

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institution. Those in attendance are encouraged to ask questions of the candidates. The purpose of the job talk is twofold: to gain insight about the candidate's knowledge of the area of law that is being presented and to observe how the candidate handles questions and answers.

Participants felt they were more prepared to achieve in the area of research and scholarship than in teaching when they assumed their faculty positions because they were exposed to and had engaged in more scholarship related tasks during their professional education and subsequent work experiences. As a result, their understanding of what was required to gain tenure as it related to scholarship seemed to occur sooner than it did for teaching. However, participants still experienced difficulty in moving to what Tierney and Rhoads (1994) refer to as the role continuance phase of organizational socialization.

If anticipatory socialization for an individual comports with the culture of the organization, role continuance will occur sooner (Tierney & Rhoads, 1994). But an individual has to understand what is expected and adjust to those expectations before role continuance can occur (Tierney & Rhoads, 1994). As noted earlier in this chapter participants underestimated the amount of time it takes to be good teachers. Participants also found it difficult to do more than course preparation and teaching in their first-year, with the exception of devoting time to service. The difficulties experienced made it hard to move out of the entry phase of organizational socialization (Tierney & Rhoads, 1994), which affected participants' ability to spend time on scholarship that is given the most weight in promotion and tenure decisions (Anthony, 2002; Bess, 1978; Bragg, 1976).

Like teaching, participants found that little formal socialization occurred to assist with scholarly writing. But unlike teaching where the focus was on learning how to

become effective teachers, the emphasis of the socialization process for scholarship was not on how to become legal researchers or writers. The focus was on how to become legal scholars to satisfy promotion and tenure requirements. Unlike most disciplines where faculty must publish in peer-reviewed publications to gain tenure, law faculty must publish in another law school's student-edited and managed legal journal, such as the law review to gain tenure (Colbert, 2002; Day, 2007; George, 2006; Slomanson, 2000). The more prestigious the journal, the more highly regarded is the faculty member's work. It is also the culture in legal education that law students determine what and who gets published in their journals (Day, 2007; Slomanson, 2000).

Publication in a student-edited journal is not the sole criterion used to determine whether a faculty member has produced quality scholarship, however. Quality scholarship is determined by peers located inside and outside the faculty member's institution, and others who read the scholarly work of a faculty member; all of these individuals affect the socialization process (Report of the AALS Special Committee, 1992; Solmanson, 2000). For example, participants said that they received direct feedback from colleagues who were familiar with their field, and peers who read their work or who observed them during conference presentations. But peer review does not occur until the faculty member is being reviewed for tenure.

Although all law schools, whether affiliated with a university or independent, and regardless of their Carnegie Foundation classification, require law faculty to publish in student-edited and managed journals, there has been interest expressed by some legal scholars to move away from this practice because of several concerns: student membership on a law review is arbitrary and unfair, resulting in poor selection of editors;

poor management because staffs are not trained in editing and are frequently without supervision; there is no institutional history because editorial staffs change every year; editorial selection of professional and student articles is flawed; and failure to publish in a timely manner (Day, 2007; Nance & Steinberg, in press).

Serving on a law review provides many benefits to law students in their professional training and careers, which include academe. But as a faculty member, the requirement that articles be accepted and published in a student-edited and managed law review to attain tenure is especially stressful and challenging for law faculty (Day, 2007; Slomanson, 2000). The transformation from researcher and writer to a legal scholar is what Bragg (1976) describes as the modification and internalization stages of the socialization process. These are the last two stages of socialization, where "alteration or refinement of behavior" occurs and the individual's self-image is established as a result of the incorporation of the values and behavior patterns of the role model (Anthony, 2002; Bess, 1978; Bragg 1976).

Service. Although participants acknowledge that service is one of the components involved in gaining tenure, there is no evidence in my findings to indicate whether anticipatory socialization occurred in this area. However, a lack of anticipatory socialization in the area of service could explain participants' reactions after assuming their first faculty position. For example, Professor Ink was amazed that assisting a student organization was a form of service during the tenure process, while never providing service outside of the law school was also acceptable. Professor Johns was not surprised that service included faculty committee assignments, but was astounded by the significant amount of time that was required to meet this obligation.

The experiences of Professors Ink and Johns were similar to faculty studied by

Tierney and Bensimon (1996), who found that "expectations for service varied more than

any other domain" (p. 68), and Austin (2002b) who found that anticipatory socialization

in the area of service did not occur for graduate students. Professors Ink and Johns also

experienced what Van Maanen and Schein (1979) refer to as divestiture socialization.

Divestiture occurs when the new faculty member must adapt to the culture of the

organization, whereas investiture socialization affirms a new faculty member's

expectation about faculty life (Austin & McDaniels, 2006; Tierney & Bensimon, 1996;

Tierney & Rhoads, 1994; Van Maanen & Schein, 1979; Weidman, et al., 2001).

Faculty were consistent in stating that service is one of the three components of

the tenure process where little emphasis has to be devoted to gain tenure. But the time

faculty devotes to service is inconsistent with this statement. For example, faculty in my

study stated they learned that service is an important requirement to their deans because it

shows that you are a team player. They also discovered that service provides networking

and mentoring opportunities that prove to be invaluable during the socialization process.

Similarly, Tierney and Bensimon (1996) found that service was not formally rewarded, it

"provided a way for senior faculty to form opinions about junior faculty, and in this sense

became more important symbolically than practically" (p. 69).

The indirect or informal benefits of service work leads to several reasons that

explain why new faculty devote so much time to service when it is believed that it has

little or no effect on tenure decisions. One is that new faculty are afraid to say "No"

when asked to devote time to service because they are uncertain whether it has an effect

on tenure decisions. Service provides the best mechanism for gaining insight about

organizational culture because it involves interaction with a variety of stakeholders is a second reason. Third, unlike teaching and scholarship that are completed in isolation and reviewed by the dean and tenure advisory committees in the early stages, service exposes new faculty to a variety of colleagues. This exposure gives new faculty opportunities to show they are collegial and a team player, which adds to their likeability that faculty in my study describe as an unwritten and unspoken requirement of tenure and that is discussed in the next section.

Organizational culture. Participants found the tenure process and the decision to grant tenure are not solely based on the quality of scholarship, teaching and service. Whether a new faculty member is liked by colleagues can also affect the process, which many participants referred to as a fourth, but unwritten and unspoken requirement of tenure that was never anticipated. It is a requirement that can only be learned through exposure to the organizational culture. Several participants commented how they learned what was required to satisfy the so-called fourth requirement of tenure through informal interactions with colleagues and making sure they were liked by students. Learning and complying with the organizational culture in this manner is what Tierney and Rhoads (1994) might call the divestiture dimension of organizational socialization. That is, participants in my study believe they are forced to strip away personal characteristics or traits that do not conform to the "likeability" aspect of the organizational culture because they believe it is an additional factor affecting receipt of tenure.

Informal aspects of organizational culture plays a role in directing behaviors of members that extend beyond formal rules, codes, policies and procedures (Tierney & Rhoads, 1994). Organizational culture includes traditions, beliefs, and practices that are

passed down, informally, from one generation to the next that are ultimately adopted by new faculty during the socialization process (Tierney & Rhoads, 1994). Keeping the unwritten aspects of organizational culture in mind, the lack of clarity that faculty found in tenure policies is referred by one participant as a document drafted by "insiders" who have been socialized and have become a part of the organizational culture. These "insiders" are unaware that those outside of the organizational culture lack their level of understanding or knowledge. In the case of my study, senior faculty are the "insiders" and new faculty are the "outsiders."

Socialization experiences of Ph.D.s compared to non-Ph.D.s. Many participants compared their experiences as new law faculty to that of new faculty members who possess Ph.D.s. Some believed they were not as socialized when they began their first faculty position as those who were trained in Ph.D. programs, while other participants thought faculty members with Ph.D.s had similar socialization experiences. For example, Professor Drummond, who had participated in a professor training program, believed that faculty who possessed Ph.D.s already had established networking systems in place to aid them in the socialization process, while Professor Ink believed that a lawyer's practical experience compensated for the lack of socialization in a doctoral program.

These mixed opinions expressed by participants regarding the socialization of Ph.D.s are also reflected in the literature. In her discussion of educational background and training of law faculty Tracey E. George, Professor of Law, Vanderbilt University, notes

> law professors with social science doctorates usually are better positioned to
>
> undertake empirical research than are other professors (footnote omitted). Law

schools generally do not teach courses in survey methodology, statistical analysis, or research design. Graduate social science programs do. . . . . Thus, a law school with a greater proportion of its faculty holding social science doctorates is more likely to produce ELS [empirical legal scholarship] than a law school with lower proportion. (George, 2006, pp. 149-150)

In 1988, when the President-Elect of the Executive Committee of the Association of American Law Schools proposed the appointment of a Special AALS Committee on Tenure and the Tenuring Process to "gather and evaluate data on law schools' procedures and practices regarding tenure" (p. 477), she noted how "[t]he risk factor inherent in entry level appointments to law faculties may be relatively higher than in some other disciplines because potential law faculty candidates, unlike new Ph.D. graduates, typically are not trained either as teachers or as scholars" (p. 477). Similarly, in their study of medical school faculty, Blackburn and Fox (1976) found that for Ph.D.s who aspired to be medical faculty, socialization occurred during their graduates programs. But medical school faculty who only possessed M.D.s did not become similarly socialized into academe until they completed their graduate program and took a faculty position.

Others scholars have found that new faculty possessing Ph.D.s. are equally unprepared to assume their first position. Austin and McDaniels (2006) reviewed the process through which prospective faculty are socialized during their doctoral programs and consistently found that doctoral students express concerns about their socialization experiences and how they are not prepared to assume their first faculty positions. Austin (2002b) also found that graduate students who aspired to be faculty believed they were

prepared for research and publishing, but not properly trained in many aspects of teaching. Similarly, the findings of Tierney and Bensimon (1996) showed that the socialization experiences of new faculty in various disciplines were "remarkably consistent with the findings of faculty socialization studies conducted by several other scholars" (p. 128, citing Boice, 1992; Bronstein, Rothblum & Solomon, 1993; Austin, 1990; Sorcinelli, 1992).

While the literature reveals that there are mixed opinions as to whether new faculty who possess Ph.D.s have similar socialization experiences in their first position as new faculty who do not possess Ph.D.s, it is an issue that should be explored in greater detail beyond my study. However, it is worth noting that researchers who have studied new faculty who assume positions in professional programs, such as medicine and law, are the ones asserting that faculty who possess Ph.D.s are better socialized (see Blackburn & Fox, 1976; George, 2006; Report of the AALS Special Committee, 1992).

Mentoring. A number of participants commented on how their institutions created faculty development committees to assist with faculty socialization. Professor Drummond commented on his experience in his professor training program and how helpful it was to have the faculty development committee at his institution assign a mentor for teaching and one for scholarship. Similarly, other participants whose institutions have established faculty development committees found them to be beneficial. Although these committees seem relatively new to legal education, the concept is not new to academia more broadly (see Eble & McKeachie, 1990; Tierney & Rhoads, 1994).

There were also participants who were assigned formal mentors, as was the case with Professor Kay, who chose not to take advantage of the opportunity because the mentor did not completely meet his needs:

I've been assigned someone who . . . tends to be incredibly helpful [and] well respected here at the school. [However, my mentor] is not as helpful substantively as I would like, but in terms of maneuvering the politics of the school, [my mentor] is pretty helpful. . . .. [T]here are times when I kind of want to sit down and talk to somebody about an idea . . . in a particular substantive area. [B]ut I am not able to have the kind of what I call a deep conversation [with my mentor].

Most participants had similar experiences as Professor Kay, forcing them to seek their own mentors. When asked which faculty members they approached for advice, most responses were similar to Professor Greene who said "with scholarship, I tended to go to my peers. [T]he more senior faculty [are] much less scholarship oriented than the newer faculty. The newer faculty are the ones who really keep track of law review rankings. . . . . For teaching methods, definitely the senior faculty." The fact that participants had more than one mentor is consistent with the literature, in that one individual may not be able to provide helpful suggestions in all aspects of faculty life (Tierney & Bensimon, 1996).

Participants compensated for their lack of training upon arrival on campus, particularly as it related to teaching, by doing what Professor Drummond called the "traditional law school thing." This included asking to see syllabi of others, reviewing plenty of textbooks, listening to senior faculty members describe their classroom teaching

experiences, or observing senior faculty members in order to gain insight about teaching skills. Knowledge gained through these informal strategies included such things as learning how senior faculty members balance and prioritize their time between scholarship, teaching and service, and seeing what was done by those who gain tenure. While Professor Drummond may have referred to this form of socialization as a "traditional law school thing," it is a form of informal mentoring experienced by faculty in most disciplines. As Tierney and Bensimon (1996) note, "[m]entoring involves more than dispensing advice and imparting wisdom. If individuals learn by example, then one way junior faculty will come to understand the organizational culture is by observing the actions of those in leadership positions" (p. 58).

Another way mentoring occurred for participants is through networking, just as Professor Lowe discovered: "What was more surprising was that there are lots of people who are getting their articles placed informally by having a faculty member at that school say something to the law review." This form of mentoring is consistent with the conclusion drawn by Tierney and Bensimon (1996) who stated that, "[m]entoring need not take place only in a senior faculty member's office or at an orientation session[.] . . . . [I]nformal mentoring can be as simple as helping an individual network at a conference, or as complex as explaining how to navigate the cultural terrain of school[.]" (p. 57). Over all, participants in my study had an array of mentoring experiences that were both formal and informal. Some participants were assigned formal mentors and others found the advice provided by faculty development committees to be helpful. Many pursued informal mentoring opportunities and it was not uncommon for participants to have more than one role model or mentor, or to network outside of their institutions.

Summary

Effective teaching in legal education demands that law faculty master the use of the Socratic dialogue. This requires that law faculty possess thorough knowledge of the subject matter and the ability to cater to various student learning styles. Most participants only had the opportunity to observe how their professors conducted class lectures, without having insight regarding the process taken to prepare the lecture. Given the limited exposure to teaching while enrolled in their professional programs, participants found other opportunities where anticipatory socialization to prepare them for academia could occur. As discussed in chapters four and five these opportunities included professor training programs, drawing on practical experience, or attending the AALS Workshop for New Law Teachers. But, after assuming their first faculty position, participants quickly discovered that they underestimated the amount of time that they would devote to teaching in the first year. Faculty also quickly learned, with surprise, that they were left on their own to figure out the steps needed to be effective teachers, forcing them to pursue informal socialization opportunities.

While anticipatory socialization was more extensive in the area of scholarship for all participants, these faculty still experienced difficulty moving from one stage to the next during organizational socialization as a result of the time that had to be devoted to teaching in the first year. Faculty reported that the networking and mentoring opportunities that can be gained through service involvement assist in faculty socialization.

Promotion and tenure policies often lack clarity in describing the steps to be taken to gain tenure. So, obtaining a clearer understanding of what is expected to gain tenure

frequently required faculty to look beyond the written policies and procedures. Given that organizations have a number of unwritten and unspoken rules affecting tenure decisions, taking advantage of informal and formal mentors as well as networking opportunities to learn the "lay of the land" is an important part of organizational socialization.

Participants had mixed feelings about not possessing a Ph.D. and its effect on faculty socialization. There were some participants who believed that the level of anticipatory socialization possessed by law faculty without Ph.D.s was not as high as faculty possessing Ph.D.s, while others believed that their practical training as attorneys compensated for not having earned a Ph.D. These mixed perceptions mirror the extant literature on this subject.

Participants expressed surprise and concern about the heavy reliance on student evaluations to measure teaching effectiveness, particularly since students lack expertise to assess teaching skills. Students also have an impact on the socialization of new law faculty in the scholarship area. While publishing is not the sole criteria used to assess quality scholarship, law faculty are forced to publish in student-edited and managed journals to gain tenure. Also, while service was believed to have little or no effect on tenure decisions, participants found that community involvement provided networking and mentoring opportunities that proved valuable during the socialization process. Participants also found that an important aspect of the socialization process was learning about both the formal and informal aspects of the organizational culture. A failure to learn and understand organizational culture was believed to affect tenure decisions.

Overall, participants found that the socialization process was more informal than formal, in every aspect of faculty socialization. Most participants believed that they benefited more from informal mentoring opportunities, because formal mentors, who are usually senior faculty, do not appear to be as committed to mentoring tenure-track faculty as other untenured colleagues. More importantly, participants found that they were more compatible with informal mentors, and that more than one mentor may be required to meet their needs. The next chapter discusses the implications that these findings have on the socialization of law faculty.

Chapter 6: Implications

Introduction

The literature is consistent in stating that the socialization process for aspiring

faculty begins during graduate training (Austin, 2002b; Austin & McDaniels, 2006;

Tierney & Rhoads, 1994, Weidman, Twale & Stein, 2001). Considerable research also

has been done in an attempt to understand how socialization occurs for new faculty

trained in Ph.D. programs. However, little is found in the literature that explains how

socialization occurs for tenure-track law faculty trained in professional programs for the

practice of law, particularly from faculty members' perspective. The purpose of my

exploratory qualitative study was to answer this question.

Recently tenured and tenure-track law faculty who do not possess Ph.D.s and are

located at law schools approved by the Section of Legal Education and Admissions to the

Bar of the American Bar Association (ABA) were the focus of my study. This

population was purposefully selected because they must satisfy the same three

requirements to attain tenure as faculty in other disciplines and this population has been

the focus in the literature and empirical research (see Borthwick, 1991; Fossum, 1980;

Merseth, 1991; Redding, 2003). Following examples set in other studies of new faculty, I

used a framework of anticipatory and organizational socialization to guide my research.

The work of Austin and McDaniels (2006), Tierney and Bensimon (1996), Tierney and

Rhoads (1994), Redding (2003), Van Maanen and Schein (1979), and Weidman, Twale,

and Stein (2001) were particularly useful.

Participants in my study included 14 faculty members from 10 different ABA-

approved law schools. Data collection was achieved by conducting single interviews

with each participant ranging from 60 to 75 minutes. Eleven of the interviews were face-to-face and three were by telephone. All interviews were tape recorded to insure accuracy of transcription. The interview protocol is found in Appendix E and the consent form is in Appendix F.

The research question that was the focus of my exploratory study was "How do tenure-track law faculty who have been only professionally trained become socialized?", which had four subquestions: (1) "How do they come to understand the aspects of faculty work?"; (2) "How did the understanding regarding the process for learning their roles come about?"; (3) "What are the challenges they face in coming to understand what was expected of them as law faculty?"; and (4) "What strategies helped in learning how to do what was expected of them as tenure-track faculty members?" The 14 law faculty who participated in my study and the anticipatory and organizational socialization framework used to guide my research were useful in answering these questions from the faculty member perspective.

How do tenure-track law faculty who have been only professional trained become socialized? Tenure-track law faculty believe that socialization occurs in a number of ways: (1) through processes that occur while in professional programs before taking faculty positions when they observe how their professors use the Socratic method; (2) engage in scholarly writing; (3) work as judicial clerks, litigators and appellate attorneys; (4) participation in professor training programs; (5) and attendance at the AALS Workshop for New Law Teachers. Promotion and tenure policies provided to faculty candidates during the interviewing process also contribute to the socialization process during the anticipatory stage.

Socialization also occurs after new faculty members assume the first position. This stage, called organizational socialization, tends to be more informal than formal. Formal socialization include written promotion and tenure policies that describe the requirements that must be satisfied to gain tenure, being assigned mentors to assist new faculty members, and feedback provided by tenure advisory committees, faculty development committees, deans, and students. When new law faculty felt they were not being adequately socialized through formal means, which was usually the case, they turn to informal socialization agents, such as finding their own mentors, networking opportunities, observing and listening to senior faculty members in order to learn the organizational and disciplinary cultures and the unwritten rules that affect tenure decisions.

How do they come to understand the various aspects of faculty work?
Anticipatory socialization for aspiring faculty does not primarily occur in professional programs in the same manner as it does in Ph.D. programs, but my findings show that new faculty were aware of some aspects of faculty work from experiences during their professional training. For example, the Socratic method of teaching is the most common approach to teaching law students how to "think like lawyers" and is the common method used in legal education. New law faculty begin teaching by emulating how they were taught as law students.

Another way aspiring faculty become acclimated to future faculty work while in their professional programs is through membership on student-edited and managed journals, such as law review. Most law faculty have served as staff members or editors of law review while in their professional programs. To gain tenure, regardless of the

employing law school's Carnegie Foundation institutional classification, a faculty member must publish a certain number of articles in another law school's law review, or other journals that usually are student-edited and managed. Scholarly writing they did as members of law review while in professional programs proved invaluable for new law faculty because of the insight acquired as law students about the process and criteria used to accept faculty articles for publication.

The vast majority of new law faculty continued to focus on their research and writing skills after graduation and before assuming their first faculty position. Most served as judicial clerks where they were expected to possess strong research and writing skills. Law faculty who were trained as litigators and appellate attorneys before assuming their first faculty position wrote briefs for the courts that require extensive research and strong writing skills. The research and writing skills acquired through law review, judicial clerkships, and as litigators and appellate attorneys are the same skills needed to produce quality scholarly writing to attain tenure.

Law faculty believed that participation in professor training programs that are primarily designed for practicing attorneys who want to be groomed for law faculty positions helped them understand the various aspects of academic work. These programs exposed participants to teaching, mentoring, and networking opportunities and required them to publish by the end of the program, or produce an article that was publishable quality. The insight gained from the three-day AALS Workshop for New Law Teachers also helps new law faculty understand the various aspects of faculty work. The workshop addresses issues of teaching, scholarship, and service, and other concerns of new law faculty. It provides networking and informal mentoring opportunities with workshop

presenters and other attendees. Finally, promotion and tenure policies also helped new tenure-track law faculty understand the various aspects of faculty work. These policies describe the three requirements that must be satisfied to attain tenure and the timetable for meeting them.

How did the understanding regarding the process for learning their roles occur? New law faculty commented how they rely on myriad resources to understand the process for learning their roles. Professor training programs provided exposure to organizational and disciplinary cultures for participants. The AALS Workshop for New Law Teachers provided insight about what would be expected of tenure-track faculty and the steps that should be taken to meet these expectations. Observing colleagues who have earned tenure and understanding what they did as tenure-track faculty also provides insight for new law faculty. Taking advantage of formal and informal mentors and role models are other approaches used to assist in understanding the process. Trial and error, which is a common approach to teaching, was another way that new law faculty felt helped in understanding the process for learning their roles.

What are the challenges they face in coming to understand what was expected of them as law faculty? To gain tenure law faculty acknowledge to understanding that they must be good teachers, published scholars, and good citizens. But they feel the steps and processes that must be followed to achieve these objectives are unclear because promotion and tenure policies often lack specificity. In addition to the three written requirements to gain tenure, there is the belief that there is an unwritten fourth requirement that can only be learned through exposure to the organizational culture.

Although participants were aware that scholarship must be the primary focus for earning tenure, they experienced difficulty finding time to devote to scholarship in their first year because of the demands of class preparation. Finding time for scholarship was further complicated by the "sink or swim" approach to teaching they experienced. The heavy reliance that deans and tenure advisory committees place on student evaluations to assess teaching effectiveness is also a challenge because new faculty believe that students lack the expertise to make this assessment. New law faculty also believe the editorial selection process of student-edited and managed journals is flawed and articles are not published in a timely manner. So reliance on these student-led publication outlets also concern new law faculty since scholarship is a requirement to attain tenure.

What strategies helped in learning how to do what was expected of them as tenure-track faculty? Participants commented how finding their own socialization agents is a key strategy used to help them become acclimated. These agents include informal mentors, taking advantage of networking opportunities, learning from senior faculty members through observation and listening, and emulating the teaching style of their law professors. To learn what is required to satisfy the unwritten fourth requirements of tenure, participants rely on informal means, such as interaction with colleagues and making sure they are liked by students.

These answers uncovered implications for two key findings in my study. First, while the focus of professional programs is to prepare students for the profession, anticipatory socialization for aspiring law faculty still occurred. As a result, tenure-track law faculty were equally as prepared to assume their first position as new faculty in other disciplines trained in graduate programs. Second, tenure-track law faculty have both

similar and different socialization experiences as tenure-track faculty in other disciplines. The discussion that follows will describe these two implications and suggestions to improve law faculty socialization. This chapter will also discuss the impact *U.S. News and World Report* rankings and law faculty socialization have on law students. Finally, recommendations for further research will be briefly described, based on insight gained from my exploratory study.

Anticipatory Socialization for Aspiring Law Faculty

A key outcome of doctoral study is the acquisition of deep knowledge of the discipline (Austin & McDaniels, 2006). In addition to doing substantial research for their dissertations while enrolled in doctoral programs, such as a Doctor of Philosophy (Ph.D.) or in an advanced legal education program, such as a Doctor of Juridical Science (S.J.D.), students frequently produce projects that lead to publication (Blackburn & Fox, 1976; Redding, 2003). None of the participants in my study possess Ph.D.s, which is not uncommon in the legal academy, as Redding (2003) found in his study of new law faculty. Redding's findings revealed that 45 percent of all new law faculty possessed an advanced degree in addition to the Juris Doctor (J.D.): "16 percent a master's degree, 13 percent an LL.M. [Master of Laws], 10 percent a Ph.D., and 2.5 percent an S.J.D." (p. 599).

The low percentage of terminal degrees for new law faculty differs from other disciplines where it is expected that faculty possess Ph.D.s (Austin & McDaniels, 2006). But my findings reveal that new law faculty are equally as prepared to produce quality scholarship when they assume their first position as faculty in other disciplines with Ph.D.s. There are several reasons why this is the case, such as participation on law

review while in law school, practical experience after graduation, publications and work-in-progress at the time of the job interview.

Law Reviews are student-edited and managed journals that publish the work of legal scholars from inside and outside their institutions, and of legal practitioners. Most law reviews only allow the highest academic achieving law students to participate. Members of law review are required to assist with editing articles selected for publication and also complete a publishable quality article. Although serving on law review is an extracurricular activity most faculty in my study stated they were members while in law school, just as Redding (2003) found: "[A]lmost half of all new law [faculty] served on the law review while in law school, and 28 percent were senior staff members. Twenty-four percent served on the staff of other journals" (p. 599). Students are motivated to serve on law reviews because in addition to possessing high grades, strong research and writing skills are needed to qualify for highly sought judicial clerkships which open doors to academia and prominent positions in law firms.

Law review provides students with a good foundation for pursuing judicial clerkships because the primary role of a judicial clerk is to research the law that is presented to the court in a legal proceeding and to draft opinions for the judge. Similarly, litigators and appellate attorneys are required to research and write briefs for the court that are persuasive and credible, which require strong writing skills. Nine of the 14 faculty in my study were judicial clerks. Four faculty who did not work as judicial clerks had practiced law ranging from 7 to 17 years.

Faculty in my study expressed how beneficial their experience on law review was after assuming their first faculty position. Earning tenure in legal education requires

being published in student-edited law reviews or academic journals, regardless of the employing law school's Carnegie Foundation institutional classification. This might explain why Redding (2003) found that 76 percent of new law faculty had at least one article or student note published in a law review or other academic journal, 19 percent had published two, and 31 percent had published more than two. Redding also found that almost one-third of new faculty were successful in being published in a top-12 law review and their student law review note made up 40 percent of this number. Eleven percent of new faculty had published a book, monograph, or report (Redding, 2003). The strong research and writing skills required of law review members, judicial clerks, litigators, and appellant attorneys helps explain why participants in my study had little trouble adjusting to scholarly writing as new law faculty.

Another reason why participants experienced little difficulty understanding the requirements of scholarly writing stems from the fact that candidates for tenure-track positions are required to give job talks during the interviewing process. Job talks require candidates to present the findings of their published work, or work-in-progress to faculty members and students. The AALS reports between 1998 and 2005 there has only been a 14 percent success rate for candidates seeking law faculty positions (http://www.aals.org/resources_statistical.php). Given the competitiveness of the market, it stands to reason that successful candidates have proven they possess strong research and writing skills at the time they assume their first faculty positions.

Like most new faculty in other disciplines, participants in my study commented how they began teaching by emulating how they were taught. But unlike students in graduate programs where they are exposed to myriad teaching methods they can chose to

emulate as new faculty, the case method, using Socratic dialogue (Socratic method), is the common method of teaching in law school (Anzalone, 2001; Garner, 2000; McAninch, 1993). The Socratic method is popular in legal education because it forces students who have been passive learners most of their educational lives to be active learners (Hawkins-Leon, 1998; Stropus, 1996). Although new law faculty may not have appreciated the amount of course preparation required to effectively teach using the Socratic method, they felt the constant exposure and observation of the method throughout law school provided valuable insight regarding its effective use. This is not to say that tenure-track law faculty felt they were adequately trained to effectively teach using the Socratic method. Adequate course preparation plays a large role in effective instruction, which is an aspect of teaching that every faculty member in my study said they lacked.

Comparison of Law Faculty Socialization to Other Disciplines

The purpose of this exploratory study was to gain insight into how tenure-track law faculty who have been trained only in professional programs become socialized. My findings, which are presented from the perspective of tenure-track law faculty, reveal that they have both similar and different socialization experiences to tenure-track faculty in other disciplines who were trained in graduate programs. This section will describe the similarities and differences.

Similarities. While new tenure-track law faculty in my study commented how they assumed their first position knowing that teaching, scholarship and service are required to gain tenure, they felt that promotion and tenure policies at their employing institutions lacked clarity. That is, promotion and tenure policies merely described the

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benchmarks for tenure, such as effective teacher, quality scholarship, and good citizenship, but lacked specificity regarding the steps that need to be taken to achieve these benchmarks (Report of the AALS Special Committee, 1992).

The majority of faculty in my study had limited teaching experience when they became tenure-track law faculty. So they began teaching by emulating how they were taught in law school. Faculty described their first-year of law teaching as a "sink or swim" experience because they believed that little or no formal mentoring or feedback occurred to assist them in understanding how to adequately prepare for class, develop syllabi, and understanding the effect that student learning styles have on teaching. Participants acknowledged that some form of formal feedback regarding teaching is provided, but that it was not enough. For example, law faculty commented that student evaluations are the largest source of formal feedback on their teaching and that they were surprised how much reliance the dean and tenure review committees placed on student evaluations in assessing teaching effectiveness. Formal instructional feedback is also provided by deans, tenure advisory and faculty development committees during annual reviews, but faculty were uncomfortable with the accuracy of the assessment because it was based on observations during a single classroom visit and student evaluations. To compensate for what participants believed was a lack of formal mentoring they found informal approaches to improve teaching skills that included networking, informal mentors, listening, observation, and trail and error.

Although participants in my study understand that scholarly writing and publications are required to gain tenure, they experience difficulty finding time to devote to scholarship as new law faculty. They attribute this to having underestimated the time

involved in course preparation and in mastering teaching using the Socratic method, which took time away from scholarship. Participants also commented about the fact that they were not provided clear guidelines on the type and amount of scholarship that must be produced to satisfy promotion and tenure requirements. Law faculty felt they assumed their first position without a clear understanding of what was involved in service to gain tenure, but commented how they learned shortly after arriving on campus that service had little or no effect on tenure decisions. Despite this belief, they devoted considerable time to service that could have been spent on scholarship or course preparation because they believed service is important to their deans, shows they are collegial, and provides invaluable mentoring and networking opportunities.

Boice (1991c) conducted a study that included new tenure-track faculty at a "teaching" (comprehensive) and at a "research" (doctoral) campus, who "came to campus with similar levels of scholarly productivity, of teaching experience, and of doctoral credentials from prestigious universities" (p. 151). While tenure-track faculty included inexperienced (less than two year post-doctorate), returning (after an absence from academe and/or teaching), and experienced newcomers (new to the campus with prior teaching experience), the primary focus of the study was on inexperienced and returning faculty.

Like law faculty in my study, Boice (1991c) found that the majority of the inexperienced and returning faculty had little exposure to teaching before assuming their first position and lacked confidence about their teaching. Tenure-track faculty believed they should have received more guidance, such as assistance on developing syllabi and strategies for coping with difficult students. They also believed there was a lack of social

networks to discuss teaching. In addition, they expressed concern over senior faculty negative attitudes toward teaching, how there were few role models, and a feeling of isolation. Although new faculty felt they would have appreciated help on "learning the appropriate level of lecture difficulty for students" (p. 156), they believed the only way to develop this skill is through "trial and error." Similarly, senior faculty believed that "the best faculty seem to figure these things out on their own" (p. 156).

While trying to figure out how to be effective teachers, new faculty began by emulating how they were taught (Boice, 1991c). Like law faculty in my study, the faculty in Boice's (1991c) study underestimated the amount of time it took to prepare for class with little or no time to devote to scholarship in their first year of teaching. Boice (1992), in a related study, found that although new faculty recognized that more time should be devoted to scholarly writing to gain tenure, "almost no new faculty members had a clear sense of how much and what sort of writing would be satisfactory for tenure considerations" (p. 84).

New faculty also believed that poor student evaluations would be looked upon negatively by tenure committees. So, in addition to devoting more time in their first year to course preparation due to a lack of experience, they spent more time in hopes of avoiding poor student evaluations. The additional time on course preparation to avoid negative student evaluations also took away from time that could have been devoted to scholarship (Boice, 1992).

Similar to law faculty, tenure-track faculty in other disciplines had little or no insight regarding what was needed to satisfy service when they assumed their first position (Austin, 200b) and they quickly learned that it had minimal effect on promotion

and tenure decisions (Tierney & Bensimon, 1996). But, also like new law faculty, they learned that service provided networking and mentoring opportunities that proved to be invaluable during the socialization process (Tierney & Bensimon, 1996).

Table 9 provides a summary of similarities in socialization experiences between tenure-track law faculty and tenure-track faculty in other disciplines trained in graduate programs.

Similarities in Socialization Experiences
• Teaching, scholarship, and service required to gain tenure
• Limited exposure to teaching before assuming first positions
• Feel that promotion and tenure policies lacked clarity
• Socialization was more informal than formal
• Learned how to be effective teachers through "sink or swim" and "trial and error"
• Began teaching by emulating how they were taught
• Underestimated the amount of time it took to prepare for class
• Unable to devote time to scholarship in the first year of teaching
• Believe there is a heavy reliance on student evaluations by deans and tenure committees in assessing teaching effectiveness
• Underestimated how much time would be devoted to service and had little or no insight regarding what was needed to gain tenure
• Believe that service had little or no effect on promotion and tenure
Table 9

Differences. While there are similarities between the socialization experiences of tenure-track law faculty who have been trained only in professional programs and tenure-track faculty in other disciplines trained in graduate programs, there are also differences in their socialization experiences. For example, in most disciplines, faculty must possess a Ph.D. (Austin & McDaniels, 2006). Students in doctoral programs are required to complete a dissertation to satisfy graduation requirements, which is an extensive research project intended to advance new knowledge in the literature. The dissertation also exposes aspiring faculty to the type of scholarly writing required of tenure-track faculty to gain tenure. Although law students are not required to complete a dissertation in their

professional programs, they have the opportunity to participate on a law journal, like law review (Redding, 2003). While law reviews provide aspiring faculty with scholarly writing and publication opportunities, they are student-edited and managed and participation is optional, as it is considered an extracurricular activity.

Students in doctoral programs also often have opportunities to gain teaching experience by teaching undergraduate students. Law students do not have the same teaching opportunities because there are no undergraduate students in law school. Recognizing the lack of teaching and scholarly writing opportunities in law school a select number of law schools offer professor training programs for aspiring law faculty, who are usually practicing attorneys.

Boice (1992) found that most new faculty begin by teaching "a facts-and-principle style of lecturing" (p. 76, citing Axelrod, 1973; see also Boice, 1991c, citing Fink, 1984). New faculty commented that they started to include student participation in parts of their class sessions during their second year of teaching, because they felt more comfortable (Boice, 1992). Unlike faculty in other disciplines, new law faculty do not have the luxury of deciding when students can participate in class because of the Socratic method, that demands active participation of all students. It also demands that faculty be thoroughly familiar with the subject matter and have the ability to control the pace and direction of the discussion (Merseth, 1991; Shulman, 1992). As a result, law faculty must devote more time to class preparation than is typical for other teaching methods (Shulman, 1992).

In terms of scholarship, tenure-track law faculty and faculty in other disciplines are required to publish a certain number of articles to satisfy tenure requirements. The

outlets used to publish differ for law faculty, however. That is, most faculty have a range

of options for the peer review outlets in which they publish. The legal academy requires

tenure-track faculty to publish in student-edited and managed journals, such as law

review, and peer review is not generally required until the time of tenure decisions. Also,

while there may be different publication standards in most disciplines based on an

institution's Carnegie Foundation classification, all law schools follow the same

publication standards, regardless of institutional classification because they emulate the

most presitigious law schools.

Table 10 provides a summary of differences in socialization experiences between

tenure-track law faculty and tenure-track faculty in other disciplines trained in graduate

programs

Differences in Socialization Experiences	
Law faculty trained in professional programs	*Faculty in other disciplines trained in graduate programs*
• Obtained exposure to scholarly writing through participation on student-edited and managed law journals, like law review, which is optional and an extracurricular activity	• Required to write a dissertation to satisfy graduation requirements
• No teaching experience while in their professional program	• Gained teaching experience while in their graduate programs
• All law faculty use the Socratic method of teaching, which requires students to be active learners	• Have the option of using various teaching styles and they begin teaching using a "facts-and-principle style of learning"
• Scholarship is satisfied by publishing in student-edited and managed journals, like law review, with peer-review occurring at time of tenure review	• Must publish in peer reviewed publications through the pretenure period
• Same scholarship standard is used for all law schools regardless of Carnegie Foundation classification	• Different scholarship standards apply depending on Carnegie Foundation institution classification.
Table 10	

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Suggestions to Improve Law Faculty Socialization

Based on the findings in my study, I pose six suggestions to improve the socialization of new law faculty: (1) simulated class lectures; (2) understand the history of legal education; (3) course relief for new law faculty; (4) law school faculty initiative; and (5) self-help approach to faculty socialization, and (6) define faculty competence.

Simulated class lectures. Faculty in my study did not appear to be concerned about their expertise in subject matters they taught as new law professors. But they had underestimated the time it takes to prepare a law class lecture. To create an awareness of the time involved, job talks that occur during the interview process could be expanded to include a simulated course lecture, as opposed to merely presenting research findings. Simulated class lectures provide candidates additional insight about the organizational culture. Requiring that each faculty candidate conduct a simulated class lecture during the job talk can stimulate questions and concerns for the candidate to pursue at the AALS New Teachers Workshop held before the start of the academic year. Also, simulated class lectures can help tenure advisory committees identify potential strengths or weaknesses that need to be addressed in the initial stages of faculty socialization.

Understand the history of legal education. The culture in each discipline is distinct and must be learned by faculty to be properly socialized (Austin & McDaniels, 2006; Tierney & Rhoads, 1994). Christopher Columbus Langdell, dean of Harvard Law School in the late nineteenth century, was very instrumental in shaping the culture, faculty hiring practices, and instructional strategies of legal education, as they are known today. Understanding how the disciplinary culture of legal education evolved is equally

important to learning how to function in the culture, because of the deep rooted traditions that continue to shape legal education today and how law faculty are socialized.

Since virtually every faculty member attends the AALS New Teacher Workshop, this may be a good forum to present the history. In the alternative, law schools should strongly urge all new law faculty to review the history by making this information available to them at the time an offer is made. The insight learned from the history may assist new law faculty in anticipating the demands that class preparation will place on their time and the effect it will have on other requirements of tenure.

Course relief for new law faculty. Faculty in my study overwhelmingly agreed that they underestimated the time it took to prepare for class in their first year, leaving little or no time to focus on scholarship. Given the important role that scholarship plays in the promotion and tenure process and the reputation of the law school, several suggestions should be considered. First, similar to what is done in professor training programs new tenure-track law faculty should be given reduced course loads in their first year. For example, if four courses is the normal teaching load in an academic year for full-time faculty, perhaps new tenure-track faculty should only be required to teach three courses in their first-year, so as to allow them time to develop their teaching skills and time to devote to scholarship. Second, participants commented on the time required for class preparation the first time a course is taught. Therefore, new tenure-track law faculty should be discouraged from teaching too many new courses in their first few years of teaching. This is particularly important if the new faculty member is required to teach first-year courses that generally require more class preparation, larger class sizes, and more student interaction.

A failure to limit the number of new courses taught in the first few years of the promotion and tenure process could adversely affect the progress of new law faculty trying to satisfy other requirements of tenure, especially scholarship. Also, law schools should be sensitive to the demands that service can have on a new faculty member's time in the early stages of faculty socialization. For example, if a new tenure-track faculty member is assigned to a high demand faculty committee, it takes time away from teaching and scholarship. Law school deans should be cognizant of the demands that committee assignments place on new tenure-track faculty, and make sure they are not assigned to more than one high demand committee.

Law school faculty development initiatives. Just as law professors should be sensitive to the learning styles of a diverse student body, law schools should be sensitive to the diverse backgrounds of its faculty. As my study showed, new tenure-track law faculty possess varying degrees of practical training, exposure to scholarly writing, and prior teaching experience. New law faculty who possess many years of practical training may feel at ease giving class lectures, but experience difficulty trying to figure out how to become a good legal scholar. New tenure-track law faculty who participated in a professor training program, or possess other prior teaching experience, may have a better understanding of what is involved in preparing a course syllabi or what it means to produce quality scholarship. A new professor with no prior teaching experience and little practical training may feel completely unprepared to assume any facet of the faculty role. In short, anticipatory socialization for participants significantly varies. That said, law schools should provide every new hire with a comprehensive new faculty handbook that does more than reiterate promotion and tenure policies.

Given the "sink or swim" approach to learning how to be a good teacher, at a minimum, law schools should prepare a handbook that includes teaching guidelines, criteria used to assess effective teaching, and a suggested reading list for new law faculty. Also, since the standard for being a good teacher should be the same for all law faculty, whether they are in the tenure system or fixed term, the handbook should be provided to all members of the faculty. The Adjunct Faculty Handbook (2005) that was produced by the ABA Section of Legal Education and Admissions to the Bar could be used as a starting point for law schools that do not currently have a new faculty handbook. The Preface and Table of Contents of the Adjunct Faculty Handbook are found in Appendix H.

This suggestion does not minimize the role of the tenure advisory committee. A handbook can provide new faculty with more formal socialization opportunities and make the committee's task easier by reducing the number of "routine" questions asked by the new faculty member. While the role of a tenure advisory committee is to help socialize new law faculty members until tenure is granted, the information disseminated by one committee could vary from what is disseminated by another committee. A standardized faculty handbook helps ensure that every new faculty member has access to the same information. This allows tenure advisory committees time to focus on issues and concerns that relate specifically to their new faculty member.

Collaborative faculty development initiatives. As discussed earlier in this chapter, there are many similarities that tenure-track law faculty share with faculty counterparts in other disciplines when they assume their first positions, despite some differences in disciplinary cultures. Deans, tenure advisory and faculty development committees at law

schools with university affiliations should investigate campus wide faculty development opportunities and encourage law faculty to participate in relevant programs. At a minimum, these law schools should review faculty development initiatives undertaken either by the university or in other disciplines on-campus to see if these initiatives can be adapted to the development of law faculty.

There are many ways that resources used by other disciplines to assist with the development of tenure-track faculty could also prove valuable to law faculty because of the extent of similar early career and transition experiences of faculty. Given the lack of anticipatory socialization new law faculty possess, it is important that tenure advisory committees not ignore the effect that teaching has on a faculty member's ability to focus on other aspects of the promotion and tenure process, such as scholarship. Even law schools with a small number of new tenure-track faculty members or no university affiliation should consider partnering with other local and regional law schools in their area on faculty development initiatives.

Self-help approach to faculty socialization. While it should not be the case, new faculty are socialized as much informally, if not more than through formal socialization. This means that new law faculty must take the initiative to seek mentoring and networking opportunities. A failure to take advantage of these opportunities could delay movement from one stage of the socialization process to the next, which could also affect the granting of tenure.

Establish minimum competencies for new faculty. While the legal academy continues to follow the tradition of Langdell in its approach to law faculty hiring (Redding, 2003), it is questionable whether accrediting agencies are providing adequate

guidance to law schools to ensure that today's law faculty possess minimum competences when assuming their first position. Langdell had experience in the practice of law, but "believed that no experience in practice was necessary to teach the law; rather, one needed professors who had been trained academically in the law—legal scholars" (Katcher, 2006, p. 359). Langdell (in Katcher, 2006) defined a teacher of the law as "a person who accompanies his pupils on a road which is new to them, but with which he is well acquainted from having traveled it before" (p. 360).

The Section of Legal Education and Admissions to the Bar of the American Bar Association (ABA) states that faculty at ABA-approved law schools "shall possess[] a high degree of competence, as demonstrated by its education, experience in teaching or practice, teaching effectiveness, and scholarly research and writing" (ABA Standards, 2006, Standard 401). But unlike Langdell, the ABA does not elaborate on what "a high degree of competence" means, or use the term "teacher of the law." While many of the ABA Standards include what are called "Interpretations" to provide insight and understanding of the language used in a Standard, no interpretations are provided for the Standard that addresses faculty qualifications. Also, while the ABA may not use the term teacher of the law, the wording of the Standard makes its clear that a competent teacher requires more than merely being trained academically in the law with teaching potential, as noted by Langdell (Katcher, 2006). Rather, the ABA believes that a faculty must be educated, an experienced practitioner or teacher (which does not explicitly state that one's teaching experience has to be in law), effective teacher, and a scholarly writer (ABA Standard, 2006, Standard 401).

Although not every ABA-approved law school is a member of the Association of American Law Schools (AALS), the other nationally recognized accrediting agency, 168 of the 195 ABA-approved law schools hold membership. Like the ABA, the AALS chose to use the term "high competence," as opposed to the term teacher of the law used by Langdell. But unlike the ABA, the Bylaws of the AALS define "faculty of high competence" in greater detail:

A faculty's competence shall b[e] judged primarily with reference to the full-time members. Competence shall be determined in the aggregate, with emphasis upon the following criteria:

(i)   Quality of teaching and attention given to law students both as individuals and as a group;

(ii)   Breadth, depth, and variety of the faculty's training and experience;

(iii)   Scholarly interests and performance; and

(iv)   Responsible participation in the group deliberative processes of the law faculty. (AALS Handbook, 2007, Section 6-4)

Neither the ABA nor AALS standard make it clear whether "qualified" faculty should already possess the stated competencies when they assume their first faculty position, or can acquire them following the appointment. The ABA and AALS also fail to stipulate or provide guidance to faculty hiring committees regarding minimum competencies that new law faculty should possess at the time they assume their first faculty position. Although this lack of guidance leaves it to the discretion of each law school to set minimum standards for measuring faculty competencies, which may have

been the intent, the lack of clarity encourages law schools to perpetuate hiring practices that maintain the status quo where "graduation from an elite school may be the most important criteria" (Borthwick & Schau, 1991, p. 230; Redding, 2003). For example, Redding (2003) performed a descriptive and statistical analysis for law faculty who entered teaching between 1996 and 2000. The availability of data collected in similar studies conducted in the 1960s, 1970s and 1980s provided Redding opportunity to do a "longitudinal comparison of the stable and changing demographic characteristics and qualifications of law teachers over the last quarter-century" (p. 596). Redding found the qualifications of law teachers had remained fairly stable since the 1960s, and that little had changed since the early twentieth century.

Although law faculties are no longer comprised of strictly white men, as was the case in past studies, white men who had graduated from an elite law school continued to have a hiring advantage in the legal academy (Redding, 2003). Redding also found that 60 percent of all law faculties graduated from one of the top-20 law schools, based on *U.S. News and World Report (U.S. News)* rankings. So it is not surprising that 12 of the 14 faculty in my study graduated from a top-20 ranked law school, as shown in Tables 11.

2006 U. S. News and World Report Law School Ranking Where Participants Graduated					
Top 5	Top 10	Top 15	Top 20	Top 30	Top 100
6	2	3	1	1	1
Table 11					

Just as they emulated the teaching method and hiring practices of Harvard in the late nineteenth century to gain prominence in the legal academy (Katcher, 2006), law schools are focusing on ways to improve their rank in *U.S. News* in hopes of improving

their reputations (Ariens, 2003; Baynes, 2006; Klein & Hamilton, 1998; Thomas, 2003). *U.S. News* began annually ranking law schools in 1990 and provides the only commercially available ranking of ABA-accredited law schools. Four major categories are used to determine a law school's overall rank: (1) quality assessment; (2) selectivity; (3) placement success; and (4) faculty resources (*U.S. News and World Report*, 2006). Although the rankings were designed to provide prospective law students and parents a means to differentiate law schools, they are widely used by law schools, law firms, and judges for recruitment purposes. Law faculty search committees are heavily influenced by the *U.S. News* rank of the law school where faculty candidates earned their law degrees, previously taught, or where scholarly work was published, because it is believed these characteristics bring prestige to the hiring law school. High ranking judges, particularly federal judges, seeking to hire clerks give preference to graduates from law schools with high *U.S. News* rankings. Similarly, many major law firms only conduct on-campus interviews at top *U.S. News* ranked law schools, and they give preference to hiring individuals who have completed a federal judicial clerkship.

While competent teaching should be considered in assessing academic quality it does not directly impact rankings the way law school recognition and scholarships affect rankings. So, in an effort to influence potential *U.S. News* survey recipients with quality assessment, shortly before surveys are mailed, law schools mail informational materials to faculty, administrators, lawyers and judges. These materials introduce new and visiting faculty and highlight scholarly work of the law school faculty. But faculty competence must be based on more than mere intellect and potential. Competence must also be based on proven teaching ability and skills that address diverse learners. The

longer it takes a new faculty member to learn and master the skills needed to be a "competent" teacher, the longer it takes before the faculty member can devote any significant time to scholarship, which is a primary requirement to gain tenure.

In addition to the fact that 60 percent of all law faculties graduated from one of the top-20 *U.S. News* ranked law schools, the desire to move up in the ranks could help explain why so many faculty in my study are employed at law schools having low *U.S. News* rankings, as shown in Table 12.

Law School Rank Where Participants are Employed				
2006 U.S. News and World News Ranking				
Top 10	Top 20	Top 40	3rd Tier	4th Tier
1	1	1	3	4
Table 12				

This is not to say that lower ranked law schools do not provide quality legal education or faculty who graduate from a top-20 law school law school should not be teaching in these law schools. But the current hiring practice of law schools, if primarily done to boost rankings without regard to the candidate's teaching ability or the law school's mission, maintains the status quo. Such an approach results in missed opportunities to recruit a diverse faculty found to be "significantly associated with better academic performance by all students" (Clydesdale, 2004, p. 762; see ABA Standard, 2006, Standard 212; *Grutter v. Bollinger*, 2003). The ABA and AALS standards should be written to require new law faculty demonstrate during the interview process that they possess competent teaching skills that include the ability to teach diverse learners.

The Impact that Rankings and Law Faculty Socialization have on Law Students

How law faculty become socialized and the strategies that law schools use to move up in *U.S. News and World Report* rankings also affect both potential and

matriculating law students. This section will briefly discuss (1) *U.S. News* rankings and their effect on admissions practices; and (2) the effect that law faculty socialization has on the academic success of a diverse student body.

U.S. News Rankings Effect on Admissions Practices. Just as law schools are allowing the *U.S. News* rankings system to influence faculty hiring practices, they are allowing the ranking system to influence admissions practices. That is, selectivity makes up 25 percent of a law school's *U.S. News* overall rank. Full-time entering class median Law School Admission Test (LSAT) scores, median undergraduate grade point averages, and the proportion of applicants accepted, which are reported by each law school, are the factors used to assess this category (*U.S. News and World Report*, 2006). The more selective a law school is in accepting applicants and the higher the entering credentials are for full-time matriculants, the more favorable the rating.

The "LSAT is one of the few statistics in the [*U.S. News*] formula that law schools can control" (Stake, 2006, p. 309). So in hope of increased status, law schools try to "beat the system" by requiring higher LSAT scores and undergraduate grade point averages of matriculants (Nussbaumer, 2006). While this approach might boost rankings, the over reliance of LSAT scores has a disparate impact on persons of color, who are already experiencing lower acceptance rates than whites because, as a group, their LSAT scores tend to be lower (Jones, 2006; Nussbaumer, 2006; Shepherd, 2003; Stake, 2006; Wilder, 2003). For example, Wilder (2003) used data from the Law School Admission Council's (LSAC) National Statistical Report to analyze the overall acceptance rates in fall 2000 of minorities compared to whites. Wilder found that, with the exception of Asians, applicants in all minority groups were accepted at a lower rate than were whites,

with African-American applicants having the lowest acceptance rate of all minority groups. Wilder also found a high correlation between applicant LSAT scores and undergraduate grade point averages and acceptance into law school.

Although *U.S. News* publishes a listing of law schools believed to possess the most racial and ethnic diverse student body, it is not a factor considered in determining a law school's selectivity or overall rank, which is surprising given that the ABA stipulates that law school pay particular attention to attracting a diverse student body (ABA Standards, 2006, Interpretation 212-2). Despite the *U.S. News* rankings' lack of educational purpose, disregard for a diverse faculty and student body, law school faculty hiring and admissions practices continue to be influenced by the ranking system.

Impact of Law Faculty Socialization on a Diverse Student Body. In addition to the impact that the "sink or swim" approach to teaching has on the socialization of law faculty, it has a potentially adverse effect on the future of law students in many ways. One example of how law students, specifically, are affected by new law faculty socialization in teaching is seen in their first-year academic performance. Like the process that law schools use to hire new law faculty (Borthwick & Schau, 1991; Fossum, 1980; Redding, 2003), the training for first-year law students is deeply rooted in the culture (Weidman et al., 2001; Wightman, 1998b).

The use of the Socratic method of teaching in law school forces new law students to shift from a passive to an active form of learning, which is not easily accomplished (Hawkins-Leon, 1998). Also, much of the success of the Socratic method is dependent on a well-trained professor leading students in a guided discussion (Garner, 2000; Merseth, 1991; Shulman, 1992). While this requires a faculty member to be well-versed

in the subject matter, it is not uncommon for law schools to assign new faculty to teach first-year courses whose subjects are outside their area of expertise. One reason for this practice is because teaching first-year courses is undesirable to many senior faculty members who are given priority in selecting the courses they teach. So new law faculty are forced to fill the void. Another reason for this teaching distribution is because the law is fairly unchanging in the subjects taught first-year, making it possible for new law faculty to acquire subject matter expertise in a relatively short time period, while learning how to be effective teachers.

In addition to being proficient in the subject matter, a professor should understand and appreciate the various student learning styles, and how one's ethnic and socioeconomic background affects learning and their effect on student success (DeGroff & McKee, 2006; Niedwiecki, 2006; Trijillio, 2007). Learning styles describe the "way in which students perceive, absorb, and process new information" (DeGroff & McKee, p. 509), which is different for today's law students, for many reasons including technology and efforts to diversify the profession through student demographics. Law students of lower socioeconomic status and diverse backgrounds have more difficulty adjusting to law school, which leads to higher drop out rates in their first year, particularly for minority and older law students (Clydesdale, 2004). My findings show that it is common for law faculty to teach the way they were taught when they assume their first position, which is also a common practice in the legal academy since a "general lack of experience and understanding of teaching and learning theory forces professors to teach like they were taught, or to make teaching decisions based on intuition instead of well-accepted learning theory" (Niedwiecki, 2006, p. 36).

Professor Johns, a participant in my study, and a graduate of a prestigious law school who participated in a professor training program, stated how he began teaching the way he was taught, thinking that all students were capable of learning the same way. He quickly discovered that student learning styles, interests and background affects their ability to learn and that more time is required to prepare for class to address these differences. But not all new law faculty, particularly graduates of prestigious law schools, find it easy to adjust to teaching to a diverse student body and different learning styles.

Most first year law courses cover subject areas that are heavily tested on the bar examination that must be passed to practice law. The more untrained new law faculty teaching first year courses, the greater the likelihood students will experience difficulty passing the bar. What is of greater concern is the fact that law school hiring and admissions practices, and the sink or swim approach to teaching that new law faculty experience has a disproportionate impact on minority students who are already underrepresented in the legal profession (Clydesdale, 2004; Shepherd, 2003; Wightman, 1998b).

In Langdell's times men dominated the legal profession. Law students came from the same socioeconomic backgrounds as their professors. Although today's law schools have diverse student bodies and vary in missions they continue to maintain the status quo through hiring and admissions practices that favor the elite. The over reliance on a flawed *U.S. News and World Report* ranking system that focuses more on status than educational purpose is helping to preserve the status quo.

Recommendation for Further Research

The focus of my study was on how socialization occurs for tenured-track law faculty who have been only professionally trained. My findings assisted me in answering my research question, uncovering implications for two key themes, proposing suggestions to improve law faculty socializations, and identifying the impact that law faculty socialization has on law student success. In the course of this investigation, I identified six topics that are beyond the scope of my study, but warrant further research. My recommendations for further research are described below.

1. *Law professor training programs: Their contribution to the socialization of law faculty.* While only a limited number of professor training programs exists in ABA-approved law schools, the majority of the law schools that offer these programs also produce approximately 60 percent of all law faculty. New law faculty who have attended these programs, including those who were in my study, believe their participation helped with anticipatory socialization before pursuing their first tenure-track position. However, it is unclear how much and in what way these programs contribute to anticipatory socialization and how it occurs. For example, do professor training program participants have the same informal socialization experiences while in the training programs as new tenure-track law faculty who do not participate in a professor training program, or is the socialization process more formalized? If the socialization experiences are the same for both groups, does participating in a law professor training program merely provide early exposure to what they would otherwise learn after assuming their first tenure-track faculty position, or do professor training program

participants move at a faster pace from one stage of faculty socialization to the next once becoming tenure-track faculty?

2. *Faculty hiring practices at AALS member and ABA-approved law schools.* I attended a conference where a tenured faculty member from a law school that is ranked in the lower tier by the *U.S. News and World Report* stated: "The legal academy makes it seem like it is a bad thing to be ranked in the 4th tier by *U.S. News and World Report.* But what is wrong with being in the 4th tier if you are achieving the mission of your law school?" In that light and given the findings in my exploratory study, do the current faculty recruitment and hiring practices of ABA-approved law schools help to achieve institutional missions? If not, does it mean tradition and other outside factors, such as *U.S. News and World Report* rankings, have more influence over faculty recruitment and hiring practices than the mission of a law school?

3. *Empirical research at law schools versus other disciplines.* Law school promotion and tenure practices tend to discourage tenure-track faculty from engaging in empirical research because gaining tenure is based on the number of publications, even though the work put into a single publication involving empirical research may prove to be the equivalent of multiple non-empirical publications. Given that scholarship is an important requirement to gaining tenure in all disciplines, do tenure-track law faculty produce less empirical research, overall, than tenure-track faculty in other disciplines? If so, do universities apply different standards for granting tenure for faculty who undertake empirical research and have fewer publications, compared to faculty who produce non-

empirical scholarship, particularly if this occurs in the same discipline or department?

4.   *Assessing law faculty competence: What does it mean?* While both law school accrediting agencies – the American Bar Association and the Association of American Law Schools – stipulate that law faculty must possess a high degree of competence, these agencies do not clearly state what is the minimum level of competence a new faculty member should possess before assuming the first tenure-track faculty position. That said, how do law schools measure "competency" during the recruitment and hiring of new law faculty?

5.   *Faculty socialization at elite law schools.* Sixty percent of all law faculty graduated from the top-20 *U.S. News and World Report* ranked law schools. Many of the top-20 law schools also offer law professor training programs intended to segue into academia for aspiring faculty who have been practicing law. Assuming that law schools offering these programs have greater resources to train new faculty, is the socialization experience for new tenure-track law faculty at law schools offering professor training programs more formalized, or the same as it is for new tenure-track law faculty at other law schools?

6.   *Socialization experiences of new tenure-track law faculty who possess Ph.D.s versus tenure-track faculty who do not possess Ph.D.s.* Most faculty in my exploratory study are of the opinion that new tenure-track law faculty who possess Ph.D.s have an easier time becoming socialized. The same opinion is found in the literature, particularly when discussing the socialization of new faculty who teach in professional programs, such as law and medicine. On other

hand, the literature focusing on socialization of new faculty who were trained in graduate programs that were intended to prepare them for academia reveals that those with Ph.D.s have similar socialization experiences as their non-Ph.D. counterparts. So, one question is whether new law faculty without Ph.D.s are really less well prepared to assume their first faculty positions than new law faculty with Ph.D.s. Another, perhaps more important question is whether new law faculty without Ph.D.s *think* they are really less well prepared entering the professoriate than their Ph.D. new faculty colleagues. Both answers may affect early career socialization and eventual success in the academy.

APPENDICES

APPENDIX A

Biographical information found the AALS (Association of American Law Schools)

Directory of Law Teachers

Biographical Information Found in the 2004-05 AALS (Association of American Law Schools) Directory of Law Teachers:

- year of hire; the hiring law school

- gender

- minority (as self-defined in the Index to Minority Faculty)

- law school conferring J.D. degree

- other advanced degrees (LL.M., S.J.D., master's degree, Ph.D., other doctoral)

- law review staff member (editor in chief, senior editor, or staff)

- other journal staff member (editor in chief, senior editor, or staff)

- judicial clerkship (U.S. Supreme Court, federal appellate court, federal district court, state supreme court, state appellate court, other)

- law practice (law firm or corporate counsel, public interest, government law practice, multiple practice types). Government experience includes work as a prosecutor or public defender or as a government attorney in local, state, or federal government in the legislative or executive branches. Public interest includes public interest law firms and practice with nonprofit organizations.

- number of years in law practice

- other law-related professional experience (research, public policy, public interest, academic, multiple professional experience types)

- years of other law-related professional experience

- prior law school teaching experience (legal writing, adjunct professor, visiting professor, multiple types of law school teaching experience)

Biographical Information Found in the 2004-05 AALS (Association of American Law

Schools) Directory of Law Teachers Continued:

• years of law school teaching experience

• other (nonlaw) teaching experience

• years of other (nonlaw) teaching experience

• number of books or monographs published

APPENDIX B

Initial Participant Solicitation Letter

MICHIGAN STATE
UNIVERSITY
COLLEGE OF LAW

March 29, 2005

Professor XXXXXX
(Insert Mailing Address)

Dear Professor XXXXX:

Since August 1998, I have been pursuing a doctoral degree in Educational Administration at Michigan State University, while initially serving in the capacity as Assistant Dean for Student Affairs, and now as Associate Dean for Student Affairs and Registrar at the Law College.

The purpose of this letter is to solicit your assistance in helping me complete my dissertation, by agreeing to participate in an exploratory qualitative study titled: "The Socialization of Law Faculty: How Does It Occur?" The primary objective of this exploratory qualitative study is to obtain insight into how tenure track and recently tenured faculty at ABA-approved law schools come to learn how to be faculty members. You are being asked to participant in this study because of your status as a tenure track or recently tenured member of the faculty. Your participation in the study will consist of a 90 minutes tape-recorded face-to-face interview, which you will be given an opportunity to review after it is transcribed. I anticipate having all interviews completed by the end of 2005.

The collection of the data will be conducted in accordance with procedures that are monitored by the University Committee on Research Involving Human Subjects (UCRIHS). One of the requirements of UCRIHS is that all participants execute a consent form, which will include language that ensures confidentiality and anonymity of the participants and their law schools in any report of research findings. A sample of the consent form is enclosed.

Please contact me at 517-432-6806 or alsupc@law.msu.edu by _____ to let me know of your willingness to participate in the study. If you require additional information regarding the study, feel free to contact me.

I look forward to your participation in this study.

Sincerely,

Connell Alsup
Associate Dean for Student Affairs

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APPENDIX C

Solicitation Letter When Already Visiting the Area
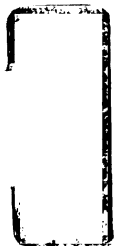
MICHIGAN STATE
UNIVERSITY
COLLEGE OF LAW

January 22, 2006

Assistant Professor XXXXXXXX
XXXXXXXX School of Law

Dear Professor XXXXXXX:

Since August 1998, I have been pursuing a doctoral degree in Educational Administration at Michigan State University, while initially serving in the capacity as Assistant Dean for Student Affairs, and now as Associate Dean for Student Affairs and Registrar at the Law College.

The purpose of this letter is to solicit your assistance in helping me complete my dissertation, by agreeing to participate in an exploratory qualitative study titled: "The Socialization of Law Faculty: How Does It Occur?" The primary objective of this exploratory qualitative study is to obtain insight into how tenure track and recently tenured faculty at ABA-approved law schools come to learn how to be faculty members. You are being asked to participant in this study because of your status as a tenure track or recently tenured member of the faculty. If you agree, your participation in the study will consist of a 90 minutes tape-recorded face-to-face interview, which you will be given an opportunity to review after it is transcribed. I anticipate having all interviews completed by early 2006.

The collection of the data will be conducted in accordance with procedures that are monitored by the University Committee on Research Involving Human Subjects (UCRIHS). One of the requirements of UCRIHS is that all participants execute a consent form, which will include language that ensures confidentiality and anonymity of the participants and their law schools in any report of research findings. A sample of the consent form is enclosed.

As it turns out, I will be at XXXXXX University School of Law on Thursday, February 9 and Friday, February 10, 2006, for a meeting. I am hoping that you will agree to participant in the study and have time for me to interview you while I am visiting your area.

Please contact me at 517-432-6806 or alsupc@law.msu.edu by Monday, January 30, 2006, to let me know of your willingness to participate in the study. If you require additional information regarding the study, feel free to contact me.

I look forward to your participation in this study.

Sincerely,

Connell Alsup
Associate Dean for Student Affairs

APPENDIX D

Follow-up Email Message to Potential Participants

From: Connell Alsup
To: xxxxxxxxxxxxx
Date: 3/8/2006 7:26:57 PM
Subject: Assistance with Dissertation

Professor XXXXXXXX,

A little over a week ago I sent you the attached letter and enclosure via US Mail, asking that you agree to assist me with my dissertation by participating in a study. The purpose of this email is to follow-up on the letter to see if you will agree to participate in my study. As I mentioned in the letter, your participation will only require 60 minutes of your time for a face-to-face interview.

I look forward to hearing from you.

Connell Alsup
Associate Dean for Student Affairs and Registrar
Michigan State University College of Law
368A Law College Bldg.
East Lansing, MI 48824-1300
517.432.6806
517.432.6801 (fax)
alsupc@law.msu.edu

APPENDIX E

Interview Protocol

1. Tell me about your interview for this position.
   Probes:
   - What made you choose to come to this law school?
   - Were the job expectations made clear?

2. Tell me about being a law professor. What do you do?
   Probes:
   - Describe a typical workday.
   - Is this what you expected the job to be when you became a law professor?
   - How did you find out what your responsibilities were?
   - How did you learn to do your job?
   - How has your perception changed about this law school and what's expected of you?

3. How have you learned to be a law professor?
   Probes:
   - Tell me about conversations you have with your colleagues about being faculty member.
   - How do you keep up with your field?

4. What is your involvement with the governance of this law school?
   Probes:
   - How would you describe your place in the law school (draw a picture to illustrate)?
   - How has the law school been affected by your presence?
   - What changes would you like to see at this law school?

5. Let's return to your overall sense of your job at this law school. What do you enjoy most/least about being a law professor?
   Probes:
   - What activities make the greatest demand on you?
   - Is there anything you would like to spend greater time doing?
   - How do you know if you are doing a good job?
   - What advice would you give to a new faculty member?

6. Story Telling: If time permits, ask one of the following:
   Probes:
   - Tell me a story about how members of the faculty interact here.
   - What do members of the faculty think about the leadership here?

Additional Questions for Tenured Faculty

7.	Has your understanding of what it means to be a law professor changed since obtaining tenure?
	Probes:
	- What would you do differently if you had to go through the process again? Why?
	- Has your focus of what is important to being a law professor changed? If so, why?

8.	What advice would you give tenure-track law faculty about learning how to be a law professor?

APPENDIX F

Informed Consent Form

Human Subject Informed Consent Form

Project Title:

"The Socialization of Law Faculty: How Does It Occur?"

Summary Explanation of Research:

The primary objective of this exploratory qualitative study of approximately 20 tenure track or recently tenured law faculty located at American Bar Association approved law schools, is to obtain insight into how tenure track and recently tenured law faculty come to understand their faculty roles. The research will focus on how these individuals come to understand the dimensions of their work as law faculty; how the understanding regarding the process comes about; the challenges they faced in coming to the understanding; and strategies that helped them to understand their faculty roles. Research for this project will be collected through one (1) face-to-face, tape-recorded semi-structured interview with each participant.

Purpose of Study, Risks and Benefits:

The purpose of this study is to conduct research that will assist in understanding how those who are only trained in a professional academic field come to learn how to be law faculty. There are no known risks associated with participation in this study. You will not benefit from your participation in this study. But your participation may contribute to filling a void in the literature regarding how law faculty, who only posses professional training, understand what it means to be faculty.

Estimate of Subject's Time:

Approximately 90 minutes

Voluntary Participation:

The subjects freely consent to voluntarily participate in the study. Participation in the study will involve a tape-recorded face-to-face interview. Participants are free to have the audiotape discontinued at any time. An opportunity to review the transcribed interview will be provided. Participants may choose not to participate at all, may refuse to answer certain questions, or may discontinue the interview at any point.

Confidentiality:

All data and results will be treated with strict confidence by the investigator. Pseudonyms will be used when findings are reported to protect the subject's confidentiality. On request and within these restrictions results may be made available to subjects. **Your privacy will be protected to the maximum extent allowable by law.**

Contact Persons for Subjects:

If you have any questions about this study, please contact the researcher, Connell Alsup, Michigan State University College of Law, 368 Law College Bldg., East Lansing, MI 48824-1300, 517.432.6806 (telephone), 517.432.6801 (fax), alsupc@law.msu.edu (email). Questions can also be directed to the researcher's dissertation committee chairperson, Marilyn J. Amey, Ph.D., Michigan State University College of Education, 428 Erickson Hall, East Lansing, MI 48824, 517.432.1056 (telephone), amey@msu.edu (email).

If you have questions or concerns regarding your rights as a study participant, or are dissatisfied at any time with any aspect of this study, you may contact – anonymously, if your wish – Peter Vasilenko, Ph.D., Director of the Human Subject Protection Programs at Michigan State University: 517.355.2180, fax: 517.432.4503, email: irb@msu.edu, regular mail: 202 Olds Hall, East Lansing, MI 48824.

YOUR SIGNATURE BELOW INDICATES YOUR VOLUNTARY AGREEMENT TO PARTICIPATE IN THIS STUDY. A COPY OF THIS SIGNED CONSENT FORM WILL BE GIVEN TO YOU.

_____

Please Print Name

_____Date: _____

Signature

APPENDIX G

Agenda – 2007 Association of American Law Schools (AALS)

Workshop for New Law Teachers

2007 Workshop for New Law Teachers &
Workshop for Workshop for Beginning Legal Writing Teachers

June 28 – July 1, 2007
Washington, D.C.

Thursday, June 28, 2007

4:00 - 7:30 p.m.
Registration

5:00 - 6:00 p.m.
Small Group Discussions
The planning committee strongly encourages attendance at this first set of small group discussions.

6:00 - 7:00 p.m.
Reception

7:15 p.m.
AALS Sponsored Dinner

Welcome -view welcome-
Elizabeth Hayes Patterson, AALS Deputy Director

Introduction
Kent D. Syverud, Washington University and Chair, Planning Committee for the 2007 AALS Workshop for New
Law Teachers

David Hall, Northeastern University

The vast majority of people who start out as law teachers retire as law teachers. Former Dean and Provost Hall
will address the habits, attitudes, and ups and downs of successful professors over their careers in law teaching.

Friday, June 29, 2007

8:00 - 8:50 a.m.
AALS Section on Women in Legal Education Continental Breakfast with Questions and Answers

8:30 - 8:50 a.m.
Coffee, Tea and Breakfast Pastry

9:00 - 10:15 a.m.
Preparing for Your First Semester of Teaching
Dorothy Andrea Brown, Washington and Lee University -view outline-
Graeme B. Dinwoodie, Chicago-Kent College of Law -view outline-

In this give-and-take session, two experienced and successful teachers exchange views on a variety of "nuts and bolts" issues for the new teacher, including: choosing a casebook, preparing a syllabus for students, creating notes for teaching, establishing an effective classroom environment, using traditional and alternative teaching methods, and dealing with difficult students.

10:15 - 10:30 a.m.
Refreshment Break

10:30 - 11:30 a.m.
Learning Theory -view bibliography-
Alison Grey Anderson, University of California Los Angeles -view outline- -view handout-
Commentator: Kristine S. Knaplund, Pepperdine University -view outline and handout-

Professors Anderson and Knaplund will discuss learning theory and effective teaching methods.

11:30 a.m. - 12:00 p.m.
Question & Answer Session

12:00 - 1:30 p.m.
AALS Luncheon
The Honorable Ricardo M. Urbina, Judge, U.S. District Court for the District of Columbia, Washington, D.C.

1:40 - 2:20 p.m.
Teaching Techniques and Demonstrations

Upper Level
Libby S. Adler, Northeastern University -view outline-

First Year
John C.P. Goldberg, Vanderbilt University

Technology
Marina C. Hsieh, Santa Clara University -view outline-

Seminar
Margo Schlanger, Washington University

2:20 - 3:00 p.m.
Teaching Techniques and Demonstrations

Upper Level
Libby S. Adler, Northeastern University -view outline-

First Year
John C.P. Goldberg, Vanderbilt University

Technology
Marina C. Hsieh, Santa Clara University -view outline-

Seminar
Margo Schlanger, Washington University

3:00 - 3:15 p.m.
Refreshment Break

3:15 - 4:30 p.m.
Small Group Discussions

4:30 - 5:45 p.m.
Assessment & Institutional Citizenship
JoAnne A. Epps, Temple University
Laura E. Gomez, University of New Mexico
Veryl Victoria Miles, The Catholic University of America -view outline-

5:45 - 6:45 p.m.
AALS Reception

5:45 - 6:15 p.m.
AALS Section on Clinical Legal Education Informal Gathering

5:45 -6:15 p.m.
AALS Section on Sexual Orientation and Gender Identity Issues Informal Gathering

Saturday, June 30, 2007

8:00 - 8:50 a.m.
AALS Section on Minority Groups
Continental Breakfast with Questions and Answers

8:30 - 8:50 a.m.
Coffee, Tea and Breakfast Pastry

9:00 - 11:00 a.m.
Scholarship
Douglas Aaron Berman, The Ohio State University -view outline-
Angela J. Davis, American University -view outline-

Professors Berman and Davis will address many of the hard questions about the "how-to" of scholarship. How do you start the writing process? When, where and how should you submit your manuscript? How do you handle student editors? What should you do when it (finally) is in print? How can the new professor approach that first article with an appreciation both for the practicalities of succeeding with the initial piece and for the longer term implications of being able to build on the earlier work?

11:00 - 11:15 a.m.
Refreshment Break

11:15 a.m. – 1:00 p.m.
Small Group Discussions

1:00 - 1:30 p.m.
Refreshment Break

1:30 - 2:45 p.m.
Junior Faculty Feedback
Erin E. Murphy, University of California, Berkeley -view outline-
Kimberly Jenkins Robinson, Emory University -view outline-
Deleso Alford Washington, Barry University -view outline-

This panel will include three "alumni" of past AALS New Law Teachers Workshops. They will address the variety of issues and challenges new law teachers face and tell you what they wish they knew then that they know now.

2:45 - 3:15 p.m.
Workshop Wrap-up
Kent D. Syverud, Washington University and Chair, Planning Committee for the 2007 AALS Workshop for New Law Teachers

A good course sometimes evolves during the term, with the professor and students, through interaction, developing new insight, and the professor wrapping up those insights with a coherent overview at the end of the term. In this session, Dean Syverud will pull together the insights of the workshop, reflect upon how participants might best make use of them in the future, and remind participants of their career-long challenges and opportunities.

Program - Workshop for Beginning Legal Writing Teachers

Saturday, June 30, 2007

4:30 - 7:00 p.m.
Registration

5:30 - 6:30 p.m.
A Conference Demonstration: A Role Play
Mary Beth Beazley, The Ohio State University -view materials-

Individual conferences can help students understand both why and how to improve their analytical writing. Professors will demonstrate common pitfalls in student conferences and discuss how to make sure both teacher and student are well-prepared to make the best use of precious conference time

6:45 - 7:30 p.m.
AALS Reception

Sunday, July 1, 2007

8:30 - 8:50 a.m.
Coffee, Tea and Breakfast Pastry

9:00 - 9:15 a.m.
Welcome -view welcome-
Elizabeth Patterson, AALS Deputy Director

Introduction
Kent D. Syverud, Washington University and Chair, Planning Committee for the 2007 AALS Workshop for New Law Teachers
Mary Beth Beazley, The Ohio State University and Planning Committee Member

9:15 - 10:45 a.m.
Nuts & Bolts -view outline-
Patricia A. Broussard, Florida A & M University
Suzanne Rabe, The University of Arizona

10:45 - 11:00 a.m.
Refreshment Break

11:00 – 11:45 a.m.
Designing Assignments
Lorraine Bannai, Seattle University -view outline-

12:00 - 12:45 p.m.
Teaching Legal Research
Amy E. Sloan, University of Baltimore -view outline-

12:45 – 1:45 p.m.
AALS Sponsored Luncheon

Scholarship
Linda H. Edwards, Mercer University -view outline-

2:00 – 3:00 p.m.
Critiquing
Craig T. Smith, Vanderbilt University -view outline-

3:00 - 3:15 p.m.
Refreshment Break

3:15 - 5:00 p.m.
Small Groups on Critiquing

5:00 - 5:15 p.m.
Workshop Wrap Up
Mary Beth Beazley, The Ohio State University

Source: http://www.aals.org/events_2007nltprogram.php

APPENDIX H

ABA Adjunct Faculty Handbook – Preface and Table of Contents

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 EIGHT. SELECTED PUBLICATIONS ABOUT TEACHING

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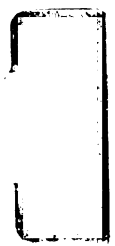
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