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I Didn't Take the Road Less Traveled, and What a Long, Strange Trip It's Been

Brian A. Glassman

My trip down the road of my teaching career really has been long and strange. It's also been exhausting, exhilarating, and—ultimately—richly rewarding. To provide some context for my journey's destination, I'll briefly recount my personal history, including a summary of my years wandering in the desert. (I did better than Moses: it took me only twenty years, not forty.) I will then describe the five-step journey I've taken in the last three years to advance my teaching career; ten survival tips I've learned, to help you take that journey; and the benefits of taking such a journey of your own.



I have been an attorney since 1981, and in May 2002 I finished my ninth year as a full-time law teacher. For the first seven years I taught first-year legal writing, research, and advocacy exclusively. In the last two years I've tried to stretch myself professionally. Specifically, I have

- created and taught two upper-level drafting courses
- taught a doctrinal course, Law and the Arts, which covered such diverse areas as First Amendment, copyright, and contract law
- become a member of my law school's Art Committee
- become my law school's art liaison
- made numerous presentations on art law, both on and off campus

Finally, I taught another doctrinal course—Copyright, Trademark, and Patent Law—during the 2002 summer semester. A description of the journey that led to the advances of the last two years follows.

Brian A. Glassman is a lecturer in legal writing at Cleveland State University's Cleveland-Marshall College of Law and an artist; his medium is glass. The title of the article owes something to Robert Frost and the Grateful Dead.

As Robert Frost wrote,

Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

For better or worse, I did *not* take the road less traveled when I graduated from college in 1977. Although I had shown some ability as an artist, and had some interest in art as a career path, I chose law over art as a course of graduate study. There were reasons, both negative and positive, for my decision. On the negative side, I hadn't yet found myself as an artist, and saw difficulties in supporting myself that way. On the positive, I saw law as a tool for social change; I wanted to work for low-income persons in a Legal Services neighborhood law office. And, after graduating from law school, I did become a neighborhood staff attorney. I worked for the Legal Aid Society of Cleveland for about six years, starting in 1981.

Those were the first of my wandering-in-the-desert years. Although my work at the Legal Aid Society provided certain rewards, I knew that I was less than completely satisfied. I also knew that my dual interests, in law and art, were not at all integrated. I perceived various roadblocks to combining the two. At that time I couldn't see far enough ahead to realize that I might want to teach art law. And so I rigidly kept my vocation and my avocation separate: generally, when it came to art, I just wanted to create it, not ponder its legal implications. But I did do a few things right.

- I kept informed about issues in art and art law, by joining the Cleveland Bar Association's Volunteer Lawyers for the Arts, attending continuing legal education seminars, and following news stories.
- I kept talking with people involved in art and art law—artists, art teachers, lawyers, administrators of arts agencies).
- I began making presentations on the law, in my spare time, to students at the Cleveland Institute of Art.

About twenty years later, with a small step, I began the task of blending my art interest with my teaching-career. In fall 1999 I used art law as the basis for a research exercise for my first-year legal writing students.

Beginning with step two, I started the process of bootstrapping, or building on what I'd previously accomplished, to extend my journey a bit farther. That step was a major research and writing assignment, involving art law, for my first-year legal writing students in the 2000 spring semester.

Then I was given the opportunity—step three—to teach an upper-level writing course, Transactional Drafting, during academic year 2000–01. Although I had never taught transactional drafting, I jumped at the chance, in part because I was allowed to use art law as the substantive legal vehicle for teaching the course. The law school administration granted the permission willingly: from their perspective, art law was just one of many substantive legal areas that could be appropriate vehicles for teaching legal drafting. My task was to figure out how to use my particular vehicle “appropriately.” In any event, I was fortunate: the legal writing director and the school's administra-

tion were very supportive, because they wanted to expand the number of transactional drafting courses.

In spring 2001 I was offered—and I accepted—the opportunity to teach a substantive course that summer: Law and the Arts. As before, the administration was interested in expanding the range of the school's offerings. The course had last been offered several years earlier, and then by an adjunct. On short notice I designed the course, starting with a blank slate. The course covered a number of different legal subject areas, some of which I knew little about. So part of my task was to master those unfamiliar areas—quickly.

And finally, in spring 2002, I agreed to teach another substantive course—Copyright, Trademark, and Patent Law—that same summer, beginning just weeks after the end of the spring semester. As in the previous summer, this teaching opportunity required me to design a course from scratch, and master several new substantive areas, between the end of the spring semester and the beginning of the summer term.

As I look back over the last two years, I see that there was some method to my madness: at every point along the way I was fairly systematic in taking the next step. I hope that a description of the steps I took will help you plan your own journey.

1. *Identify goal(s).* Sounds easy, but it isn't. Often we only know what we don't want. Other times, we confuse our wants with our needs. Search your soul, and then pick your destination. My own goals were to master those substantive areas that constitute art law, to incorporate my interest in art into my legal career, and to become a better teacher in the process.

2. *Prepare a proposal and persuade the law school administration to accept it.* Think hard. Look at others' syllabi. Talk with people who have taught the subject before. If you do all these things, your proposal will be sound and you'll be 75 percent of the way toward persuading your administration to accept it. As I've said, it was fortunate for me that my law school was anxious to add transactional drafting classes. So I was handed a blank slate; but then I had to fill it. That is, I had to have, and articulate, a complete idea for a course—one with a coherent structure, one that satisfied whatever minimum requirements the law school sought to impose.

3. *Master the substantive law needed to teach the new course(s).* You can talk about it, but then at some point you just have to do it. Read a textbook. Talk with professors and attorneys who teach and practice in this area of the law. Write outlines (yes, it's not unlike being a law student again). Immerse yourself.

4. *Prepare to teach the new course(s).* This is the nuts-and-bolts step. Select a text. Prepare your syllabus. Research your assignments, and then draft them. Select additional materials (exercises, newspaper articles, etc.) for use as in-class handouts. Write your lectures. Identify possible guest speakers. This list is abbreviated; as an experienced teacher, you know that it's much longer. And while you're preparing to teach, keep asking yourself: Is this new course I'm creating going to hold together? Is it a coherent whole?

5. *Get feedback on the new course(s) and make necessary changes.* Having other teachers review your materials, before you start the new course, can be

extremely helpful. But theory can take you only so far. It's the start of the semester, and now you actually have to *teach* the course. At the end of the semester, it will be important to sit down by yourself and review what you think went well or didn't, and why. Meanwhile, welcome feedback from other sources. Have a colleague sit in on a class and then give you comments. And read, *really read*, your student evaluations. Some students have an axe to grind, and others have difficulty conveying what they want to say. But most students are good natured, are quite competent at communicating their thoughts, and take seriously our request to provide constructive criticism that may help to improve the course in the future. So listen to what they have to say. After all, they're the consumers.



The map I've described may be helpful, but it doesn't identify the large potholes, detours, and roadblocks you'll encounter along the way. So I offer these ten travel (sometimes, survival) tips that I have learned on my journey.

1. *Keep the faith.* If it really matters to you, don't give up your dream.
2. *Be ready.* Be ready when the opportunity presents itself, in part by staying current in your area of interest (e.g., CLE seminars, AALS sections).
3. *Start.* This reflects an even more aggressive approach than the previous tip: don't wait for permission to begin. Start, in however small a way.
4. *Seize the opportunity.* This relates to tips 2 and 3. Be flexible. Seize the opportunity when it arises, even if circumstances are less than ideal—e.g., teaching a summer school (late) night class, teaching a class on short notice, teaching a subject other than your dream, but related). Put another way, don't find excuses for *not* doing. Doing, especially under less than ideal circumstances, is a wonderful confidence builder.
5. *Know your school.* Assume that your goals and those of your school's administration can be harmonized. So try to determine the administration's goals and needs (bringing in warm paying bodies, filling a curricular void, etc.). Then make an attractive, complete proposal that accentuates the positive (e.g., greater staffing flexibility, a broader curriculum) and anticipates, and addresses, potential problems. Ultimately, carve out a niche. Make yourself and your course(s) indispensable.
6. *Remember: it's a long journey.* It involves a lot of work, with signs of progress not always clear. Prepare for this, in part by adjusting your expectations. Remember: it's impossible to teach a course brilliantly the first time through. Anticipate having to make midcourse as well as end-of-semester corrections. That's part of the process. Further, recreating yourself is such a complete and introspective process that it can be both physically and emotionally exhausting. Be prepared for that too. Pace yourself. For example, you don't have to learn everything you need to know all at once. The first time through, one chapter ahead of your students may be the best you can do. And it will be good enough.
7. *Know your limits.* Take a big bite, but not more than you can (realistically) chew. Do give it your best effort.

8. *Be efficient.* Don't reinvent the wheel if you don't have to. Draw on the supportive and knowledgeable community of legal writing, and other, teachers across the country. And feel no guilt about asking for help. Someday you'll help someone else.

9. *Travel with a friend.* The journey is more enjoyable, and more satisfying, if you travel with someone. Find a mentor.

10. *Take chances.* The creative process—and that's what we're examining—involves risk. So do take chances. And be prepared to fail; success essentially requires at least some failure. Otherwise, you're probably not biting off as much as you should.



There are a number of benefits to taking such a journey yourself. I've grouped them into three categories: personal growth, professional growth, and advancing your secret (or not-so-secret) agenda.

Personal Growth

First and foremost, there is the sheer joy of teaching your passion. Imagine arriving at work absolutely excited about the possibility of learning more on a subject that you deeply care about. Such enthusiasm is what I carry into my classrooms when it's time to teach. And that natural enthusiasm is one of my most effective teaching tools.

Second, as noted in tip 4, successfully completing this journey is a great confidence builder. After you do it, you will know with certainty what you probably have understood intuitively for some time. Yes, you can create and teach new legal writing courses. Yes, you can even teach substantive courses.

Professional Growth: The Snowball Effect

Because taking the journey will stretch you professionally, you will become a better teacher. And if you teach upper-level courses on your journey, be confident that you can apply the lessons learned when you return to first-year legal writing. Beyond that, your successes will likely compound. That snowball effect means that the benefits mentioned below should be seen in combination, not as isolated successes. And many of those benefits (indicated by \$!) may provide additional income for you. Don't be embarrassed about these financial consequences. You will be doing additional work, at least for a while, and you will be gaining additional expertise. You will have earned it.

As I've said, you can become an expert in additional substantive areas. For this and other reasons, your law school administration may look upon you even more favorably. And that could translate into, among other things, merit raises (\$!).

Further, you will create for yourself expanded teaching opportunities (\$!) (e.g., summer school courses); public speaking opportunities (\$!) (CLE seminars, etc.); writing opportunities (\$!) (law review articles, textbooks, etc.); and opportunities for part-time legal work (\$!) as an outside expert.

Advancing Your Secret (or Not-So-Secret) Agenda

Finally, by teaching a substantive area that you truly care about, you will have another opportunity for communicating a message to your students. I had already been doing this in, for example, my treatment of legal ethics (urging students to perform pro bono legal services). And then teaching a course that addressed artists' rights gave me a chance to advance another agenda—to broaden students' understanding of the arts and art-related legal issues. If I can succeed in that effort, or at least plant the seeds of success, I will have helped to create more arts appreciators, supporters, and advocates. And, as above, my success may snowball.

* * * * *

There are many good reasons for taking this journey and very few reasons for not doing so. Take a chance. Take that first step. And when you return, let's talk about what you've learned, and how those lessons will translate into improvements in status, working conditions, and compensation.