

BREAKING INTO THE ACADEMY: THE 2002–2004  
*Michigan Journal of Race & Law* GUIDE  
 FOR ASPIRING LAW PROFESSORS\*

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## ADVICE FOR LAW PROFESSOR WANNABES

*Denise C. Morgan*

I was not very far into my law school experience when I realized that my professors had the best job in town—it took me quite a bit longer to discover that I, too, could get in on the deal. Do not misunderstand me: being a law professor is not easy. In fact, when done correctly, the job requires a tremendous amount of intellectual energy, emotional commitment, and long hours of hard work. However, if you *enjoy* writing, research, public speaking, and developing mentoring relationships, being a law professor could be the career for you. This article, and the listings of helpful organizations and citations to other articles about law teaching that follow, are intended to help guide the law professor wannabe through the process of applying for a tenure-track faculty position at a law school.

*The Groundwork*

Once you have set your sights upon a career in law teaching you must determine how best to position yourself to obtain a job in the field. The answer is to write, publish, and otherwise bolster your credentials. Write as many papers with as many of your law school professors as you can; write onto a journal and have your article published; work as a research assistant for a professor and write with him or her; work for a judge and write bench memos and draft opinions; work for a public interest organization or a law firm and publish scholarship about the law you practice there. Whatever you do, write. In addition to providing proof of your interest in legal scholarship and supplying material from which you can fashion a job talk (a scholarly presentation that is a common feature of the interview process), writing with professors, judges, and lawyers will allow you to find mentors who will be able to vouch for your abilities when you need recommendations.

You should also consider whether you want to enter academia straight from law school or whether you prefer to practice before going into teaching. There are two schools of thought on that question. The first is that there is nothing that prepares one for law teaching better than being a law student. The argument is that time outside of an academic environment might actually be detrimental to one's ability to produce significant legal scholarship. It is difficult to break the habit of using the law as a tool to advocate for particular positions and clients, as opposed to reflecting upon the law and the legal system in a broader context. The other view is that it is impossible to teach law without seeing how it works in practice, and legal scholarship is more meaningful when it draws

upon wisdom gained from at least a few years of working in the trenches. Either way, the more impressive the credentials you are able to assemble, the more likely it is that you will be able to get a teaching position. If your law school record is very strong and you feel ready to take the plunge straight into academia, go for it. However, if you are insecure about your ability to compete in the job market because you did not attend one of the more prestigious law schools or have not published any legal scholarship, you can improve your chances of landing a teaching position at the law school of your choice by clerking for a judge, or completing an LL.M. or teaching fellowship program.

### *The Application*

The process of applying for law teaching positions can be an ego-bruising experience—even for those who do get jobs. Chances are that you will not have faced such stiff competition for something that you wanted so desperately since sometime during puberty.<sup>1</sup> Accordingly, your first step in applying for a teaching position should be to prepare yourself emotionally for the long, strange trip—self-confidence is eighty percent of what is necessary to survive the application process. After you have secured signed and notarized statements from your friends and family saying that they will still love you even if you do not get a teaching position at your first-choice school, get in touch with those professors, judges, and lawyers with whom you have worked most closely. Update your resume and send a copy to your mentors to let them know what you have been doing. Ask them for advice, guidance, and recommendations.

In July or August of the year before you hope to begin teaching you should get in touch with the Association of American Law Schools (AALS). You can contact the AALS online: [www.aals.org](http://www.aals.org); by mail: 1201 Connecticut Avenue, NW, Suite 800, Washington, DC 20036-2605; by phone: (202) 296-8851; or by fax: (202) 296-8869. While a significant number of candidates obtain job interviews outside of this formal process, the AALS does a number of things to help smooth the law professor wannabe's path into academia. For a small fee, the AALS will list your name in the Faculty Appointments Register, send you copies of its *Placement Bulletin*, and invite you to the Faculty Recruitment Conference. The fee to register with the AALS is approximately \$215 (late registration costs an additional \$39). Unless you are absolutely certain that there are only one or two law schools at which you would ever want to teach, you should give serious thought to registering with the AALS. If you are interested in joining the clinical faculty at a law school, you should also contact the Clinical Legal Education Association, which publishes the

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1. The AALS estimates that over the past five years 10.5% of the candidates seeking law teaching jobs through their official process were successful. See: [www.aals.org/statistics/index.html](http://www.aals.org/statistics/index.html).

most comprehensive listing of clinical job openings. Its online address is: <http://clinic.law.cuny.edu/clea/clea.html>; phone: (773) 702-9611. Some bar associations also offer assistance to lawyers who are interested in breaking into legal academia. Finally, you should call the career services office of the law school from which you graduated and let them know that you are looking for a teaching job. Law schools often share information about their graduates who are on the teaching market.

### *The AALS Faculty Appointments Register*

Every year the AALS distributes a compilation of short-form resumes of the law teaching candidates who register with them—usually between 850 and 1000 people.<sup>2</sup> Every law school in the country receives a copy of the register, and most of the appointments committees study it quite carefully. Accordingly, you should pay significant attention to the material you submit for inclusion. Here are a few tips:

The AALS requires applicants to sign up online for the Faculty Appointments Register. You need to submit information about your educational background, any teaching experience you have, the subjects you are interested in teaching, your employment history, publications, and bar admissions. Check the information you input online very carefully. Once you click the “Submit FAR to AALS” button, you will no longer be able to edit, view, or print a copy of your resume.

Submit your materials in to the AALS as early as possible. It is advantageous to have your short-form resume included in the earliest distribution of the Faculty Appointments Register so that law school appointments committees will receive it when they are still fresh and enthusiastic about reading it carefully.

Your AALS short-form resume should be accurate, concise, and show your strengths prominently. If your name has changed since you graduated from law school, you should include your former name on your short-form resume so that faculty members on appointments committees who know you only by that name will recognize you.

The references you list on your AALS form should have had close and recent experience working with you. It is most important that they be willing to vouch for your professorial potential and that they be unequivocal supporters of your application for a teaching position.

Do a bit of soul searching before you fill out the section of the AALS form asking for your subject matter interests and primary areas of research. Law schools will expect you to exhibit a consuming passion for at least one subject matter area, not just a general interest in teaching any old thing. Find your passion. On the other hand, law schools are often looking to fill particular holes in their curriculum—so you should think

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2. *Id.*

broadly about subjects that you would be willing to teach. A good strategy is to identify one basic first-year course, such as contracts, torts, property, criminal law or civil procedure, that you would be willing to teach, in addition to a more specialized area of interest. Whatever you do, do not leave this section blank or say that you will teach anything. Many schools make their initial cut of applicants by scanning the subject matter interests sections of the short-form resumes.

The competition is fiercest for teaching jobs at the most prestigious schools and in the most popular geographical areas. If you really want to teach law, you should consider talking to a variety of law schools all over the country. Keep in mind that professors whose scholarship is well regarded often receive invitations for visiting professorships at other schools. Therefore, the first school at which you teach will not necessarily be the institution at which you remain forever.

#### *The AALS Faculty Recruitment Conference*

In the end of October, the AALS holds an event that is fondly known as “The Meatmarket.” Law schools schedule interviews with candidates every thirty minutes all day long over the course of the three days of the AALS Recruitment Conference. If you have a number of interviews, the Recruitment Conference can be grueling—try to arrange your schedule so you will have time to collect yourself between each session. Also, remember that as exhausted as you may be from your trip to the conference and from fighting your way through the crowds to get to your next appointment, your interviewers are likely to be even more drained than you are. They have been sitting in a small room for days on end, pouring over resumes and listening to candidates. A few thoughts on how to make your interviews go smoothly:

Be on time. Tardiness is not the way to make a good first impression, and you may not have a chance to make a better second impression. Dress the part and bring extra copies of your resume and written work with you.

Do some homework about the schools with which you will be interviewing and the professors with whom you will be meeting. Be prepared to ask questions about the law school. For example, you might want to know what support is available to help you with your research and writing projects, how collegial the faculty is, what your first year teaching load is likely to be, and what the caliber of the student body is.

Refamiliarize yourself with your own written work—there is nothing more embarrassing than having your interviewer remember your article(s) better than you do.

Do not spend your entire interview exchanging pleasantries. Your interviewers want to see your ability to manipulate legal doctrine, not

cocktail party chat. Do not leave them with the impression that you are a nice person who is not particularly interested in talking about the law.

Most importantly, by the time you get to The Meatmarket, you *must* be able to answer the following question in your sleep: “Why do you want to go into law teaching?” In responding to this question you have the opportunity to show your interviewers your enthusiasm for teaching, scholarship, and the law—don’t be humdrum. Your answer to this question should not be that you do not like your current job, or that you are looking for an easier lifestyle. Law schools are looking to hire people who affirmatively want to teach, not people who are running from their past mistakes. In addition, your interviewers are trying to determine whether you will be prolific in your writing and active in school affairs—saying that you are looking for work that is easier or more laid back than your current job is not the best way to show that you will take the hard work required for law teaching seriously. In addition, you should be able to talk about the direction in which you see your scholarship developing in the upcoming years. Law schools want to hire people who have already given some thought to what they would like to research and write about when they become professors. So, when your interviews ask you whether you have a research agenda, your answer should be, “Yes.”

### *The Job Talk*

Law schools operate on different schedules after the AALS Recruitment Conference. Some schools contact applicants immediately after the conference, and others wait up to five or six weeks after the conference to get in touch with applicants whom they are interested in inviting to campus for further interviews. In fact, some schools begin making offers to applicants as early as November, and others do not get around to hiring anyone until March or April of the next year. There is just no predicting.

Be that as it may, the earlier you start working on your job talk, the better. Try to pick a subject that will sustain your interest and that of your audience. It isn’t necessary for you to have completed a publishable piece, but the more practice you have articulating your ideas and the more questions you have addressed *before* you present your job talk to a faculty, the better. Your audience will expect you to present your paper without reading it, however it is perfectly acceptable to refer to notes or index cards while you are speaking. Discuss your talk with anyone who will listen to you: I have found my family and non-lawyer friends to be particularly helpful in teaching me how to articulate legal concepts clearly.

The final step in the application process is the on-campus interview. Some schools invite candidates to give job talks during their first callback—others have a several-stage process in which candidates first interview with individual faculty members or give a short presentation to

the faculty hiring committee and then may be invited back to give a full-fledged job talk. Ask what will be expected of you—you really do not want to be surprised.

The purpose of the job talk is three-fold. First, the faculty is trying to evaluate your ability to communicate ideas to a class. Therefore, your presentation should be well organized and delivered at a level of complexity that will engage your listeners whether or not they are experts in the field on which you are speaking. Second, the faculty is trying to discover what sorts of problems you are interested in thinking and writing about and how you will approach those problems. Talk about something that you know well, and highlight the larger constitutional and philosophical implications of your ideas. Last, the faculty is trying to determine whether you are willing and able to engage in dialogue about your ideas. You should not treat the question and answer period after your job talk as an adversarial interrogation session, but rather as an opportunity to clarify and improve your ideas with the assistance of other thoughtful people and as a chance to show that you can be self-critical about your work.

After your presentation to the faculty, the ball is in the law school's court. If you are fortunate enough to have more than one school interested in your application at this stage of the process, remember that the ordinary rules of courtesy still apply. If you receive an offer from one law school before you are scheduled to present your job talk to your "dream" school, it is probably wise to explain your situation to both schools in the hope of buying yourself some time on your first offer.

Good luck. And remember that law teaching really is the best job in town.

*Addresses and Phone Numbers of Helpful Organizations*

Association of American Law Schools  
1201 Connecticut Avenue, NW, Suite 800  
Washington, DC 20036-2605  
(202) 296-8851  
(202) 296-8869 (fax)  
<http://www.aals.org>

Comments: Publishes the Faculty Appointments Register, the *Placement Bulletin*, and the *Journal of Legal Education*, and holds a Faculty Recruitment Conference.

Clinical Legal Education Association  
6020 South University Avenue  
Chicago, IL 60637-2786  
(773) 702-9611

Comments: Publishes a listing of clinical job openings.

Hispanic National Bar Association  
8201 Greensboro Drive  
Suite 300  
McLean, VA 22102  
(703) 610-9038  
(703) 610-9005 (fax)  
[hnba@aol.com](mailto:hnba@aol.com)

Comments: Annual convention in October includes workshops for aspiring law professors.

Becoming a Law Professor: A Program for Minority Lawyers and Law Students  
St. Mary's University School of Law  
One Camino Santa Maria  
San Antonio, TX 78228-8603  
(210) 431-2239  
Contact: Professor Reynaldo Anaya Valencia

Comments: Holds day-long program in June to inform minority lawyers and law students about the process of pursuing a career as a law professor.

Teachlaw: Resources for Lawyers Who Want to be Law Professors  
<http://teachlaw.law.uc.edu>

*Articles About Applying for Law Teaching Jobs*

Jon W. Bruce & Michael I. Swygert, *The Law Faculty Hiring Process*, 18 HOUS. L. REV. 215 (1981).

Clark Byse, *Fifty Years of Legal Education*, 71 IOWA L. REV. 1063 (1986).

Pat K. Chew, *Law and Your Economics: The Hidden Job Market and the Faculty Recruitment Process: The In-House Interview*, 10 ST. LOUIS U. PUB. L. REV. 247 (1991).

George C. Christie, *The Recruitment of Law Faculty*, 1987 DUKE L.J. 306 (1987).

James E. Jones, Jr., *The Hastie Program at Wisconsin*, 10 ST. LOUIS U. PUB. L. REV. 257 (1991).

Jan M. Levine, *Leveling the Hill of Sisyphus: Becoming a Professor of Legal Writing*, 26 FLA. ST. U. L. REV. 1067 (1999).

Elyce H. Zenoff & Jerome A. Barron, *So You Want to Be a Law Professor?*, 12 J.L. & EDUC. 379 (1983).

Don Zillman et al., *Unloaking Law School Hiring: A Recruit's Guide to the AALS Faculty Recruitment Conference*, 38 J. LEGAL EDUC. 345 (1988).

*Articles on the Demographics of the Law-Teaching Profession*

Marina Angel, *Women in Legal Education: What It's Like to Be Part of a Perpetual First Wave or the Case of the Disappearing Women*, 61 TEMP. L. REV. 799 (1988).

Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing Programs*, 70 TEMP. L. REV. 117 (1997).

Derrick Bell & Richard Delgado, *Minority Law Professors' Lives: The Bell-Delgado Survey*, 24 HARV. C.R.-C.L. L. REV. 349 (1989).

Robert J. Borthwick & Jordan R. Schau, *Gatekeepers of the Profession: An Empirical Profile of the Nation's Law Professors*, 25 U. MICH. J.L. REF. 191 (1991).

Pat K. Chew, *Asian Americans in the Legal Academy: An Empirical and Narrative Profile*, 3 ASIAN L.J. 7 (1996).

Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537 (1988).

Pamela Edwards, *Teaching Legal Writing as Women's Work: Life on the Fringes of the Academy*, 4 CARDOZO WOMEN'S L.J. 75 (1997).

Christine H. Farley, *Confronting Expectations: Women in the Legal Academy*, 8 YALE J.L. & FEMINISM 333 (1996).

Valerie Fontaine, *Progress Report: Women and People of Color in Legal Education and the Legal Profession*, 6 HASTINGS WOMEN'S L.J. 27 (1995).

Donna Fossum, *Law Professors: A Profile of the Teaching Branch of the Legal Profession*, Fall 1980 AM. B. FOUND. RES. J. 501.

Lani Guinier et al., *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1 (1994).

Alex M. Johnson, Jr., *The Underrepresentation of Minorities in the Legal Profession: A Critical Race Theorist's Perspective*, 95 MICH. L. REV. 1005 (1997).

Charles R. Lawrence III, *Minority Hiring in AALS Law Schools: The Need for Voluntary Quotas*, 20 U.S.F. L. REV. 429 (1986).

Jerome McCristal Culp, Jr., *Voice, Perspective, Truth, and Justice: Race and the Mountain in the Legal Academy*, 38 LOY. L. REV. 61 (1992).

Carrie Menkel-Meadow, *Excluded Voices: New Voices in the Legal Profession Making New Voices in the Law*, 42 U. MIAMI L. REV. 29 (1987).

Deborah J. Merritt & Barbara F. Reskin, *Sex, Race and Credentials: The Truth about Affirmative Action in Law Faculty Hiring*, 97 COLUM. L. REV. 199 (1997).

Deborah Jones Merritt, *The Status of Women on Law School Faculties: Recent Trends in Hiring*, 1995 U. ILL. L. REV. 93 (1995).

Deborah J. Merritt, Barbara F. Reskin, & Michelle Fondell, *Family, Place, and Career: The Gender Paradox in Law School Hiring*, 1993 WIS. L. REV. 395 (1993).

Deborah J. Merritt & Barbara F. Reskin, *The Double Minority: Empirical Evidence of a Double Standard in Law School Hiring of Minority Women*, 65 S. CAL. L. REV. 2299 (1992).

Michael A. Olivas, *The Education of Latino Lawyers: An Essay on Crop Cultivation*, 14 CHICANO-LATINO L. REV. 117 (1994)

Richard A. White, *The Gender and Minority Composition of New Law Teachers and AALS Faculty Appointments Register Candidates*, 44 J. LEGAL EDUC. 424 (1994).

Alfred C. Yen, *A Statistical Analysis of Asian Americans and the Affirmative Action Hiring of Law School Faculty*, 3 ASIAN L.J. 39 (1996).

Donna E. Young, *Two Steps Removed: The Paradox of Diversity Discourse for Women of Color in Law Teaching*, 11 BERKELEY WOMEN'S L.J. 270 (1996).

#### *Articles on Role Models and Law Teaching*

Adeno Addis, *Role Models and the Politics of Recognition*, 144 U. PA. L. REV. 1377 (1996).

James Eagar, *The Right Tool for the Job: The Effective Use of Pedagogical Methods in Legal Education*, 32 GONZ. L. REV. 389 (1996–97).

Judith D. Fischer, *Portia Unbound: The Effects of a Supportive Law School Environment on Women and Minority Students*, 7 UCLA WOMEN'S L.J. 81 (1996).

Steven I. Friedland, *How We Teach: A Survey of Teaching Techniques in American Law Schools*, 20 SEATTLE U. L. REV. 1 (1996).

Phillip C. Kissam, *Conferring with Students*, 65 UMKC L. REV. 917 (1997).

Denise C. Morgan, *Role Models: Who Needs Them Anyway?*, 6 BERKELEY WOMEN'S L.J. 122 (1991).

Lucia Ann Silecchia, *Legal Skills Training in the First Year of Law School: Research? Writing? Analysis? Or More?*, 100 DICK. L. REV. 245 (1996).

Kimberlé Williams Crenshaw, *Forward: Toward a Race-Conscious Pedagogy in Legal Education*, 11 NAT'L BLACK L.J. 1 (1989).

*Helpful Articles on Writing and Publishing Law Review Articles*

Mary Beth Beazley & Linda H. Edwards, *The Process and the Product: A Bibliography of Scholarship About Legal Scholarship*, 49 MERCER L. REV. 741 (1998).

Michael L. Closten & Robert J. Dzielak, *The History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15 (1996).

Kenneth D. Crews, *Fair Use of Unpublished Works: Burdens of Proof and the Integrity of Copyright*, 31 ARIZ. ST. L.J. 1 (1999).

Richard S. Hamsberger, *Reflections About Law Reviews and American Legal Scholarship*, 76 NEB. L. REV. 681 (1997).

James W. Harper, *Why Student-Run Law Reviews?* 82 MINN. L. REV. 1261 (1998).

Bernard Hibbitts, *Law Writes? Re-Assessing the Law Review in the Age of Cyberspace*, 30 AKRON L. REV. 175 (1996).

Gregory E. Maggs, *Self-Publication on the Internet and the Future of Law Reviews*, 30 AKRON L. REV. 237 (1996).

Juan F. Perea, *After Getting to Yes: A Survival Guide for Law Review Editors and Faculty Writers*, 48 FLA. L. REV. 867 (1996).

Richard A. Posner, *The Future of the Student-Edited Law Review*, 47 STAN. L. REV. 1131 (1995).

David A. Rier, *The Future of Legal Scholarship and Scholarly Communication: Publication in the Age of Cyberspace*, 30 AKRON L. REV. 183 (1996).

Reinhard Zimmerman, *Law Reviews: A Foray Through a Strange World*, 47 EMORY L.J. 659 (1998).

INTELLECTUAL INTEGRATION IN THE LEGAL ACADEMY:  
IS A FELLOWSHIP PROGRAM THE “BEST WAY IN?”

*Michele Goodwin\**

The purpose of this essay is to give guidance to those interested in pursuing teaching careers through law fellowship programs. This paper might also serve as a resource for faculty advisors or graduate program deans interested in maintaining strong programs, or in developing new fellowship programs. In Part I, I discuss pre-preparation strategies and organization. Part II analyzes mentoring as the balance between good communication and compatibility. Part III explores legal writing and publishing while in a fellowship program. Part IV encourages future law teachers to present their work as often as they can and to seek the advice and comments of faculty and colleagues. Part V concludes with a list of teaching fellowship programs.

Whether a fellowship is right for someone interested in teaching law largely depends upon the person's academic interests, background, personal circumstances and goals. To decide whether pursuing a fellowship is right for your career, it is important for you to be well informed about the particular program that attracts your interest. You should take into consideration the law school's reputation, location, whether you can earn a graduate law degree such as an LL.M. as part of the fellowship, whether you will be able to teach a course, whether the program will offer you help with job interviewing and preparation, and whether you will receive financial support to attend conferences and meetings. Other important considerations, which are often overlooked, but that are paramount to experiencing a successful fellowship, include whether you share research interests with faculty members at the given law school, and whether your selected advisor has successfully mentored fellows in the past.

The law school's cultural, intellectual, and social environment may also be an important consideration for you. For example, has the law school to which you are applying committed itself to hiring a diverse

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I would like to acknowledge and thank those who were supportive during my Hastie Fellowship, including James E. Jones, Linda S. Greene, Alan Weissbard, Alta Charo, Marc Galanter and Cliff Thompson. I would also like to thank Robert Forbes at Yale University.

faculty (some of whom might serve as informal mentors)? Have recent fellows published? Have recent alumni fellows attained attractive faculty positions? What are the expectations of fellows and their mentors? How does the law school seek to engage the fellows? Are fellows invited to faculty meetings, social events, works in progress talks, and other events at the law school? Is research assistance provided? Is office space provided, including computer, phone, and other essential materials? Most fellowship programs provide stipends for the participants, which usually cover basic living and educational expenses (housing, tuition, and books), and include funds for travel expenses. However, some programs are more generous than others, and therefore you should study the different programs carefully before deciding which one best suits your needs.

Once you have selected the fellowship program that is right for you, it is important to develop a formula for a successful fellowship experience. In my opinion, several elements are key: you should have a good mentor, be well organized, focus on publishing, and present your work in progress at any venue where people are willing to listen.

### *I. Pre-Preparation and Organization*

Before embarking upon a fellowship, you should have a clear set of goals—starting with figuring out what you want to accomplish in the fellowship program. What is the timeline for your fellowship? What are the expectations about how the fellows will spend their time? Consider whether or not the specific program requires the production of a thesis, necessitates the completion of course work, or involves teaching. Do any of the faculty members share your interests? What have they written? Where have they published their scholarship? These considerations may influence your research agenda, time for writing, and preparation for the job market.

Thesis-based programs are most helpful because they encourage you to develop a substantive paper which you can use later for job talks and submit journals for publication. If you are required to complete coursework it may be more difficult for you to develop and write a substantive paper (although you may also be stimulated by the ideas flowing from class discussion). Thesis-based programs are purposefully focused on writing for good a reason. A well-written article, which is selected for publication in an impressive journal, is likely to be more helpful to you in attaining a job than the experience of having taught a course. The more scholarly publications that you can provide to hiring committees, the more favorably they will likely consider your candidacy. This may be particularly true for prospective candidates of color, who continue to combat stereotypes about their ability to develop scholarly agendas, write, and teach. Early publication demonstrates your ability to balance research and writing with the other demands of academia.

It is important to start your program with a clear timeline and a research agenda. If your program is thesis-based, create a timeline that accounts for research, writing several drafts, meetings with advisors, attending conferences, and teaching. Remember that some of those goals are interdependent—it will affect your writing schedule if you are slow with your research; and if your writing is delayed, it may impact whether or not you will have an opportunity to teach. If you must complete a thesis, obtain samples of prior theses which passed faculty approval. This will give you some idea of faculty expectations as to length, quality, substance, style, and topics. Copies of these materials should be readily available for fellows. If they are not, you should inquire about how to find them.

Keeping to your timeline is important, as it is natural for research topics to change, drafts to develop differently than anticipated, and meetings with advisors to change from the agreed upon schedule (either because of your schedule or theirs). Therefore, building in cushion space is important. It is in the best interest of fellowship candidates to graduate with their theses completed and with the support of the faculty.

You must be tenacious to be successful as a fellow. You should not assume that the graduate school dean or your faculty advisors will hold your hand. In fact, given the demands on their time, you may have to work independently and without much guidance. If so, seek people out. Become familiar with library staff members, particularly those who are available to help with research, and introduce yourself to faculty in disciplines that are similar and dissimilar to your own. Finally, discuss your teaching responsibilities early in the process. The earlier you know your teaching agenda, the better you can use your time to prepare, seek advice, sample casebooks, and talk with professors who teach the courses. As with landing a great law teaching job, success in a fellowship is a matter of effort, luck, preparation, strategy, consistency, and commitment to the process.

## II. *Mentoring: The Art of Collaboration and Communication*

Good mentoring is critical to the success of an aspiring law professor. However, good mentoring relationships are not made out of thin air. They require work, good communication, clear understanding of your objectives as well as those of your mentor, a commitment to your project—and often compatibility helps. While some law schools establish mentoring committees for their fellows, others do not and will expect you to initiate those relationships on your own.

Whether you are assigned a mentoring committee or independently initiate mentoring relationships, it never hurts to have supportive professors who are willing to encourage, inspire, critique and advise you. While advisors are also expected to serve as mentors, the relationships do not

always work out that way. You should not feel that your advisor lacks interest in your success if she or he is a poor mentor. Often advisors are not given any basic set of rules, conditions, expectations, or even suggestions from the law school about how to interact with and mentor their fellows.

A “good” advisor will meet regularly with the fellow, demonstrate concern about the fellow’s progress on the particular project, constructively critique the quality of the fellow’s analysis, research, and writing, make suggestions to improve the fellow’s work, and introduce the fellow to colleagues in the field. However, some fellows prefer to work independently, and shun too much involvement from the advisor. You should determine early in your relationship with your mentor what his or her expectations are and what your best working style is. It is also important that you allow for flexibility in this relationship. Moreover, just because someone has successfully mentored you does not necessarily mean that they will be a “good” advisor. Great mentors can sometimes be less than desirable advisors for a number of reasons: lack of organization, being over-committed, not being willing to offer substantive critiques of the mentee’s work, etc. One of the most important elements of a healthy mentoring relationship is your willingness to be receptive to different perspectives.

One of the advantages of participating in a fellowship is meeting professors, learning about their work, attending their colloquia, and participating in faculty discussion groups. Often distinguished senior members of the faculty offer time, guidance and wisdom to the interested fellows. They can advise you about other law schools, explain the history of the fellowship program, give you advice about your research project, and help you to identify potential pitfalls. They can also help you to place the law, your research, and your desire to teach in perspective. While you might need to actively seek out these relationships, professors are often amenable to having lunch, tea or coffee with fellows. The relationships that develop out of these engagements are invaluable.

### III. *The Publish or Peril Predicament*

Writing is an essential element of the job placement process, even with programs designed for those interested in clinical teaching. You will be best positioned if you can publish during your tenure in a fellowship program (although most programs do not require this). Your publication need not be your thesis itself. A promising paper from law school could serve as the foundation for an essay or article. Working on a second paper, in addition to your thesis, will also allow other faculty members who are not on your committee to critique your work, will provide an opportunity for conference talks, and will demonstrate that you are truly committed to scholarly endeavors. Later, you may be able to expand the additional article written during your fellowship into other articles or a

book. The publication process is worth familiarizing yourself with—even if you had prior experience working on law review.

What should you write about? Should you avoid topics addressing race or gender? Where should you place your article or essay? Focusing on topics that you find interesting will make the process of writing easier. Writing on a topic that lacks appeal for you could become burdensome, and will likely lead to delayed thesis production. However, taking a topic of interest and turning it into a constructive, well-organized essay, will demonstrate that you are committed to the scholarly endeavors required in a law teaching position. It is also an impressive answer to the ever-present question about organization and ability to produce while under pressure.

Being well positioned with a completed thesis and a shorter article should place you in positive stead when you have received a teaching job and are negotiating salary, research assistance, summer stipend, and travel assistance to attend conferences where your work will be presented. Publishing an article, however, should not interfere with the ultimate goals of completing your research and writing your thesis.

#### *IV. Presenting Your Work*

Fellowships provide a great opportunity for aspiring law professors to present their research both within the law school community, and to outsiders either at the university (if the law school is affiliated with a university) or at regional, national, and international conferences. It should be easy to arrange a work in progress talk within the law school. Such talks can provide helpful feedback and constructive criticism. However, you should only present a work in progress when you are ready to have your work scrutinized by the people who will later vote on its acceptability.

By the time you are prepared to present a work in progress, you should have a solid grasp of the law in the topic area. The depth of your research and ability to analyze cases and other materials should be apparent. Thus, even if your professors and colleagues disagree with your premise or are uneducated about your thesis topic, the validity of your research, findings, and analysis should not be in question. Unfortunately, some works in progress are less successful due to lack of preparation and differing expectations. Be certain that your work in progress talk is well organized, with a clear and concise thesis.

Presenting your work to the faculty can give you greater exposure to others who are working in your areas of interest. It can also serve to inform the faculty about your research, and remind them of your presence at the law school. Nevertheless, remember that your talk might be the only opportunity that faculty members have to hear you give a scholarly presentation. Therefore, do your best and be well prepared. Pointing

out the strengths and weaknesses in your own arguments is often helpful, and sends a message that you can objectively discuss your research project.

During the law teaching job interview process, random faculty members are sometimes asked to evaluate whether a candidate will be the right fit at a given law school. Your work in progress talk can become very significant under those circumstances. This process works favorably for fellows who presented well, were informed and polished. It is less helpful, and perhaps harmful, for fellows who are perceived to be lazy, unproductive, defensive, or inarticulate. Finally, remember any comments made during your presentation by writing them down and following-up with phone calls or e-mails thanking faculty members for participating and for their helpful questions.

#### *V. Post-Fellowship Thoughts*

Fellowship programs have proven to be essential to the promotion of diversity within the legal academy. They provide wonderful opportunities for those aspiring to become law professors. Whether in Cambridge, Madison, Iowa City or Washington D.C., learn about the local community and immerse yourself in regional issues that relate to your thesis topic. Many fellowship programs are located in dynamic intellectual communities, which provide the opportunity for hearing nationally renowned theorists, political scientists, sociologists, economists, and political leaders. Enjoy your fellowship!

#### *Listing of Teaching Fellowship Programs*

University of Baltimore School of Law  
1420 N. Charles Street  
Baltimore, MD 21201  
(410) 837-5657  
Contact: Jane Murphy, Director of Clinical Programs

Comments: Fellowships in the Family Law Clinic, Civil Law Clinic, and Community Development Clinic are each for a two-year term and are designed for attorneys who may wish to enter a full-time career in law school clinical education.

University of Connecticut School of Law  
William Davis Fellowship  
55 Elizabeth Street  
Hartford, CT 06105-2290  
(860) 570-5205

jbauer@law.uconn.edu

Contact: Jon Bauer, Director, Civil Law Clinic

Comments: This Fellowship focuses on clinical teaching.

Georgetown University Law Center

Appellate Litigation Fellowship

111 F Street, NW, Suite 123

Washington, DC 20001-2095

(202) 662-9555

Contact: Professor Steven H. Goldblatt, Director

Deadline: December 15

Comments: For LL.M. candidates interested in intensive and advanced training as litigators.

Georgetown University Law Center

Applied Legal Studies Fellowship

600 New Jersey Avenue, NW

Washington, DC 20001-2095

(202) 662-9565

Contact: Professor David A. Koplow and Professor Philip G. Schrag, Co-Directors

Deadline: December 1

Comments: Two-year clinical teaching fellowship. The Center focuses on political asylum and immigration cases.

Georgetown University Law Center

Criminal Justice and Juvenile Justice Clinics

E. Barrett Prettyman & Stuart Stiller Fellowships

111 F Street, N.W.

Washington, DC 20001-2095

(202) 662-9575

Contact: Professor John M. Copacino, Director

Deadline: December 1

Comments: Designed to provide instruction in trial advocacy and practical experience representing clients in court.

Georgetown University Law Center

Federal Legislation Clinic Fellowship

111 F Street, N.W.

Washington, DC 20001-2095

(202) 662-9595

Contact: Professor Chai R. Feldblum, Director

Deadline: December 1

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Comments: Focuses on the study of the federal legislative process.

Georgetown University Law Center  
Fellowship Program for Future Law Professors  
600 New Jersey Avenue, NW  
Washington, DC 20001-2075  
(202) 662-9015  
Contact: Sherrie Gilman, Director of Admissions  
Deadline: February 1

Comments: Designed to increase the diversity of the law teaching profession and to bring underrepresented perspectives to the development of legal scholarship.

Georgetown University Law Center  
Harrison Institute for Public Law Fellowship  
111 F Street, N.W.  
Washington, DC 20001-2095  
(202) 662-9603  
Contact: Professor Robert Stumberg, Clinical Director  
Deadline: February 1

Comments: Two-year fellowship at the Harrison Institute.

Georgetown University Law Center  
Institute for Public Representation Fellowship  
111 F Street, N.W.  
Washington, DC 20001-2095  
(202) 662-9535  
Contact: Professor Douglas L. Parker, Director  
Deadline: November 15

Comments: The Institute provides legal representation to underrepresented groups and interests.

Georgetown University Law Center  
Law Related Education Fellowship (Street Law)  
111 F Street, N.W., Suite 128  
Washington, DC 20001-2095  
(202) 662-9615  
Contact: Professor Richard L. Roe, Director  
Deadline: December 18

Comments: Designed for those interested in developing research, teaching, and supervisory abilities in a law school clinical and public interest setting.

Georgetown University Law Center  
Women's Law & Public Policy Fellowship  
600 N.J. Avenue N.W. 20001  
Washington, DC 20001-2095  
(202) 662-9650  
Contact: Professor Charlene Gomes, Director  
Deadline: October 12

Comments: One-year fellowship for recent law graduates interested in working on women's rights issues in Washington, DC.

Harvard Law School  
Charles Hamilton Houston Fellowship for Law Teaching  
Reginald F Lewis Fellowship for Law Teaching  
Griswold 200  
Cambridge, MA 02138  
(617) 495-4620  
Contact: Ellen Adolf  
Deadline: February 11

Comments: Two separate fellowships designed to train prospective law teachers who will enhance the diversity of the profession. Minority candidates are especially encouraged.

University of Iowa College of Law  
Faculty Fellow Program  
Iowa City, IA 52242  
(319) 335-9034  
Contact: Eric Anderen, Co-Chair,  
Faculty Appointments Committee

Comments: This is a one- or two-year fellowship for a prospective law teacher who will add diversity to the law teaching profession.

Pension Benefit Guaranty Corporation Fellowship Program  
600 New Jersey Avenue, N.W.  
Washington, DC 20001-2075  
(202) 662-9015  
Contact: Sophia Sim, Director of Admissions  
Deadline: June 1

Comments: Fellowship recipients work as full-time, entry-level attorneys in the Office of the General Counsel of the PBGC.

University of South Dakota School of Law  
Indian Law Fellowship  
414 East Clark St.  
Vermillion, SD 57069  
(605) 677-5361  
Contact: Professor Frank R. Pommersheim  
Deadline: May 15

Comments: Six-month fellowship for those who have experience in Indian law and who intend to continue working in that field.

Stanford Law School  
Legal Research and Writing Instructor  
Stanford, CA 94305-8610  
(650) 723-4535  
Contact: Shanon Morimon, Admissions Office

Comments: One-year program.

Temple University School of Law  
Office of Graduate Programs, Room 714  
Graduate Teaching Fellowship Program  
1719 North Broad Street  
Philadelphia, PA 19122-6098  
(215) 204-8982  
INTL\_LAW@vm.temple.edu  
Contact: Adelaide Ferguson, Assistant Dean for Graduate and International Programs  
Deadline: January 15

Comments: Two-year fellowship for prospective law teachers leading to an LL.M. Minority candidates are especially encouraged to apply.

Tulane University Law School  
Maritime Law Fellowship Program  
6329 Freret St.  
Weinmann Hall, Suite 203  
New Orleans, LA 70118  
Contact: Amy Johnson  
amyjohnson@tulane.edu  
(504) 862-8830  
Deadline: March 1

Comments: Fellowship leading to an LL.M. in Admiralty

Villanova University School of Law  
Reuschlein Clinical Fellowship  
299 North Spring Mill Road  
Villanova, PA 19085  
(610) 519-7000

Comments: The Fellowship is a year-long appointment with an expectation of teaching one class and doing research and participating in faculty colloquia and student faculty symposia. Because the endowment for the Fellowship is new, the Fellowship has not been offered every year.

University of Wisconsin Law School  
William H. Hastie Fellowship Program  
975 Bascom Mall, Room 4312  
Madison, WI 53706-1399  
(608) 263-7416  
pccarste@facstaff.wisc.edu  
Contact: Professor Peter Carstensen  
Deadline: January 15

Comments: Two-year LL.M. program designed to increase racial and ethnic diversity in the law teaching profession. The primary focus is on research and writing a publishable thesis with an opportunity to gain teaching experience during the second year.

Yale Law School  
Robert M. Cover Fellowship in Public Interest Law  
P.O. Box 209090  
New Haven, CT 06520-9090  
(203) 432-4800  
(203) 432-1426 (Fax)  
kathryn.stoddard@yale.edu (Office Manager Kathryn Stoddard)  
Contact: Professor J.L. Pottenger, Jr.  
Deadline: March 1

Comments: Two-year program designed to train prospective clinical law professors.

## GRADUATE DEGREE PROGRAMS

*Gabriel J. Chin*

I am increasingly convinced that getting an LL.M. before entering teaching was the best possible beginning to my academic career. Being in an LL.M. program was like taking a sabbatical before even having a job: It gave me a year with enormous freedom to study, write, and interact with extremely bright academics (and here I include both the faculty and my fellow students). Many aspiring law professors will find, as I did, that an LL.M. offers practical and intellectual benefits that make it easier to obtain a teaching position and smooth the transition from practice to teaching.

The great opportunity of an LL.M. program is the chance to write an article or two with expert faculty support. Writing and publishing are critical, not only for earning tenure, but increasingly, for getting an entry-level position. When I was choosing a graduate law program, I looked for one where I could write. My program required twenty-four credits, but was largely unstructured. Therefore, while I took a couple of lecture courses with exams, I was able to sign up for a variety of independent studies and seminars. I got what I paid for—my paper for Peter Schuck's immigration seminar became *The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965*,<sup>1</sup> and Jack Balkin's Multiculturalism and the Constitution class required a paper that turned into *Bakke to the Wall: The Crisis of Bakkean Diversity*.<sup>2</sup> I completed an independent study with Steven Duke that was published as *Getting out of Jail Free: Sentence Credit for Periods of Mistaken Liberty*,<sup>3</sup> and an independent study with Owen Fiss became *Segregation's Last Stronghold: Race Discrimination and the Constitutional Law of Immigration*.<sup>4</sup> Being in the academic milieu even enabled me to meet faculty at other schools. After chatting with Taunya Banks of the University of Maryland, she invited me to present a paper at a conference

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1. Gabriel J. Chin, *The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965*, 75 N.C. L. REV. 273 (1996), reprinted in 17 IMMIGR. & NAT'LITY L. REV. 87 (1995–96).

2. Gabriel J. Chin, *Bakke to the Wall: The Crisis of Bakkean Diversity*, 4 WM. & MARY BILL RTS. J. 881 (1996).

3. Gabriel J. Chin, *Getting out of Jail Free: Sentence Credit for Periods of Mistaken Liberty*, 45 CATH. U. L. REV. 403 (1996).

4. Gabriel J. Chin, *Segregation's Last Stronghold: Race Discrimination and the Constitutional Law of Immigration* 46 UCLA L. REV. 1 (1998), reprinted in 19 IMMIGR. & NAT'LITY L. REV. 1 (1998).

which became *The Plessy Myth: Justice Harlan and the Chinese Cases*.<sup>5</sup> My experience was hardly unusual; many LL.M. students graduate with several drafts ready to be turned into publishable papers. They are happy to have them in their first couple of years in the academy when the demands of learning how to teach are the heaviest.

An additional degree, especially from a prestigious school, is also worth something as a credential. Look for a program that aims at producing law professors and has a successful placement history. The value of an LL.M. is demonstrated by the success of those who hold the degree: a quick and dirty search of the WESTLAW version of the *Directory of Law Teachers* showed that 1621 law professors hold LL.M. degrees. It pays to choose your school carefully. NYU boasts 273 LL.M. graduates in teaching, in part because of its famous tax program. In addition, there are 263 from Harvard, 159 from Yale, 131 from Georgetown, 111 from Columbia, 66 from George Washington, 52 from Temple, 42 from Michigan, 41 from Illinois, and 35 from Virginia. These ten schools account for nearly three quarters of the LL.M.'s who hold teaching appointments.

If you have been in practice for more than a few years, an LL.M. is also an effective way of demonstrating your commitment to academia. Faculty appointments committees may suspect that a long-time practitioner is looking for a teaching job to escape the rat race. This raises doubts about both the applicant's interest in teaching and his or her ability to make the transition. Because LL.M. candidates spend time and money on this academic pursuit, they may distinguish themselves from applicants with otherwise similar qualifications. Spending a year on campus will also give you an opportunity to become reacquainted with legal academia; unless your J.D. is very new, during your LL.M. year, you may find yourself exposed to recent scholarly developments for the first time. An LL.M. program can also give you references familiar with your current abilities.

The major difference between an LL.M. program and simply taking a leave of absence from your current job and writing on your own is access to faculty. Some LL.M. programs (even very famous ones) are treated as poor stepchildren of the J.D. program, or as moneymakers for the schools. A little of this may be unavoidable, because the J.D. program is the central mission of all law schools, but investigate the LL.M.s' access to faculty, the faculty's attitude towards them, and financial aid for LL.M.s, which is also an indication of how you will be received.

Most LL.M. programs last only one year. Because of the timing of the AALS hiring meeting, you should try, if at all possible, to find something to do for the year after your LL.M. It was awful interviewing for jobs during the very first semester of my LL.M. program. A two-year

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5. Gabriel J. Chin, *The Plessy Myth: Justice Harlan and the Chinese Cases*, 82 IOWA L. REV. 151 (1996).

LL.M. program, a clerkship, a J.S.D., or a fellowship for the second year may help you avoid that problem.

You also might consider a “visiting scholar” program. These programs go by various names, but the essence is that some law schools will make their resources available to researchers for a semester or a school year. These spots usually go to foreign professors on leave or to American law teachers on leave or on research sabbaticals, but an energetic practicing lawyer considering academia might be considered. Usually, visitors are required to pay for the privilege. What you get in exchange is access to large libraries, colloquia, and, depending on your charm, professors who might read your work or otherwise offer advice. If you want to write a paper, and can afford to be a visiting scholar, it could be worth thinking about.

#### *Graduate Degrees in Law*

Master of Laws (LL.M.)  
Master of Comparative Law (M.Comp.L. or M.C.L.)  
Master of Comparative Jurisprudence (M.C.J.)  
Doctor of the Science of Law (J.S.D.)  
Doctor of Juridical Science (S.J.D.)  
Doctor of Philosophy (Ph.D.)  
Doctor of Comparative Law (D.C.L.)

Internet Listing of Graduate Programs

<http://www.abanet.org/legaled/postjdprograms/postjd.html>

#### *Listing of Selected Graduate Programs*

American University  
Washington College of Law  
Office of Admissions for the LL.M. Program on Law and  
Government  
4801 Massachusetts Avenue, N.W., Suite 355  
Washington, DC 20016  
(202) 274-4268  
[lawandgov@wcl.american.edu](mailto:lawandgov@wcl.american.edu)  
Contact: Moira Lee, Staff Assistant

Graduate Programs Offered: LL.M. in Administrative Law  
and Regulatory Policy.

University of Baltimore School of Law  
John and Francies Angelos Law Center  
1420 N. Charles Street  
Baltimore, MD 21201  
(410) 837-4470  
Contact: Graduate Tax Program Office

Graduate Programs Offered: LL.M. in Taxation.

University of California at Berkeley School of Law  
354 Boalt Hall  
Berkeley, CA 94720-7200  
(510) 642-1476

Graduate Programs Offered: LL.M., J.S.D. and M.A. or  
Ph.D. in Jurisprudence and Social Policy.

<http://www.law.berkeley.edu/academics/jsp/index.html>

University of California at Los Angeles School of Law  
Room 1242  
Graduate LL.M. Program  
Box 951476  
Los Angeles, CA 90095-1476  
(310) 206-6967  
(310) 825-6023 (fax)

Graduate Programs Offered: LL.M.

Application Deadline: February 1.

University of Chicago Law School  
Admissions Office  
1111 East 60th Street  
Chicago, IL 60637  
(773) 702-9484

Graduate Programs Offered: LL.M., M.C.L., J.S.D., D.C.L.

Columbia University School of Law  
Graduate Legal Studies Program  
435 West 116th Street, MC 4036  
New York, NY 10027  
(212) 854-2655  
[jak@law.columbia.edu](mailto:jak@law.columbia.edu)  
<http://www.law.columbia.edu>

Graduate Programs Offered: LL.M., J.S.D.

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Application Deadline: January 15.  
University of Connecticut School of Law  
55 Elizabeth Street  
Hartford, CT 06105-2290  
(860) 570-5288  
tbaker@law.uconn.edu  
Contact: Tom Baker, Director, Insurance Law Center

Graduate Programs Offered: LL.M. in Insurance Law.

Cornell University Law School  
LL.M. Admissions and International Programs Office  
240 Myron Taylor Hall  
Ithaca, NY 14853  
(607) 255-2362

Graduate Programs Offered: LL.M., J.S.D., Visiting Scholar.

Application Deadline: February 1 (but no official cutoff).

Duke University School of Law  
Science Drive and Towerview Road  
Box 90393  
Durham, NC 27708-0393  
(919) 613-7020

Graduate Programs Offered: LL.M., S.J.D., MLS

University of Florida Levin College of Law  
Director of Graduate Tax Program  
P.O. Box 117627  
Gainesville, Florida 32611-7627  
(352) 392-1081

Graduate Programs Offered: LL.M. in Taxation, S.J.D. in Taxation.

Application Deadline: June 1

Franklin Pierce Law Center  
2 White Street  
Concord, NH 03301  
(603) 228-1541  
graduateprograms@fplc.edu  
Contact: Deborah Beauregard (ext. 1173)

Graduate Programs Offered: LL.M. in Intellectual Property.

George Washington University Law School  
Graduate Programs Office  
720 20th Street, N.W.  
Washington, DC 20052  
(202) 994-0715  
(202) 994-4500  
(202) 994-7242 (for SJD in International and Comparative Law)  
grad@main.nlc.gwu.edu

Graduate Programs Offered: LL.M. in Environmental Law, Government Procurement Law, Intellectual Property Law, International and Comparative Law, and Litigation and Dispute Resolution; S.J.D. in International and Comparative Law. George Washington also offers the Shaw Graduate Fellowship in Environmental Law.

Georgetown University Law Center  
International and Graduate Programs Office  
600 New Jersey Avenue, N.W.  
Washington, DC 20001  
(202) 662-9036

Graduate Programs Offered: LL.M. in Advocacy (Clinical teaching), International Legal Studies or General Studies (for foreign lawyers), International and Comparative Law, Taxation, Securities & Financial Regulation, Individualized; S.J.D.; Visiting Scholars and Researchers.

Golden Gate University School of Law  
536 Mission Street  
San Francisco, CA 94105-2968  
(415) 442-6600

Graduate Programs Offered: LL.M. in International Legal Studies, Taxation, U.S. Legal Studies (principally, but not exclusively, for foreign lawyers), and Environmental Law; S.J.D. program in International Legal Studies.

Harvard Law School  
Graduate Program  
Office of Admissions  
1557 Massachusetts Avenue  
LILC 208  
Cambridge, MA 02138  
(617) 495-3117  
gpadmit@law.harvard.edu

Graduate Programs Offered: LL.M., S.J.D., Visiting Scholar.

University of Illinois College of Law  
504 East Pennsylvania Avenue  
Champaign, IL 61820  
(217) 244-6415

Graduate Programs Offered: LL.M., M.C.L.

University of Iowa  
Graduate Program in International and Comparative Law  
Office of Admissions  
University of Iowa College of Law  
Iowa City, IA 52242  
(319) 335-9169

Graduate Programs Offered: LL.M., Visiting Scholar.

The John Marshall Law School  
315 South Plymouth Court  
Chicago, Illinois 60604  
(800) 276-0003  
(312) 360-2658  
Contact: Graduate Admission Officer, Julia A. Beckman

Graduate Programs Offered: LL.M. in Intellectual Property, Information Technology Law, Employee Benefits, International Business and Trade, Real Estate Law, Tax Law, and Comparative Legal Studies; M.S. in Information Technology Law.

Northwestern School of Law of Lewis & Clark College  
10015 SW Terwilliger Boulevard  
Portland, Oregon 97219-7799  
(503) 768-6649 or 768-6784  
768-6671 (Fax)  
nrli@lclark.edu  
Contact: Janice L. Weis, LL.M. Program Director

Graduate Programs Offered: LL.M. in Environmental and Natural Resources Law.

Loyola University School of Law, Chicago  
1 East Pearson Street  
Chicago, Ill 60611  
Contact: Pamela Bloomquist, Assistant Dean for Admissions  
(312) 915-7170  
pbloomq@luc.edu

Graduate Programs Offered: LL.M. in Health Law, Tax Law, Child & Family Law, and Business Law. M.J. also offered in Health Law, Business Law, Child and Family Law. D. Law or S.J.D. offered in Health Law.

University of Miami School of Law  
P.O. Box 248087,  
Coral Gables, Florida 33124.  
(305) 284-3396

Graduate Programs Offered: LL.M. in Taxation, Estate Planning, Comparative Law, Inter-American Law, International Law, and Ocean and Coastal Law, and Real Property Development.

University of Michigan Law School  
Admissions Office  
625 South State Street  
Ann Arbor, MI 48109-1215  
(734) 764-0537  
(734) 647-3218 (Fax)  
law.grad.admissions@umich.edu

Graduate Programs Offered: LL.M. in General Studies, International Law, and International Economic Law; M.C.L.; S.J.D.; Research scholar.

University of Missouri-Columbia School of Law  
The Center for the Study of Dispute Resolution  
206 Hulston Hall  
Columbia, MO 65211  
(573) 882-2020  
(573) 882-3343  
neylonk@missouri.edu  
<http://www.law.missouri.edu/~llmdr>  
Contact: Karen Neylon, Program Director

Graduate Programs Offered: LL.M. in Dispute Resolution

University of Missouri-Kansas City School of Law  
5100 Rockhill Road  
Kansas City, MO 64110-1644  
(816) 235-1000

Graduate Programs Offered: LL.M. in Taxation and General, with Estate Planning Emphasis.

State University of New York at Buffalo  
Law School  
319 O'Brian Hall  
Buffalo, NY 14260  
(716)645-2052  
(716)645-5968 (Fax)  
pitegoff@buffalo.edu

Graduate Program Offered: LL.M. in Criminal Law.

New York University School of Law  
Vanderbilt Hall, Room 402  
40 Washington Square South  
New York, NY 10012  
(212) 998-6060

Graduate Programs Offered: LL.M. in General Studies, Labor and Employment Law, Public Service Law, Comparative Jurisprudence, Corporations, Taxation, International Taxation, Trade Regulation, International Legal Studies; M.C.J.; J.S.D.

Northwestern University School of Law  
Graduate and International Program  
357 East Chicago Avenue  
Chicago, IL 60611  
(312) 503-3100

Graduate Programs Offered: LL.M., Program in Law and Business (leading toward the LL.M. degree from the law school and a certificate in management from Kellogg Graduate School of Management).

Notre Dame Law School  
Center for Civil and Human Rights  
135 Law School  
Notre Dame, IN 46556  
(219) 631-8555  
(219)631-8702 (Fax)

Graduate Programs Offered: LL.M. and J.S.D. in International Human Rights Law, LL.M. in International and Comparative Law (London campus).

Pace Law School  
78 North Broadway  
White Plains, NY 10603  
(914) 442-4128

Graduate Programs Offered: LL.M. in Comparative Legal Studies, Environmental Law; S.J.D. in Environmental Law.

University of Pennsylvania Law School  
3400 Chestnut Street  
Philadelphia, PA 19104  
(215) 898-7400  
Admissions@oyez.law.upenn.edu

Graduate Programs Offered: LL.M., S.J.D., LL.C.M. (Masters of Comparative Law degree for Penn LL.M. graduates).

St. John's University School of Law  
8000 Utopia Parkway  
Jamaica, N.Y. 11439  
990-5343  
rzinman@sjulawfac.stjohns.edu  
Contact: Robert M. Zinman, Director, Professor of Law

Graduate Programs Offered: LL.M. in Bankruptcy.

Saint Louis University School of Law  
Center for Health Law Studies  
3700 Lindell Blvd.  
St. Louis, MO 63108  
(314) 977-2766  
(314) 977-3966 (fax)  
<http://lawlib.slu.edu/>  
Contact: Thomas L. Greaney, Director LL.M. Program  
(314) 977-3995  
Greanetl@slu.edu

Graduate Programs Offered: LL.M. in Health Law.

Southern Methodist University  
School of Law  
Office of Admissions  
P.O. Box 750110  
Dallas, TX 75275-0110  
214.768.2000  
<http://www.law.smu.edu/>

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*The Guide*

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Ms. Bobbye Heine  
(214)768-2550  
bheine@mail.smu.edu

Graduate Programs Offered: LL.M. in Tax; LL.M. in Comparative & International; General LL.M. (most students seeking this degree concentrate in areas such as corporate and commercial law, international law, labor law, legal practice and procedure, natural resources law, or property law).

Stanford University Law School  
Stanford, CA 94305-8610  
(416) 723-4985

Graduate Programs Offered: J.S.D., LL. M. in Law, Science & Technology; LL.M. in Corporate Governance & Practice.

Temple University School of Law  
Office of Graduate and International Legal Studies  
1719 North Broad Street  
Philadelphia, PA 19122  
(215) 204-1448  
intl\_law@vm.temple.edu

Graduate Programs Offered: LL.M. in Taxation, Trial Advocacy, Transnational Law; the Graduate Teaching Fellowship Program that leads to the LL.M.

The University of Texas School of Law  
Post Office Box 149105  
Austin, TX 78714-9105  
(512) 471-8268

Graduate Programs Offered: LL.M., LL.M. in Latin American and International Law.

Tulane University Law School  
Graduate Studies Program  
Weinmann Hall, Suite 203  
New Orleans, LA 70118-5670  
(504) 865-5930

Graduate Programs Offered: LL.M. in General, Admiralty and Energy & Environment; LL.M. in International & Comparative Law; S.J.D.

University of Utah College of Law  
Office of Admissions for LL.M Program

332 S. 1400 E. Front  
Salt Lake City, Utah 84112  
(801)581-6833

Graduate Program Offered: LL.M. in Energy, Environmental  
and Natural Resources Law.

Villanova University School of Law  
299 North Spring Mill Road  
Villanova, PA 19085  
(610) 519-7000

Graduate Programs Offered: LL.M. in Taxation.

University of Virginia School of Law  
Graduate Studies Office  
580 Massie Road  
Charlottesville, VA 22903-1789  
(804) 924-3154

Graduate Programs Offered: LL.M., S.J.D., Scholar-in-  
Residence.

University of Washington School of Law  
Office of Graduate Admissions  
1100 N.E. Campus Parkway  
Seattle, WA 98105-6617  
(206) 543-2283  
(206) 616-8340 (Tax Program only)  
gradlaw@u.washington.edu

Graduate Programs Offered: LL.M. in Asian and Compara-  
tive Law (April 1 deadline), LL.M. in Intellectual Property  
Law and Policy (April 1 deadline), and Sustainable Interna-  
tional Development (May 1 deadline), Taxation (July 1  
deadline)); Ph.D. in Asian Law.

Washington University School of Law  
Campus Box 1120  
One Brookings Drive  
St. Louis, MO 63130  
(314) 935-6489 (Tax Program)  
(314) 935-6479 (J.S.D. Program)

Graduate Programs Offered: LL.M. in Taxation; LL.M. in  
Intellectual Property; J.S.D.

University of Wisconsin Law School  
Graduate Programs Committee  
975 Bascom Mall, Room 4312  
Madison, WI 53706  
(608) 262-9120

Graduate Programs Offered: LL.M., S.J.D. (LL.M. and S.J.D. are strictly research and writing programs—candidates are actively discouraged from enrolling in courses.); M.L.I. Master of Legal Institutions (course-based program for foreign lawyers).

Yale Law School  
Graduate Programs Office  
P.O. Box 208215  
New Haven, CT 06520-8215  
(203) 432-1696

Graduate Programs Offered: LL.M., J.S.D., M.S.L., Visiting Scholar.

Yeshiva University, Benjamin N. Cardozo School of Law  
55 Fifth Avenue  
New York, NY 10003-4301  
(212) 790-0274  
lawinfo@ymail.yu.edu

Graduate Programs Offered: LL.M. in Intellectual Property, General LL.M.

## TEACHING LEGAL METHODS: WHY, HOW, AND WHAT NEXT

*Cynthia L. Fountaine*\*

I have three goals for this essay: first, to explain why you might (or might not) want to teach in a legal methods program; second, to explain how to go about getting a legal methods teaching position once you decide you want one; and third, to explain how you might make a transition into doctrinal teaching after first teaching in a legal methods program and what advantages and challenges you might encounter in your efforts to make such a transition.<sup>1</sup>

Chances are you have at least a vague notion of what a legal methods program is because you probably took a course in the subject when you were in law school. Most basic legal methods courses cover legal writing (including objective and persuasive writing), legal reasoning, legal analysis, legal advocacy (often including first year moot court), and legal research. Some of the more elaborate legal methods courses continue into the second year of law school and cover additional skills, such as negotiation and counseling. There is wide variation in the materials particular legal methods courses cover, but the common denominator is that they all teach some form of legal research and writing.

Legal methods programs also vary greatly in the way they are staffed. Some legal methods programs are administered by directors, some are not. Some legal methods programs are staffed by full-time legal methods faculty who work either on contracts (which might vary both in their length and their renewability) or on the tenure track. In other programs, the legal methods courses are taught by adjuncts or even by student teaching assistants.

If you decide to pursue a legal methods teaching position, it is crucial that you find out as much as you can about the staffing structure and curricular coverage of the program you choose and decide whether you would flourish in such a program. The rest of this essay will discuss legal methods teaching as you might encounter it in a full-time legal methods faculty position.

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1. I successfully made this transition in 1997, after having taught legal research and writing at the University of Cincinnati College of Law for five years. I am now tenured at Texas Wesleyan University School of Law, where I teach civil procedure, federal courts, complex litigation, civil rights, and other courses.

I. TEACHING IN A LEGAL METHODS PROGRAM:  
THE WHY AND WHY NOT

The first thing I like to do when I talk with someone who is thinking about teaching legal methods is tell them all the reasons *not* to pursue a position in the field. Once you know all the reasons not to teach legal methods, if you are still interested, you should seriously consider legal methods teaching either as a permanent career or as an entry into the doctrinal teaching profession. Teaching legal methods is one of the most rewarding and exciting jobs available in the legal profession, but there are some significant challenges, which anyone interested in teaching legal methods as a short- or long-term career must recognize.

1. The Two Big “S”s: Salary & Status

Aside from the obvious differences between the subject matter taught in a legal methods program and that taught in doctrinal courses, the two primary differences between a legal methods teaching job and a doctrinal teaching job are salary and status. Salary for an entry-level legal methods position is frequently significantly lower than that for an entry-level doctrinal teaching position—as much as 1/3 lower or more. Law schools justify this salary differential by imposing different job requirements on legal methods teachers, who usually are not required to publish and often are not expected (and sometimes not permitted) to contribute as much in terms of service (committee work, etc.) to the law school.

At some law schools, legal methods teachers are fully integrated into the faculty and status issues seldom or never arise. At other schools, legal methods teachers are treated very differently from doctrinal faculty and often face significant status issues. Significant variation exists regarding the extent to which legal methods teachers are embraced within the law school’s faculty governance system. For example, legal methods teachers may not be permitted to attend faculty meetings or sit on faculty committees. In addition, at some schools, legal methods teachers have titles that identify them as subordinate to the rest of the law faculty, and they are referred to not as “Professor,” but rather as “Mr.” or “Ms.” This can have a significant negative impact on the teacher’s self esteem and on student perceptions regarding the importance of the legal methods course and the legal methods teacher’s credentials and authority.

The status differential between legal methods and doctrinal teachers may stem, in part, from perceptions held by some doctrinal faculty that legal methods teaching is a less scholarly pursuit and requires less analytical rigor than does doctrinal teaching. In addition, some doctrinal teachers perceive that the absence of a scholarship requirement for legal methods teachers means that the legal methods teachers are not full members of the academy. Whatever the reason, the status issues facing

legal methods teachers in many law schools can be quite daunting and should be carefully considered before you decide that legal methods teaching is for you.

## 2. Grading, Grading, Grading

A large part of your job responsibility will be providing meaningful, helpful, truthful, prompt, and courteous feedback to students regarding their progress (or lack thereof), your expectations, and their potential.

In any teaching job—doctrinal or legal methods—the least fun part of the job is grading. In doctrinal courses built on the traditional law school model, this tedious task comes only once a semester—at the end of the term. For legal methods courses, however, grading responsibilities are almost constant. For legal writing courses to be effective, they must require students to write papers. To provide the most value in terms of feedback, opportunity for improvement, and learning experience for students, the legal methods teacher must extensively comment on and return the students' papers as quickly as possible. Depending on the number of students, which might range from thirty to fifty or more, grading and providing meaningful comments on legal writing papers is a monumental task—and one that must be repeated several times over the course of the semester and year.

You will get tired of grading papers. Maybe not the first year, maybe not the second year, but eventually you will get tired of grading papers. This doesn't mean that you have burned out or that you weren't meant to be a legal writing teacher; it only means that you are tired of grading papers.

## 3. Hours, Hours, Hours

As a legal methods teacher, you can expect to spend most of your time on four discrete tasks: (1) preparing for and teaching class; (2) developing problems that will form the basis of the research and writing assignments; (3) making extensive comments on students' papers; and (4) conducting frequent individual consultations with students.

First, you will need to spend many hours preparing for your classes, especially in your first year of teaching. The time you will have to spend on class preparation will vary depending on the structure of your program. For example, some legal methods directors script the entire course and give their teachers all the materials needed to teach each class. In this instance, you will still have to spend time sifting through the material and determining how you can best present the material to the class, taking into account both your individual teaching style and your students' individual and group needs. Other legal methods directors handle the

administrative aspects of the program and each teacher is responsible for developing his or her own lesson plans and course materials. In this situation, the number of hours you will spend preparing for class will be dramatically higher. Regardless of what model your program follows, to effectively teach legal methods, just as to teach any course, you must think through your teaching goals and figure out how to best achieve them in each particular class. This takes time.

Second, again depending on the structure of the program, you may be responsible for developing hypothetical problems that will form the basis of the legal research and writing assignments for your students. This requires considerable creativity (to think up hypotheticals that will address the skills you want to teach and keep the students—and you—interested) and meticulous research skills (to ensure that the problem will work with the available universe of research materials and the current state of the law and to be prepared for whatever students might find out there).

Third, as already mentioned, grading and providing extensive comments on student papers takes significant time. Frequently, it will consume your evenings and weekends.

Fourth, you should expect to spend significant time consulting with students individually to go over their work, discuss your comments, and help them understand how they can improve. This requires you to be available to students and to keep many office hours—usually many more than your doctrinal colleagues.

The bottom line is that you should be prepared to put in many, many hours teaching legal methods courses. Legal methods teaching is not a refuge from long hours at the law firm, and it does not require significantly less hours than doctrinal teaching. The primary difference between the job requirements for doctrinal teaching and those for legal methods teaching is that the former carries a scholarship requirement while the latter carries a heavy grading component. Both require long hours of preparation and a sincere commitment to the work.

#### 4. The Teacher Students Love to Hate

Law students love to hate legal writing class and, by extension, their legal writing teacher. This happens for two reasons. One, legal writing class is the only class during the first year for which students have to complete and turn-in written work. As their legal writing teacher, you are making them work, and work hard! In addition, you are often the first person at the law school to provide them with any direct feedback, and it is highly likely that this feedback will not be all positive. Law students have a hard time with any comment on their work that does not include the word “excellent,” and few of your comments on legal writing papers will include that word (though you should always endeavor to give each

student some positive feedback on each assignment). So, not only will you have made them work, but you will have failed to appreciate their brilliance, and they will be unhappy with you for that.

As a consequence of all this animosity, legal methods teachers frequently get lower marks on student evaluations. It is quite possible for legal methods teachers to be very popular and to get excellent student evaluations; many do. But it is also very easy for legal methods teachers to be resented for the very qualities that make them good legal methods teachers. You should think about whether you can live with unpopularity before you decide to become a legal methods teacher.

### 5. Contracts & Term Limits

As mentioned above, law schools differ significantly as to how they staff legal methods programs. Although there are exceptions, most schools do not designate legal methods teaching positions as tenure-track. Among the most common staffing models is the short-term contract, which may or may not be renewable. Typically, the contract legal methods teacher is hired at the law school dean's discretion, which means that the faculty need not approve the hiring of the particular teacher. (Frequently, however, the dean will seek the faculty's input.) The contract term might be for one year or two years or even more. Often, the contract will be renewable (on demonstrated good performance) for additional terms, and some schools permit longer-term contracts after the first one or two contract periods.

Some of the schools that staff their legal methods programs with contract teachers have policies regarding the number of times a particular legal methods teacher's contract may be renewed. These term limits mean that, regardless of how good a legal methods teacher you turn out to be, your days are numbered at that school. If you are interested in making legal methods teaching your long-term career, find a school that does not impose term limits or you will spend a good bit of your time packing and unpacking your possessions as you move from law school to law school.

### 6. But, This is a Great Job!

With all that said, legal methods teaching can provide some of the most rewarding teaching experiences one could ask for. For one thing, despite the long hours, the hours are *your* hours. Except for the hours you are expected to be in class, you will have virtually complete control over your schedule (of course, this is true in almost any law teaching job).

Another positive aspect of legal methods teaching is that the opportunities for student contact are frequent due to smaller classes and

frequent individual conferences. This means that you will get to know your students much better than will your doctrinal colleagues. Students will share their successes and failures with you, and you will enjoy the rewards of having a close academic relationship with your students.

In addition, it is very rewarding to see a student's academic progress. In doctrinal courses—where classes might be large and exams are administered only once a semester—the professor does not often have the opportunity to see a student improve and progress. In contrast, in legal methods courses—with frequent written assignments, small classes, and frequent individual conferences—the professor sees the progress of nearly every student. This opportunity to experience the intellectual growth of each student is what teaching is all about, and it is regularly experienced in legal methods teaching.

Moreover, the course is fun to teach. Finding ways to reach students who are struggling to understand the legal reasoning process, while not losing students who are “naturals,” provides enough challenges and rewards to fulfill any teacher. Using your imagination, your intellect, and your legal skills and experience to create legal research and writing problems that will be interesting, challenging, and pedagogically appropriate for students is a delightful aspect of the job.

## II. GETTING A LEGAL METHODS TEACHING JOB

The process for getting a legal methods teaching job is not exactly the same as that for getting a doctrinal position; there are three significant differences: (1) although the fall AALS faculty recruitment process results in some legal methods hiring, the bulk of legal methods faculty hiring is done later in the Spring and even into the Summer for a contract year beginning the coming Fall; (2) legal methods candidates are not always required to give a “job talk” or interview presentation; and (3) the people doing the legal methods hiring (sometimes the dean, sometimes the faculty, sometimes both) aren't necessarily looking for the same credentials for legal methods faculty as they look for when hiring doctrinal faculty.

### 1. Where & When to Find Openings

If you want to get a law teaching job, whether doctrinal or legal methods, you should go through the AALS faculty recruitment process to obtain interviews, followed by call-backs and offers. There is a special line on the Faculty Appointments Register (“FAR”) form where candidates may list teaching preferences. If you are interested in legal methods teaching, list it as one of your interests. Listing “legal methods” or “legal writing” will identify you to schools that might anticipate an opening, and representatives from those schools will call you to set up interviews

with you at the AALS Faculty Recruitment Conference in Washington D.C. in late October.

The AALS publishes and distributes a Placement Bulletin which contains advertisements of law school job openings. Some legal methods openings will be advertised in the section designated “Entry Level or Experienced Teacher Positions,” and another section of this publication, headed “Non-Tenured Legal Research and Writing Positions,” lists legal methods job openings. You will also find some legal methods teaching opportunities in the “Fellowships” section of the AALS Placement Bulletin. You should comb the Placement Bulletin for possible leads, and send your application to all that interest you.

In addition to the AALS faculty recruitment process, there are numerous other ways to find out about legal methods teaching jobs. Openings are frequently posted on the legal writing listserv and the legal writing directors’ listserv. Access to these listservs is limited to those already in legal methods teaching, so it is worthwhile to contact people you know who are already teaching legal methods and might be subscribed to one of these listservs and ask them to let you know if any job openings are posted. Other sources of information regarding legal methods teaching openings include local bar publications and the *Chronicle of Higher Education*, which publishes advertisements for all sorts of academic jobs, including legal methods. Last but not least, call administrative offices at particular schools that interest you and ask about legal methods openings. If you do, be sure to ask to whom you should address your application so you can target the appropriate individual within the law school.

Most legal methods hiring is done later in the Spring, and is not on the same timetable as the doctrinal teaching that is the focus of the AALS faculty recruitment process. The reasons for this are varied, but this is primarily because the school’s legal methods openings are often uncertain until later in the Spring when the school’s admissions office has a clearer picture of the size of the entering student body (and, consequently, the school has a better idea of how many legal methods teachers will be needed). Also, contract renewal occurs later in the Spring; at that time the school will have a better idea of how many of the current legal methods teachers will not be returning the next year. In any event, don’t be discouraged if you don’t come out of the Fall AALS faculty recruitment process with a job; keep up your search efforts into the Spring and Summer.

## 2. Job Talk

Most doctrinal teaching candidates are required, as part of the call-back interview process, to give a “job talk,” which is a presentation to the faculty on a legal topic that the candidate has a scholarly interest in.

Some schools require legal methods candidates to give a job talk, but others do not. If you are invited to a school for a call-back interview, be sure to find out whether you will be expected to give a job talk and, if so, whether it should relate to legal methods or a doctrinal topic.

### 3. Credentials

Law schools are usually looking for somewhat different credentials when hiring legal methods teachers than when hiring doctrinal teachers. Of course, the schools are always looking for an exemplary academic record, as evidenced by strong performance in law school. In addition, publications, clerkships, and teaching experience will help distinguish you from the many other candidates. However, in hiring legal methods faculty, schools generally focus on law review experience or other indicia of legal writing experience and interest, and will be likely to ask you for a writing sample. In addition, while law schools are always interested in faculty who have had practice experience, schools are likely to value practice experience as a crucial qualification for a legal methods teacher.

### III. STEPPING STONE OR STUMBLING BLOCK: MOVING INTO DOCTRINAL TEACHING

There are a number of alternative career paths that you might consider after your initial legal methods teaching appointment. For example, you might find that you want to remain in the legal methods field and decide to pursue a director position. Alternatively, you might decide you would like to teach doctrinal courses. The remainder of this essay will focus on making a transition into doctrinal teaching after having first taught in a legal methods program.

Common sense would say that some teaching experience is better than no teaching experience if you want to get a teaching job. Not necessarily so when your goal is to move from teaching legal writing to teaching doctrinal courses in law schools. Although there are several advantages associated with legal methods teaching as a segue to doctrinal teaching—which will be discussed below—there are also some disadvantages. In particular, some law faculty members view legal methods faculty in a different category from doctrinal faculty. Consequently, it is virtually unheard of for a legal methods teacher to switch into a doctrinal position at the same school, and many schools have rules against even considering a legal methods teacher for doctrinal openings that arise. Significant progress towards eradicating the negative stereotypes associated with legal methods teaching continues to be made through the tireless efforts of groups like the Association of Legal Writing Directors. However, the view of legal methods teachers as somehow

qualitatively different from doctrinal teachers is so ingrained in the legal academy that it can be difficult for a legal methods teacher to transition into doctrinal teaching even at another school.

This fact means two things. First, only teach legal methods if you really want to. The fact that there are some significant impediments to shifting from legal methods to doctrinal teaching means that you should not teach legal methods if your only reason for doing so is to use the position as a stepping stone to doctrinal teaching. Second, if you know that you eventually want to teach doctrinal courses, keep your doctrinal interest in mind when you are choosing legal methods programs to apply to and let it guide what you do in your legal methods teaching job.

Here are some tips for accomplishing a successful transition from legal methods teaching to doctrinal teaching:

### 1. WRITE!

It is crucial that you publish while you are in your legal methods position if you hope to move to a doctrinal position. Prospective employers will view you as someone who has already been in academia and who, as a consequence, should recognize the importance of scholarship. If you are going to convince them of your scholarly potential, you must demonstrate it by having published while teaching legal methods.

This is not as easy as it sounds. Recall the significant time demands of legal methods teaching. You will have to go the extra mile to write an article on top of your regular job responsibilities. Keep your publication goals in mind when you are considering different schools' legal methods programs. For example, instructors in legal methods programs that have a director often have less administrative responsibility and more time for writing.

Because all law schools appreciate the importance of faculty scholarship (including legal methods faculty scholarship), your school is likely to be highly supportive of your scholarship efforts. You will have library support, as well as administrative support (including secretarial support, and it's likely your school will pick up the postage tab for mailing out your article submissions). Law schools are usually very supportive environments in which to write. Take advantage of the assistance your school is willing to provide.

### 2. Dance With the One Who Brung You

As with all jobs, it is especially important that once you enter the legal academy, you do your best. Your reputation within the legal academic community begins the day you start your first law teaching job, whether it is a legal methods teaching job or a doctrinal job. To transition from

legal methods teaching to doctrinal teaching, you need references from your dean and teaching colleagues. You need excellent teaching evaluations from students. You want your name to begin to be recognized in the academic community. The way to accomplish all these objectives is to do a good job at legal methods teaching while you are in the job. Do not let your teaching responsibilities slide while you are busy publishing. Do not decide to “wing it” in legal writing class because you really want to be teaching torts someday. You will never get into a torts classroom if you do not put your current teaching obligations first.

In addition, some schools provide opportunities for legal methods teachers to teach subjects in other doctrinal subjects and to participate in some or all aspects of law faculty governance. You should take advantage of every such opportunity that presents itself—even if it means you will be exceeding the precise requirements of your job without additional pay. Your goal should be advancing your career and satisfying your teaching and scholarship goals, rather than trying to earn as large a paycheck as possible. Unquestionably, your school should compensate you for your work. However, sometimes your compensation will come in the form of having an additional credential for your resume, and not necessarily in additional financial compensation. Take advantage of all opportunities to immerse yourself in academia; this, more than anything else, will give you the experience, reputation, and savvy you will need to successfully transition into doctrinal teaching.

### 3. Look for Feeder Programs

If, at the time you are in the market for a legal methods teaching job, you already know that you are interested eventually in doctrinal teaching, look for legal methods programs that have successfully placed legal methods teachers in doctrinal positions—either by coincidence or design. Some legal methods programs are specially designed to help budding scholars gain teaching experience in a legal methods classroom, while providing support for publishing and networking opportunities to enhance their marketability in the doctrinal teaching job market. For example, a number of fellowship<sup>2</sup> and LL.M.<sup>3</sup> programs that provide legal methods teaching opportunities are aimed at facilitating the transition of a beginning legal scholar from practice to teaching. In addition, some law schools have, without specifically structuring their legal methods programs to be feeder programs, successfully attracted teachers who have

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2. The University of Chicago’s Bigelow Fellowship program is an example. See, Michele Goodwin’s article in this Guide for a listing of teaching fellowship programs.

3. Columbia University’s Associates-in-Law program and Temple University’s LL.M. program are two examples. See, Gabriel Chin’s article in this Guide for a listing of LL.M. programs.

doctrinal interests and facilitated their successful transition into doctrinal teaching positions.<sup>4</sup>

There are a number of questions you should consider in assessing whether a particular program will facilitate rather than impede your progress into a doctrinal teaching position: (1) whether and to what extent you will have administrative responsibilities that will impair your ability to publish; (2) whether and to what extent you will have opportunities to develop experience teaching subjects other than legal methods; (3) what will be your average class size, so that you can fairly judge the time you will need to commit to grading and conferencing with students; (4) whether and to what extent the school will support your scholarship pursuits; and (5) whether and to what extent you will have opportunities to travel to conferences where you can enhance your expertise in your subject area and network with other scholars.

Think carefully, however, about whether and how you ask these questions in the interview process for a legal methods teaching job. Schools have significant legitimate concerns about candidates who are less than serious about legal methods teaching and are pursuing that position simply as a stepping stone to doctrinal teaching. Schools want legal methods teachers who really want to teach legal methods and are going to do a good job at it, rather than frustrated doctrinal wannabes who are going to sacrifice their legal methods students to accomplish their personal scholarship agendas. You must avoid giving the impression that you are the latter.

#### 4. Network

Once you become a legal methods teacher, you will already have at least one advantage over many of the other candidates in the AALS Faculty Appointments Register: you will be an insider. Take advantage of the opportunities this insider status offers. Among the most significant opportunities available to you is the opportunity to get to know other law professors at other schools. For example, go to the AALS Annual Meeting—the annual gathering of law professors—and get to know others who teach in subject areas that interest you. Subscribe to online listservs that are limited to law professors. In short, get to know other law teachers so that when you are ready to transition into doctrinal teaching, you will have friends you can call on to help you and your name will be familiar to faculty recruiters.

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4. For example, the University of Cincinnati successfully placed three legal methods teachers (including me!) in doctrinal positions at other schools between 1996 and 2001. See below for a listing of legal methods teaching programs.

### 5. Distinguish Yourself

The key to making a successful transition from legal methods teaching to doctrinal law teaching is to use the opportunities legal methods teaching provides to distinguish yourself from the masses of faceless over-achievers in the AALS Faculty Appointments Register. If you have a chance, once you get into law teaching, look over the AALS Faculty Appointments Register and see who your competition is. The competition is fierce for law teaching jobs. There are many more qualified candidates than there even are interview slots, much less actual jobs. You must use your time wisely to make yourself as appealing as possible to prospective hiring committees. You already have the academic credentials or you would not have been hired for a legal methods job (competition is nearly as fierce for legal methods teaching jobs as for law teaching jobs in general). Focus on accumulating additional credentials that will make your resume stand out from the crowd—credentials such as publications in law reviews, books, presentations at academic conferences, teaching awards, exemplary teaching evaluations, and law school committee service.

### 6. Be Patient & Persistent

The transition from legal methods teaching to doctrinal teaching can be difficult and frustrating. If you get a doctrinal teaching job the first year you go on the market, congratulations! If not, don't give up. Keep your goals in mind and keep working toward them.

#### *Listing of Legal Methods Teaching Programs*

University of Arkansas School of Law  
Robert A. Leflar Law Center  
Legal Research and Writing Program  
Fayetteville, AR 72701  
(501) 575-6939  
Contact: Professor Terry Seligmann  
Deadline: February  
Position: Research Assistant Professor of Legal Writing

Boston University School of Law  
First Year Writing Program  
765 Commonwealth Avenue, Room 752  
Boston, MA 02215  
(617) 353-3107  
Contact: Professor Robert Volk, Director  
Deadline: April 8  
Position: Teaching Assistant

Brooklyn Law School  
Legal Writing Program  
250 Joralemon Street  
Brooklyn, NY 11201  
(718) 780-7921

Contact: Professor Marilyn Walter,  
Director of the Writing Program

Deadline: Early May for adjuncts, early February for full time  
instructors.

Position: Legal Writing Advisor

Catholic University of America Columbus School of Law  
Lawyering Skills Program  
Washington, DC 20064  
(202) 319-5559

Contact: Victor Williams, Director

Deadline: March 1

Position: Instructor

Chicago-Kent College of Law  
Legal Research and Writing Program  
565 West Adams Street  
Chicago, IL 60661  
(312) 906-5345

Contact: Professor Mary Rose Strubbe, Director of Legal  
Research and Writing Program

Deadline: Early October

Position: Visiting Assistant Professor

University of Chicago Law School  
Bigelow Fellowship  
1111 East 60th Street  
Chicago, IL 60635  
(773) 702-9494

Contact: Professor Jill Hasday

Deadline: January

Position: Bigelow Fellow

University of Colorado School of Law  
Legal Research and Writing Program  
Campus Box 401  
Boulder, CO 80309-0401  
(303) 492-7420

Contact: Associate Dean Michael Waggoner

Deadline: April 1

Position: Instructor

Columbia University School of Law  
Associate in Law Program  
435 116th Street  
New York, NY 10027  
(212) 854-2655  
[http://www.law.columbia.edu/graduatelegalstudies/gls10.2001/  
associateships10.2001.html](http://www.law.columbia.edu/graduatelegalstudies/gls10.2001/associateships10.2001.html)  
Contact: Julie O'Keefe, Executive Secretary of the Program  
Deadline: January  
Position: Associate in Law

University of Connecticut School of Law  
Lawyering Process Program  
55 Elizabeth Street  
Hartford, CT 06105-2290  
(860) 570-5207.  
[llevin@law.uconn.edu](mailto:llevin@law.uconn.edu)  
Contact: Leslie Levin, Director  
Position: Instructor

George Washington University Law School  
Legal Research & Writing Program  
2000 H Street, N.W.  
Washington, DC 20052  
(202) 994-1005  
Contact: Lorri Unumb  
Deadline: April  
Position: Adjunct Instructor

Georgetown University Law Center  
Legal Research & Writing Program  
600 New Jersey Avenue, Room 540  
Washington, DC 20001  
(202) 662-9525  
Contact: Professor Jill Ramsfield  
Position: Associate Professor of Law

University of Illinois at Urbana-Champaign College of Law  
Legal Research & Writing Program  
504 East Pennsylvania Avenue  
Champaign, IL 61820  
(217) 333-1046  
Contact: Sharon Moritz, Director  
Deadline: May  
Position: Visiting Assistant Professor

State University of New York at Buffalo Law School  
319 O'Brian Hall  
Buffalo, NY 14260  
(716)645-3909  
(716)645-5968 (Fax)  
Contact: Jeff Malkan, Director Legal Research and Writing  
Program  
Position: Instructor

Northwestern University School of Law  
Legal Research and Writing Program  
357 East Chicago Avenue  
Chicago, IL 60611  
(312) 503-8943  
Contact: Judy Rosenbaum, Director  
Deadline: Rolling admissions  
Position: Instructor

St. Thomas University School of Law  
Legal Writing Program  
16400 N.W. 32nd Avenue  
Miami, FL 33054  
(305) 623-2319  
Contact: Professor Kathleen Mahoney,  
Director of Legal Writing  
Deadline: None  
Position: Legal Writing Faculty

University of San Diego School of Law  
Lawyering Skills I Program  
5998 Alcala Park  
San Diego, CA 92110  
(619) 260-4733  
Contact: Lesley Oster, Director  
Deadline: January  
Position: Lawyering Skills I Instructor

Seattle University School of Law  
Legal Writing Program  
900 Broadway Plaza  
Seattle, WA 98402  
(206) 398-4014  
Contact: Laurel Oates, Director  
Deadline: March  
Position: Legal Writing Professor

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Stanford Law School  
Legal Research and Writing Program  
Stanford, CA 94305-8610  
(650) 723-4985  
Contact: Faye Deal  
Deadline: December  
Position: Teaching Fellowship

Suffolk Law School  
Legal Practice Skills Program  
120 Tremont Street  
Boston, MA 02108  
(617) 573-8210  
Contact: Kathleen Elliott Vinson, Director, Legal Skills Program  
Deadline: January 15  
Position: Instructor

Temple University School of Law  
Graduate Teaching Fellowship Program  
1719 North Broad Street  
Philadelphia, PA 19122  
(215) 204-8985  
Contact: Gwen Deal  
Deadline: January 15  
Position: Graduate Fellowships

Texas Tech School of Law  
Legal Practice I and Legal Practice II  
Lubbock, Texas 79409  
(806) 742-3990—extension 247  
Contact: Alison Myhra  
Deadline: February 1  
Position: Legal Practice Professor (not a tenure track position)

University of Toledo College of Law  
Legal Research and Writing Instructor Program  
2801 West Bancroft  
Toledo, OH 43606-3390  
(419) 530-4164  
Contact: Deborah Mostaghel, Chair,  
Faculty Appointments Committee  
Deadline: January 15  
Position: Legal Research & Writing Instructor

Washington University School of Law  
Legal Writing Program  
Campus Box 1120  
One Brookings Drive  
St. Louis, MO 63130  
(314) 935-4684  
Contact: Jo Ellen Louis, Director  
Position: Instructor

Wayne State University Law School  
Legal Writing Committee  
468 W. Ferry  
Detroit, MI. 48202  
(313) 577-4824  
Contact: Diana Pratt, Director of Legal Writing  
Position: Legal Writing Instructor

Western New England College School of Law  
Legal Research and Writing Program  
1215 Wilbraham Road  
Springfield, MA 01119-2689  
(413) 782-1622  
Contact: Professor Beth Cohen, Director, Legal Research and  
Writing Program  
Deadline: March  
Position: Lawyering Process Instructor

West Virginia University College of Law  
Legal Research and Writing Program  
PO Box 6130  
Morgantown, WV 26506-613  
(304) 293-6812  
Contact: Joyce McConnell, Associate Dean of Academic Affairs  
Position: Instructor

## WRITING SCHOLARSHIP WHILE YOU PRACTICE LAW

*Rebecca E. Zietlow\**

So you've decided that you would like to look for an academic job. You know that one of the best ways to improve your odds as one among the hundreds of candidates who have the same idea is to publish an article in a law journal. Yet the thought of doing so on top of your packed schedule seems too daunting even to contemplate. About five years ago, I was in your position. Working as a staff attorney in a south side Legal Services office in Chicago, I had little-to-no extra energy, either psychic or physical, for the task of publishing. Yet I was able to write an article and have it accepted for publication in an established law review.<sup>1</sup> The following is a guide to writing while you practice.

*Coming Up With A Topic*

By far the most important, and perhaps the most difficult part of writing is coming up with an original and interesting topic. You should have decided on a topic by the time you attend the fall hiring conference so that you can discuss it with your interviewers. When I attended the AALS hiring conference for the first time, I did not have a clear topic for scholarship in my head. Don't make the same mistake. You cannot assume, as I did, that the law professors who are interviewing you will decide that you have scholarly potential just because you performed well in law school. Moreover, if you do manage to impress a school enough to be called back for an on-campus interview, you may be asked to give a job talk within as little as a week of the hiring conference. Therefore, regardless of whether you plan to complete an article by the fall conference, you must take the crucial first step of selecting a topic and developing it as much as possible.

*You Don't Have to Write An "Opus"*

The first hurdle to overcome in thinking up a topic is the notion that you are trying to come up with your life's work. You do not have to write an opus. You can wait until you are a distinguished professor with summer breaks and research grants to do that. For now, your goal is

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\* Professor of Law, University of Toledo College of Law. B.A. 1985, Barnard College; J.D. 1990, Yale Law School.

1. See Rebecca E. Zietlow, *Two Wrongs Don't Add Up To Rights: The Importance of Preserving Due Process In Light Of Recent Welfare Reform Measures*, 45 AM. U. L. REV. 1111 (1996).

simply to produce and publish a thirty to forty page law review article about something interesting. Period. It does not matter where you publish at this point. Sure, we would all like to publish our first article in one of the top journals even before we set foot in the door of academia, but that is very unlikely to happen. As long as you can publish *something* you're well on your way to impressing people and finding your way to a good job.

#### *Write About Something That Interests You*

I cannot emphasize enough the importance of writing about something that interests you. After all, you know how little extra time you have. The only way that you will have the motivation to carry out this time-consuming project is if you are fascinated by your subject matter. Do not listen to people who tell you that you must write on such and such a topic in order to be taken seriously. If you are not really interested in your topic you will never even progress to the point of anyone knowing that you are exploring it. Write about something that you care enough about to research in depth.

#### *Combine Your Practice Experience With Your Scholarly Interests*

The first step to coming up with a topic is to sit back and think about what interesting legal issues have come up in your practice in the past year or so. How many times have you thought to yourself, "this is a problem that someone should address," or, "if only more people knew about this issue?" Also, think back to topics that you wrote about in law school—are any of them relevant to issues that you see in your work today? The best idea will combine both practical insight and theoretical background. As a practicing attorney who successfully completed law school, you have both already. Use your imagination.

As I mentioned, I did not have my topic when I attended the fall hiring conference. Fortunately for me, some schools still were interested enough to call me back for an interview. The genesis of my law review article came when the head of the hiring committee at the University of Toledo College of Law called and invited me to give a job talk. I had three weeks to get ready! After my initial excitement, I realized that in that short time I not only had to come up with a topic, but I had to outline a fifteen- to twenty-minute talk. This made for a fairly stressful situation. However, as all of you who practice law know well, a deadline can do wonders for productivity.

I chose to focus on some nagging issues from my practice. In my practice, I saw many clients who were dependent on public benefits. Much of my practice involved attending administrative "fair hearings" at

which I resolved my clients' cases. The Federal Welfare Reform Act, which was proposed at the time but since has been enacted into law, was to end welfare recipients' entitlement to federal benefits, and perhaps would also end my clients' constitutional entitlement to fair hearings. I thought that this was a very important issue, but I had seen little discussion of it in the news or in scholarly journals.

The second inspiration for my paper came from my theoretical background in law school. I remembered reading articles by Critical Race Theorists about the importance of structured rights for people of color.<sup>2</sup> Those articles were written in the context of the "rights debate" among critical legal theorists, a debate that focused on civil rights statutes such as Title VII. Yet, it seemed to me that the arguments were just as relevant to procedural rights. I worked in a segregated neighborhood in Chicago and my clients were almost exclusively African American women, members of a group that has historically been disempowered. I had seen my clients suffer from the prejudice of decision makers when they were not protected by formal procedures. Because my practical experience had been consistent with my theoretical interests, the idea for my paper was born.

Another way to come up with an idea is to respond to a call for papers in a symposium issue of a law review. If your idea is accepted by the law review, then you will have a "forthcoming publication" without even completing the article. This plan worked for my husband, a practicing attorney, who responded to a call for papers about the future of public housing.<sup>3</sup> You should keep your eyes open for such symposia.

### *Finding Time to Research and Write Your Paper*

Of course, you will have to do some research to finalize your topic and make sure that it is original.<sup>4</sup> And, you have to research in order to write, of course. But, where are you going to do it? And, how will you find time in your busy schedule? You should try to find the most convenient law library in order to make research as easy on yourself as

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2. See, e.g., Richard Delgado, *The Ethereal Scholar: Does Critical Legal Studies Have What Minorities Want?*, 22 HARV. C.R.-C.L. L. REV. 301, 314-15 (1987) (finding informal legal processes to have a negative impact on minorities); Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 390-91 (identifying the need for structure in containing and eliminating racism); Patricia J. Williams, *Alchemical Notes: Reconstructing Ideals From Deconstructed Rights*, 22 HARV. C.R.-C.L. L. REV. 401, 408 (1987) (commenting on the need for formal legal processes to assure rights).

3. See W. David Koeninger, *A Room of One's Own and Five Hundred Pounds Becomes a Piece of Paper and "Get a Job": Evaluating Changes in Public Housing Policy From A Feminist Perspective*, 16 ST. LOUIS U. PUB. L. REV. 445 (1997).

4. In some cases, the originality, or "pre-emption" check, may be easier for you if you write about a current topic as I did.

possible. If you work in a large law firm, you may have a good library at your fingertips. But if you work in a smaller practice, or in a public interest job as I did, you will have to leave your office to find your research sources.

Every legal community has a law library. If you live near your alma mater, go back to the library you frequented as a student. The advantage to that approach is familiarity and ability to find things easily. Remember, you are striving for maximum ease and efficiency. Of course, you may live thousands of miles from the law school that you attended, like I did. Even so, there is probably another law school near where you live and practice. Most law schools are willing to allow practicing attorneys to use their facilities. If you live in a big city like Chicago, there may also be a decent library run by the local bar association or the city or county. I did all of my research in the Cook County Library. I was surprised at how good the library's collection was—it had every source that I needed, and it had the advantage of being conveniently located in the same building as the courts where I often had to appear. Most importantly for my morale, it was on the 29th floor in downtown Chicago and had an excellent view.

Finding time to do research is difficult. Since the library I used was in the building where I appeared in court, I was able to get a lot done during the breaks between my court appearances. Lunch breaks were also handy. And, there was always the evening. I usually copied articles during my breaks and read them at night. (I kept a lot of change on hand to use the copy machine.) If you have access to the Internet and know how to use it for research, that should also be a valuable and convenient resource. Remember, if your research is interesting to you, it will be a lot easier to find time to do it.

Once you have completed your research and you have outlined your paper, you are in good shape. For one thing, you are pretty much ready for your job talk. For another thing, all you have to do is to flesh things out. But finding time to do this in an overloaded schedule can still be extremely challenging. Especially since you need blocks of time, so that you can keep your concentration in order to be productive. You will need to write in the evenings, on weekends and during vacations—I wrote a good deal of my first draft on a laptop computer while on vacation in Cape Hatteras. The good news is, you really can be very productive in two hour increments, especially if your topic is very interesting to you. My advice is to keep your eyes on the prize. Always keep in mind how important this project is to you and to your career.

Once you have written a draft, do not be afraid to show it to friends, former law professors, and people who practice in the field to get their comments and criticisms. This step is very important as a reality check because it is easy to lose perspective on your project when you are working so hard. It is also a means of enriching your work. In addition, if your references read your work and like it, that gives them more to talk about

when they start getting interested phone calls about you. It can also boost your confidence when other people read your work and agree that it makes sense. Finally, do not be defensive, and be open to incorporating the suggestions of other people into your final draft. You chose those people because they know something, right? Take advantage of their wisdom.

### *Submitting Your Article For Publication*

Once you have a draft that you feel good about, you are ready to send it out for publication. It is probably ready to send out even if you do not feel that it is completely polished because you will have to make some changes during the editing process, anyway. The question is, where do you send it? If you are submitting an article for a symposium issue, then you already know where to send it. However, if your article is not chosen for the symposium, do not hesitate to submit it to other journals. There are over 300 law journals that might be interested in publishing your article. You should probably submit your article to at least fifty to seventy journals. If you can, contact one of your former law professors or one of your friends already in academia for suggestions on places to submit articles. If you are writing in a specialized area (such as environmental or international law), submit your article to journals that specialize in your area. Be imaginative about what specialty journals might be interested. For example, I submitted my article to journals that specialized in women's issues and feminism and got a very positive response from them.

You should start to receive responses from journals about three to four weeks after you have sent out your article. You will be rejected by many journals. Do not fear rejection, the odds are good that your article will be accepted by at least one journal (remember, there are over 300 of them). Once you receive an offer of publication from one journal, you can still contact other journals to see if they are interested—many people do. The first journal that calls you probably will give you a deadline to respond to them. That gives you an opportunity to call other more prestigious journals to request an expedited review of your article. Do not assume that other journals are not interested because you have not heard from them (unless you have not heard from them for over two months). They may just be behind schedule. It is up to you how many journals you want to contact for an expedited review. It is not a fun process, and frequently does not yield substantial results. However, it may be reassuring to you to know that you did not lose an offer from a more prestigious journal just because you accepted another offer too soon.

Finally, you may receive offers to publish from more than one journal. How do you decide which journal to choose? For example, should you choose a primary journal from one school or a specialized journal from a more prestigious school? Again, you may want to get advice from

your former law professors or friends in academia. You may also wish to ask some of your lawyer friends what they think. But, do not worry about this step too much. You have a publication, now, and the rest is frosting on the cake. If you and everyone you know cannot say which journal would look better on your resume, it is likely that other people will not know or care either.

Writing while you practice is not easy, but doing so can improve your chance of embarking on the academic career that you want. It is hard to come up with a topic and it is hard to find the time to complete work on it. But, you can do it, and in the process you can make a valuable contribution to legal scholarship. Students (and remember, the law journal editors are students) like to get practitioners' viewpoints on the law, so your perspective may even help you to get published. Good luck!

PLACING THE CART BEFORE THE HORSE: PUBLISHING SCHOLARSHIP  
BEFORE ENTERING THE LEGAL ACADEMY

*Tanya K. Hernández\**

It may appear paradoxical to discuss the benefits of publishing before you become a law school professor—when one reason you may want to enter academia is because you would like to dedicate more time to scholarly pursuits. Yet, it is well documented that scholarship has become a critical feature of entering and thriving in an academic career.<sup>1</sup> An outgrowth of this development is the increasing importance of demonstrating a commitment to the pursuit of scholarship even before embarking upon the profession of teaching. The competitive market for entry-level teaching slots exacerbates the desire of law schools to seek candidates who have published scholarly writings already. One reason scholarship is such a focus of the faculty hiring process is that productive scholars can bring recognition to the institution for which they work.<sup>2</sup>

*The Benefits of Pre-Hire Scholarship*

Publishing while engaged in the practice of law has a number of immediate benefits: 1) it shows potential employers that you are a serious candidate, not a presumed refugee from the stress of law practice; 2) it may persuade law schools that the expense associated with interviewing and hiring you is a better risk than with other candidates;<sup>3</sup> 3) it provides you with a source of ideas from which to prepare your job talk—the scholarly presentation that will be the primary focus of your on-campus interviews; 4) for those job applicants who lack the traditional indicators of scholarly potential such as a student Note publication, law review editorial experience, a judicial clerkship, or an LL.M., it demonstrates their capacity for scholarly analysis; and 5) it sets in motion the discipline that

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1. See, e.g., ERNEST L. BOYER, SCHOLARSHIP RECONSIDERED: PRIORITIES OF THE PROFESSORATE xi (1990) (showing that over time the focus of the academy has changed from teaching and service to scholarly inquiry).

2. See TERRY L. LEAP, TENURE, DISCRIMINATION, AND THE COURTS 81 (2d ed. 1995).

3. The emphasis on mandating increased numbers of articles from faculty members heightens the need to choose candidates who appear more disposed to the active production of scholarship. *Report of the AALS Special Committee on Tenure and the Tenuring Process*, 42 J. LEGAL EDUC. 477, 484 (1992) (stating that the tenure process has changed to emphasize the production of scholarship).

is crucial to productive scholars.<sup>4</sup> An early start in the production of scholarship can ease the burdens that will be placed on you as a junior faculty member to dedicate yourself to effective teaching while simultaneously researching and writing.<sup>5</sup> For instance, with an early start, I was able to transform my job talk research into an article while making the transition to the rigors of teaching and writing.<sup>6</sup> Furthermore, if you graduated from law school more than five years ago, pre-hire publications can override any institutional concern that legal practice has diminished your ability to engage legal theory substantively beyond the confines of law practice.

### *The Mechanics of Scholarly Writing*

A number of commentators have written about the mechanics of writing a law review article (some of those articles are listed below). Although scholarly publications are advantageous in the form of books or law review articles, I shall focus upon the more commonly utilized venue of law review articles. The complex task of writing a law review article can be abbreviated to the following eight steps: 1) setting aside the time to work consistently on the project; 2) choosing a topic; 3) conducting a peremptory check to ensure that no other publications already address your chosen topic in the same manner;<sup>7</sup> 4) researching and outlining a thesis; 5) writing a first draft; 6) circulating the first draft for comments

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4. “[S]cholarship . . . is the most important category of evaluation at many colleges and universities . . . and the academic reward structure is still heavily weighted toward scholarship.” John D. Copeland & John W. Murry, Jr., *Getting Tossed From the Ivory Tower: The Legal Implications of Evaluating Faculty Performance*, 61 MO. L. REV. 233, 241 (1996). Furthermore, an active scholar can often bring new ideas into the classroom. See LEAP, *supra* note 2, at 81.

5. Marin Roger Scordato, *The Dualist Model of Legal Teaching and Scholarship*, 40 AM. U. L. REV. 367, 381 (1990) (“[T]he practical conflicts generated by the need to engage simultaneously in both classroom teaching and legal scholarship are focused most sharply on the most junior members of law school faculties.”).

6. See Tanya Katerí Hernández, “Multiracial” Discourse: *Racial Classifications in an Era of Color-Blind Jurisprudence*, 57 MD. L. REV. 100 (1998).

7. Choosing a topic viewed as non-traditional “has the advantage of minimizing preemption worries.” Heather Meeker, *Stalking the Golden Topic: A Guide to Locating and Selecting Topics for Legal Research Papers*, 1996 UTAH L. REV. 917, 930; see also Robert P. Wasson, Jr., *Introductory Comments by Panelist Robert P. Wasson, Jr., on Split Personalities: Teaching and Scholarship in Non-Stereotypical Areas of the Law*, 19 W. NEW ENG. L. REV. 102, 106 (1997) (stating that there are no disadvantages in writing in a “‘non-stereotypical’ area”). But see Richard Delgado, *The Imperial Scholar Revisited: How to Marginalize Outsider Writing, Ten Years Later*, 140 U. PA. L. REV. 1349 (1992) (describing the continued resistance to reforms of “legal-academic discourse on issues of race and equality” that would result in the publishing of more work by marginalized “outsider” scholars); Arthur Austin, *Evaluating Storytelling as a Type of Nontraditional Scholarship*, 74 NEB. L. REV. 479 (1995) (discussing the problems of evaluating storytelling).

from knowledgeable colleagues; 7) revising your draft and responding to the helpful suggestions you received from circulating the first draft; and 8) checking the revised draft for a consistent system of citation.

### *The Publication Process*

The process of having a law review article published begins with the submission of a manuscript to law review editorial boards listed in *The Directory of Law Reviews and Scholarly Legal Periodicals*. *The Directory* is published annually by the Anderson Publishing Company and can be viewed at their website: [www.andersonpublishing.com/lawschool/directory](http://www.andersonpublishing.com/lawschool/directory). Requests for copies of *The Directory* should be directed to: Anderson Publishing Co., Law School Division, 2035 Reading Road, Cincinnati, OH 45202. You can also contact them by phone: (800) 582-7295, e-mail: [andpubco@aol.com](mailto:andpubco@aol.com), and fax: (513) 562-8110. *The Directory* lists the addresses, telephone numbers, and fax numbers of all of the student-edited law reviews in the United States alphabetically and by subject-matter focus. In addition, *The Directory* provides a list of non-student edited peer review and trade journals.

Your choice of which law reviews to submit your manuscript may be influenced by the presumed prestige of the journal. A ranking of law reviews can be found in the *Chicago-Kent Law Review Faculty Scholarship Survey*.<sup>8</sup> In addition, law review prestige is also assessed by the perceived prestige of the law school that sponsors the journal.<sup>9</sup> Because special-focus journals tend to have smaller circulations, they are often viewed by law faculties as less competitive and thus less prestigious than general student-edited reviews. For instance, the *Harvard Civil Rights-Civil Liberties Law Review* is the only student-edited specialty journal that was ranked recently in the top twenty law reviews by the Chicago-Kent Law Review Faculty Scholarship Survey. Trade journals and other peer-review journals generally favor practice-oriented submissions and tend not to be the best forum in which to publish more theoretical inquiry.

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8. Collen M. Cullen & S. Randall Kalberg, *Chicago-Kent Law Review Faculty Scholarship Survey*, 70 CHI.-KENT L. REV. 1445, 1452-55 (1995); see also Janet M. Gumm, *Chicago-Kent Law Review Faculty Scholarship Survey*, 66 CHI.-KENT L. REV. 509, 516-18 (1990); Robert M. Jarvis & Phyllis G. Coleman, *Ranking Law Reviews: An Empirical Analysis Based on Author Prominence*, 39 ARIZ. L. REV. 15, 19-24 (1997) (basing ranking of law reviews on national prominence of lead articles); James Lindgren & Daniel Seltzer, *The Most Prolific Law Professors and Faculties*, 71 CHI.-KENT L. REV. 781, 787-91 (1996). Electronically published journals are few in number, and it is still unclear how electronically published law journals will be perceived over time. See Bernard J. Hibbitts, *Last Writes? Reassessing the Law Review in the Age of Cyberspace*, 71 N.Y.U. L. REV. 615, 662-66 (1996).

9. Law school prestige is an elusive concept. One attempt to determine it is the annual U.S. NEWS & WORLD REPORT ranking. See [www.usnews.com/usnews/edu/grad/rankings/law/lawindex.htm](http://www.usnews.com/usnews/edu/grad/rankings/law/lawindex.htm). See also Brian Leiter, *New Educational Quality Ranking of U.S. Law Schools for 2000-02* [www.utexas.edu/law/faculty/bleiter/rankings](http://www.utexas.edu/law/faculty/bleiter/rankings).

Most journals, except for a few noted in *The Directory*, permit simultaneous submissions. The authorization for simultaneous submissions permits you to use the convenience of a mass distribution method of submission. But the alternative method of staggered submissions may have the benefit of decreasing the likelihood that you will have to evaluate an offer for publication from your least preferred publications before your first choice journals can respond.

Regardless of which distribution method you choose, legal academics speculate that the best time for submitting an article is in the beginning of the spring (February–March) when the law reviews elect new editorial boards and begin selecting articles for new volumes of the journals. The end of summer (August–September) is another opportune time for submitting your article because that is when student editors begin to return to campus for article selection meetings. However, law review boards accept article submissions year-round and have needs for replacement articles outside of the spring and fall submission seasons. You should note that, although most law reviews typically publish four issues for each yearly volume, the editorial boards reserve pages for symposiums, student Notes, book reviews, commentaries and specialized surveys of law—which leaves less space for the thousands of submissions law review boards receive each year.

The article selection system is the most mysterious stage of the publication process, because the editorial decisions on submissions are generally shielded from public view. Academics muse that the following items are likely to influence your ability to obtain a publication offer: 1) the recognition level of your name; 2) the ranking of the institution with which you are affiliated; 3) the prominence of the persons you thanked in your first footnote;<sup>10</sup> 4) how well your article is “blue-booked” for the editing ease of the law review; 5) whether you have a large number of footnotes (Which is presumed to indicate thorough research); and 6) a catchy title.

When you receive an offer for publication it is common practice to request an expedited review from any journals who have not yet responded and which you might prefer. Indeed, many law reviews are so inundated with unsolicited submissions that they may only have time to read those submissions for which an expedited review is requested.

Once you receive and accept an offer for publication, the joy of the process does not end. In fact, as some of the articles listed hereafter attest, struggle for control over the substance and organization of the manuscript can ensue. But the hard work of publishing is validated by the leverage it provides in the legal teaching market and the gratification of

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10. If established leaders in the field are thanked by the author, it may boost the author's credibility. See Arthur D. Austin, *Footnotes as Product Differentiation*, 40 VAND. L. REV. 1131, 1145–46 (1987).

creating a legacy. In sum, the difficulties of researching and writing a law review article while engaged in the practice of law are compensated for by the glimpse it provides into the daily work of an academic.

*Helpful Materials on Writing and Publishing Law Review Articles*

Mary Beth Beazley & Linda H. Edwards, *The Process and the Product: A Bibliography of Scholarship About Legal Scholarship*, 49 MERCER L. REV. 741 (1998).

C. Steven Bradford, *As I Lay Writing: How to Write a Law Review Article for Fun and Profit*, 44 J. LEGAL EDUC. 13 (1994).

Richard Delgado, *How to Write a Law Review Article*, 20 U.S.F. L. REV. 445 (1986).

Rosa Ehrenreich, *Look Who's Editing: At Law Reviews, It's the Students Who Call the Shots—and Some Professors Can't Take it Anymore*, LINGUA FRANCA, Jan.–Feb. 1996.

ELIZABETH FAJANS & MARY R. FALK, SCHOLARLY WRITING FOR LAW STUDENTS (1995).

Josh E. Fidler, *Law Review Operations and Management: An Empirical Study of the New York University Law Review Alumni Association*, 33 J. LEGAL EDUC. 48 (1983).

Ronald B. Lansing, *The Creative Bridge Between Authors and Editors*, 45 MD. L. REV. 241 (1986).

Jordan H. Leibman & James P. White, *How the Student-Edited Law Journals Make Their Publication Decisions*, 39 J. LEGAL EDUC. 387 (1989).

Heather Meeker, *Stalking the Golden Topic: A Guide to Locating and Selecting Topics for Legal Research Papers*, 1996 UTAH L. REV. 917.<sup>11</sup>

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11. This Article discusses how to locate potential writing topics by searching for unresolved areas of the law in casebooks, treatises, case digests, petitions for certiorari, news sources, electronic databases, and loose-leaf newsletters.

Juan F. Perea, *After Getting to Yes: A Survival Guide for Law Review Editors and Faculty Writers*, 48 FLA. L. REV. 867 (1996).

Christopher Shea, *Students v. Professors: Law Review Debate Heats Up as Student Editors Clash With Faculty Authors*, CHRON. HIGHER ED., June 2, 1995, at A33-34.

*Symposium on Law Review Editing: The Struggle Between Author and Editor Over Control of the Text*, 70 CHI.-KENT L. REV. 71 (1994).

Donald J. Weidner, *A Dean's Letter to New Law Faculty About Scholarship*, 44 J. LEGAL EDUC. 440, 442-445 (1994).

A RECRUIT'S GUIDE TO THE ON-CAMPUS  
INTERVIEW PROCESS AND THE JOB TALK

*Danielle Conway-Jones\**

You decided to become a law professor. You read *The Guide* to help you get ready. You prepared a fantastic resume for entry in the AALS Faculty Appointments Register, you received and accepted interviews at the Meat Market, and you dazzled faculty members during the 30-minute “meet and greet” sessions. Now you are ready to accept a tenure-track position with your school of choice, right? Not quite.

This article offers information about on-campus interviews and advice about preparing to give a job talk. The on-campus interview process may sound daunting, but it can also be rewarding. To ensure that the process is as rewarding as possible, there are three important things a law faculty candidate must do. First, you must investigate the interviewing law school, its faculty, and its hiring process. Second, you must develop points of contact at the interviewing law school. Third, and most important, you must persuade the law school faculty that you will be a great teacher, an enjoyable colleague, and a productive scholar.

*Call Back Arrangements*

When you receive a call back, do not rush to accept the first available interview date. Before you agree to a firm date you should consider how much time you will need to prepare an impressive job talk. Remember that preparing a job talk is labor-intensive. Hopefully you will already have selected a topic and completed a considerable amount of research before the Meat Market.

If more than one school is interested in having you visit, try not to schedule interviews so close together that you do not have time to physically and mentally recuperate from the previous interview. Building down time into your interview schedule will also allow you to refine your job talk between presentations.

Unless an emergency arises, once your on-campus interview date is set, do not change it because there may not be another spot. Further, faculty members may have relied on your acceptance of a particular interview date and made arrangements to attend your talk.

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Do not lightly turn down interviews; there are many schools, including ones you have not previously considered, that are excellent places to teach. In addition, an offer from one school may help you get call backs and offers from other schools. Of course, if you would not seriously consider accepting an offer from a school, in fairness to the school and to other candidates, you should decline the call back visit.

### *The On-Campus Interview*

On-campus interviews typically last for one or two days. They generally include a social component, individual or group interviews with faculty members, and some form of presentation or job talk. The extended interaction between you and the faculty is deliberate. The law school faculty is curious about your ability to teach and produce scholarship. They are eager to discover if your background, research agenda, personality, and interests compliment those of the current members of the faculty—they want to know whether there is a “fit” between you and the school.<sup>1</sup> The faculty also wants to know that you have given some thought to teaching, but most schools expect less sophistication in this area from candidates for entry-level positions.

Get ready for a long day of meeting with faculty individually and/or in small groups. Although details vary from school to school and interview to interview, interview sessions typically last 30–45 minutes. The subject may change with each faculty member or group. To prepare, obtain a copy of the law school catalog in advance and review the biographies of each faculty member. Ask the coordinator of your on-campus interview for a list of the faculty members with whom you will meet during your on-campus visit. Armed with your list and the catalog, you can research the personality and penchants of your interviewers.

Before your campus visit you should look for recent articles by faculty members. This information will help you find some common ground for conversation during the interviews, and will give you an opportunity to show that you are familiar with current scholarship. You should definitely read the work of the faculty members who teach in your field. Another way to gather information about faculty members is

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1. Fit does not necessarily mean the candidate who is most qualified in the sense of having the most impressive paper credentials. At the call-back stage, virtually all candidates have substantial resumes. Rather, fit is a fluid, subjective concept that varies from school to school, year to year, and hire to hire. A law faculty may consider the current makeup of the faculty and the goals for the future makeup of the faculty; the institutional politics of the faculty; the substantive curricular needs of the law school; the law school culture; the caliber of the student body and the alumni; and the law school's location.

by using the internet. Many law faculty members have created web pages for their courses.<sup>2</sup>

In addition, you should expect to meet with the dean at some point during your campus visit. S/he is generally a member of the faculty, but also has a separate set of considerations, such as staffing the curriculum. Deans often ask what would be your ideal course package. You may meet with members of the central administration, such as a provost or president. You may also meet with non-faculty administrators, and many interviews include meetings with students. The importance of these non-faculty interviews in the determination of whether you get an offer varies from school to school, but it certainly will not hurt to put your best foot forward with each of them. Finally, you may meet with non-faculty administrators or secretaries. Be nice to them—they can help you or hurt you, now and in the future.

### *Preparing for the Job Talk*

As with any type of presentation, advance preparation and confidence are the keys to success. Ask your contact person—either the head of the hiring committee or someone else you know or feel comfortable with on the faculty—what the job talk requirement is at your interviewing school. You must tailor your scholarly presentation to fit the school's format.

By the time you give your job talk, you should be comfortable with the oral presentation of your written analysis.<sup>3</sup> The most effective confidence builder is conducting a dry run of your scholarly presentation—this mock job talk is tremendously important. Getting positive feedback on your oral presentation will stroke your ego, and critical feedback will help you to improve your presentation.

Call on colleagues at your present job, practitioners, or jurists to serve as the audience for your mock job talk. It takes nerve to decide to be a sacrificial lamb for salivating intellectual wolves, but the benefits of volunteering for such hazardous duty more than outweigh the temporary, personal discomfort of the initial criticism of your job talk.

Invite your audience to ask questions during your mock job talk so you can master the technique of returning to your discussion. Also, consider audio and video taping your talk.<sup>4</sup> The videotaped mock job talk

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2. You can find many of them on the Jurist website, located at <http://jurist.law.pitt.edu>.

3. If you have a published piece, consider using it as the subject of your job talk.

4. During one of my on-campus visits, I was told that the job talk would be presented in an informal gathering of faculty members. As I entered the room, I noticed a person setting up a video camera. At that moment, my faculty chaperone asked: "Are you comfortable being taped?" Practice using audio or video equipment to become truly comfortable with such a plausible scenario.

will give you insight into your responses to questions, your facial and tonal expressions, and the weaker areas of your presentation. Ask your participants for oral as well as written feedback. Armed with this information, you can re-analyze and rewrite the portions of your discussion that were unclear to your audience. Finally, take copious notes on the feedback you receive from your audience and incorporate this information into the rewrite of your mock job talk. With this early preparation and investment, you may find the mock job talk to be more daunting than the actual scholarly presentation at the on-campus interview!

### *Giving the Job Talk*

The job talk is often the make or break component of the hiring process. Even if you have several years of teaching experience, the job talk will be a school's mechanism to test the compatibility of your ideas, intellect and personality with those of the school's faculty. In your talk it is imperative that you demonstrate the strength of your research agenda and your ability to accomplish your teaching and scholarship goals.

Law schools use two general formats during on-campus interviews. Either the job talk takes the form of a roundtable discussion at which the candidate gives a presentation of his/her most recent scholarship or delivers a lecture on a topic chosen by the law school; or the interviewing school may not use the job talk format at all.

There are several variations on the roundtable job talk presentation, ranging from formal lectures to informal luncheons. For example, the lecture format may require the candidate to stand at a podium and deliver a lecture on a scholarly topic or a substantive course lecture to faculty and students. Interviewing schools may take this format one step further by audio or video taping the session. A less formal job-talk format may require the candidate to speak at a work-in-progress workshop, where the candidate will receive questions from faculty either supporting or challenging the thesis, analysis, or conclusions drawn by the candidate. Another informal job talk format may require the candidate to give a presentation during a luncheon. The luncheon presentation format is less unnerving, because it is usually more relaxed; however, it tends to last longer because faculty members have set a large block of time aside to spend at the luncheon.

You should be prepared for a range of faculty knowledge, from no concept of the topic to extensive background in your scholarly area. If you provide advance materials on the topic of your job talk expect to encounter some faculty members who have meticulously studied the materials and some who have only glanced at them. You should assume that there will be supporters and critics of each portion of your argument. Faculty members may interrupt with questions or hold them to the end. Expect the whole thing to last approximately an hour.

A small number of schools do not use the job talk format during the on-campus interview. At those schools the candidate does not have to give a formal presentation of a piece of scholarship; rather, the candidate gives 5–10 mini-presentations to small groups of faculty interviewers about scholarship, scholarly interests, and scholarly direction.

### *The On-Campus Interview Aftermath*

You have survived 36–48 hours of tough scrutiny. But the process is not over yet. You should have a faculty picture book and a list of faculty interviewers. With this information, draft thank-you notes. Send notes to the faculty member who helped with your arrangements, the hiring committee chairperson, and the dean of the law school. In addition, if you promised to forward information, articles, or references to a faculty member, do so quickly. Finally, make copies of your receipts and send your reimbursement voucher to the school at the same time that you send the thank you notes. Remember not to ask the school to reimburse you for personal expenses unrelated to your visit.

Find out about how the hiring process will proceed after your visit. Typically, after candidates visit campus, the appointments committee meets to share impressions, report on references and evaluations of scholarship, and to prepare a recommendation to the faculty either in support of or in opposition to the candidate. The whole faculty then meets to discuss the committee's recommendation and decides which candidates will receive offers.

### *The Offer*

After your return home, hopefully you will receive a call from the dean or hiring committee chairperson, telling you how impressed the faculty was with you, and that they want you to join them. It is appropriate to ask the basic terms of the offer, salary and course package, but do not ask about the nitty-gritty details at this point unless they are offered. In a follow-up conversation, you will want to discuss other important details, such as when you will be put on the payroll, whether you can get summer research funds the summer before you start teaching (and whether they are routinely available thereafter), whether a light load is available in your first term, whether moving expenses will be taken care of, and whether job search assistance is available for your significant other. In most cases, at least some of the terms are negotiable—while deans want to be fair, they do not always put their best offers on the table first.

As you decide whether to accept the school's offer, you will want to research the school. Ask for the law school's and the university's faculty handbooks, information from the school's human resource office,

financial benefits literature, relocation services, and information about the community in which the school is located. If you are really gutsy, you can ask for a copy of the self-study and site evaluation questionnaire from the most recent ABA/AALS accreditation visit, although this might be perceived as a bit direct.

Some schools will give you a second visit, this time with family, after they have made you an offer, to persuade you to take it. If you are seriously considering the offer, you should go. This visit is a chance for you to inspect the environment with your significant other and/or children, and to experience the school's intellectual atmosphere. Sit in on a few classes, and observe faculty and student behavior outside of the classroom. Your conclusions about the personality of the law school may be important factors to consider if you receive an offer from another school.

Another issue that might be relevant to your evaluation of whether to take the offer is the circumstances surrounding your offer of appointment. If, through delicate inquiry, you find that your appointment was controversial, you may want to consider whether that will make it more difficult for you to get promoted or tenured in the future.

If your offer is from a school that is not at the top of your list, call the other schools that you find preferable and at which you are still being considered. Tell them about your offer and deadline. One of the most difficult things to deal with is an offer from a school with a short deadline, which does not allow sufficient time for other schools to decide upon your candidacy. In practice, few law schools will give you an ultimatum because they understand the gravity of your decision. Instead, the schools will ask that you remain in contact with them so that they can provide you with current information to assist you in your decision-making. On the other hand, sometimes schools will enforce short deadlines, because while they want to hire you, they are likely to lose other desirable candidates through delay. There is no perfect answer to this dilemma.

#### *Final Thoughts on the Hiring Process*

There is no one right way to go about securing an appointment to teach at a law school or to convince a faculty that you will make a fine addition to their group. You should, however, use the time before the Meat Market to prepare a research agenda and develop a solid job talk in order to demonstrate your teaching and scholarly acumen. I wish you the best of luck in your search.

A SENECA INDIAN IN KING ARTHUR'S LAW SCHOOL:  
OBSERVATIONS ALONG THE JOURNEY

*Robert B. Porter\**

Even after six years of being a full-time academic, it's still hard for me to believe that I'm a tenured law professor. Because my path to the academy is rather non-traditional, the story of how I got to where I'm at might be of interest to others interested in becoming law teachers. What follows are some thoughts about the journey thus far.

*Finding the Right Path*

During college and law school, I never seriously entertained the idea of a becoming a law professor. I wasn't on the law review and didn't have a judicial clerkship. At the time, I believed that those credentials were absolute prerequisites to getting an academic position. Given my perception about the path to academia I settled on the notion that my career would simply be that of a practicing lawyer.

My choice was not troubling to me in any way. In fact, practice was the path that I most wanted to follow. I went to law school with a singular objective in mind: to obtain the training necessary to allow me to become an advocate and defender of my nation, the Seneca Nation of Indians. From the time I was in college at Syracuse University, it was my goal to become a lawyer. I grew up on the Allegany Territory of our Nation and am part of a family that has long been involved in our Nation's governmental affairs. My connection to the Seneca Nation, which seemed unimportant while I was growing up, has served as a kind of umbilical cord—anchoring my life in ways that I could not have predicted.

Growing up, I knew that there were only a handful of Seneca lawyers and that none of them worked for the Seneca Nation. I also remember being influenced by a newspaper clipping from 1985 in which a former president of our Nation said that we needed more of our own people to become lawyers so that we would not be so dependent on the White lawyers in Washington D.C. who were our legal representatives. All of those experiences combined to impress upon me that going to law school was more than just a personal objective. While it sounds corny now, at the time I honestly believed that my Nation needed me to become a lawyer.

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*The First Stop at the Academy, as One of the Knights*

I worked hard in college and was lucky enough to get into Harvard Law School. Although being a Seneca may have helped me get admitted, that fact meant very little when it came time to performing in class and taking exams. I think now that much of my angst in law school was caused by my having been so ignorant about what it meant to be a lawyer. Not having any lawyers in my family or circle of friends made it very hard to appreciate what was in store for me. By the end of my first year, however, I figured law school out and my usually self-confident self re-emerged. I wouldn't say I was a great law student, but I did well enough to get something out of many of my classes and to fundamentally enjoy the experience of being in Cambridge. The professors and my friends, rather than the course material, are what I remember most. I realize now, however, that law school changed me a great deal.

One experience stands out for its life-altering effect. Harvard has a requirement for graduation that students must write an extensive law review-style paper. I had for several years been aware that in the 1940s the United States had granted the State of New York criminal and civil jurisdiction over the Indian nations within the State as part of the federal government's overall effort at the time to "terminate" Indigenous nation sovereignty. I decided that I was going to write about the statutes that had effectuated this jurisdictional transfer and asked Professor Frank Michelman to serve as my reader. He agreed and I began working on the paper by during the Fall semester of my third year.

I soon realized, however, that the topic was a lot broader than I had anticipated and required a lot more research to get the job done right. My work on the paper intensified throughout the winter and consumed almost all of my spring semester. In the end, I turned in a 125 page final manuscript, a paper about three times as long as what was expected to satisfy the graduation requirement and the most comprehensive piece I had ever written.

Oddly, throughout the course of writing that paper it never occurred to me that I should try to get it published. Professor Michelman suggested that I send it to a few journals, but I did not think much of the idea, primarily because I was not supposed to be on the "academic" path. It was not until after graduation when I started working at a firm in Washington D.C. that I thought to send the paper out to a few law reviews. I very quickly got an offer to publish from the Harvard Journal on Legislation, which I gladly accepted. Throughout that first year at the firm I spent what little time I had on the evenings and weekends revising my paper and getting it ready for publication. It came out a year after I

graduated,<sup>1</sup> even earning a “worth reading” note in the *New York Law Journal*!

In hindsight, I think my reasons for writing and publishing the article were rooted in my interest in the subject combined with the thrill of seeing my name in print. Given the demands of my first year of practice, it seems crazy to me now that I spent my free time working on an article. But I think I was also strongly motivated by the idea that, if published, my article could help the Seneca and other *Haudenosaunee* (Iroquois) Nations, as well as the lawyers in New York who had to deal with Indian law issues. As it turns out, writing and publishing the article was probably the best thing I could have done to secure a tenure-track teaching position.

*Beyond the Moat and into the Trenches*

After about two years of firm practice, it was clear to me that I needed to find something else to do with my life. Although working on corporate mergers and acquisitions was enjoyable sometimes, most of the time I found the work unexciting and very disconnected from what I thought was the “real” world. In searching for a new position, I soon realized that the other private and public sector jobs that I was exploring in D.C. were unlikely to resolve my underlying disaffection with legal practice. Eventually I realized that my ultimate interest was working for the Seneca Nation.

I put together a proposal to the Nation president to start an in-house legal office. The Nation had never before had its own staff law office and had long utilized D.C. counsel as well as local attorneys to handle its legal affairs. This did not make much economic or practical sense given the fact that the Nation, in addition to being a sovereign nation, was also an 800 employee, multi-million dollar organization. My proposal focused on the need for the Nation to handle its legal problems in-house in a preventative capacity rather than simply letting the problems boil over to be handled by the “out-house” lawyers in Washington D.C.

In November of 1991, after several months of earnest lobbying, I was appointed by the Nation Council as the first Attorney General of the Seneca Nation. It was a lot harder getting this appointment than I thought it would be. For reasons that I have written about elsewhere,<sup>2</sup> there were few Nation officials looking to bring in young, politically connected Seneca lawyers to disrupt the local political equation. To one who actually believed and heeded that former Nation president’s call for

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1. See Robert B. Porter, *The Jurisdictional Relationship Between the Iroquois and New York State: A Analysis of 25 U.S.C. §§ 232, 233*, 27 HARV. J. ON LEG. 497 (1990).

2. See Robert B. Porter, *Tribal Lawyers as Sovereignty Warriors*, 6 KAN. J. OF LAW & PUB. POL. 7 (1997).

more of our citizens to go to law school to help our Nation, the resistance that I received was disappointing.

I served as the Nation's Attorney General from December 1991 to June 1995. It was, without a doubt, the most exciting and life-transforming experience that I have had.

### *The Journey Back to the Academy*

Given how time consuming my work with the Seneca Nation was, it seems hard to imagine that I actually sought out the opportunity to do some teaching on the side. However, a few months after I began my appointment, I made contact with the law school at SUNY Buffalo and inquired into whether anyone there was teaching Indian law. I was told that Errol Meidinger taught an Indian law class, but that he was on leave for the year. I hunted Errol down and offered him and the law school my services, *gratis*, to help him teach his Indian law course the following year. He was agreeable to the idea—and with his assistance I was able to get an adjunct appointment on the Buffalo faculty. In addition to the basic federal Indian law course, I also helped teach a class on Indigenous law and sovereignty with John Mohawk, the noted Seneca historian on the Buffalo faculty.

Teaching at Buffalo was great fun. I enjoyed my colleagues, my students, and the opportunity to escape the often insane legal/political environment of my practice for a few hours a week. It was from my colleagues in those classes that I developed a teaching style that is more focused on Socratic dialogue than on lecturing. I really came to appreciate the interaction with the students for what they were able to teach me. For this and many other reasons, I'm thankful that I was able to teach at Buffalo while I was working for the Seneca Nation.

Eventually, I realized that my tenure as the attorney general of a relatively unstable Indigenous nation government could not last forever—the longer I did my job, the more likely it would be that I would step on some kind of political landmine. As a result, I gave some serious thought to what my fall back position would be if I suddenly found myself in need of a job. The natural move, it seemed, would be to return to private practice. The main problem with that strategy was that I absolutely hated the idea of going back to a big law firm. I did not think that I would enjoy the work, and I was also haunted by the prospect of losing control over my professional life. Since becoming the Seneca Nation Attorney General, I had hired three other lawyers and set up a fairly effective in-house legal department in which I was the boss. My position was professionally rewarding and I thought I was doing a good job for my client.

Realizing that I liked having control (or at least the illusion of control) over my life, I decided that it made a lot more sense for me to explore the full-time law teaching route. I resolved to go to the AALS

“meet market” (or is it “meat”?) in the Fall of 1993. My teaching at Buffalo showed me that I liked to teach, that I liked working with students, and that I was good enough at it to make a go of it full-time. The fact that I had an article published, was a Harvard Law School graduate, a member of an underrepresented group in the academy, and was following a unique career path, led me to believe that I might have some market potential despite what I perceived as the deficiency of not having law review or clerkship credentials.

The most important factor, however, in my ultimate decision to consider law teaching as a full-time career was the influence of my supporters in the profession. One of those people was Robert Clinton, a long time University of Iowa (now Arizona State) law professor, who is one of the Nation’s most prolific and well-known Indian law scholars. Another was Jim Anaya, also then at Iowa (now University of Arizona), who litigates on behalf of Indigenous peoples and is also one of the world’s experts on Indigenous rights. I remember meeting them both, while I was a law student, and having them tell me that I should seriously consider a career in law teaching. Over the years when we would see each other at conferences they continued to encourage me. When I seriously started thinking about doing teaching, they—as well as Frank Michelman, Errol Meidinger, Phil Frickey, and Nell Newton—were invaluable to me both for their knowledge about the hiring process and for their support of my candidacy. To them all, I am eternally grateful that they saw something in me that I at the time did not.

I did well at the AALS that year, as far as getting interviews. The interview schedule was grueling since it was back-to-back interviews for two straight days. This, as it turned out, was a good strategic move even though I did not intend it that way. While it certainly was my intention to be honest about why I wanted to teach, my fatigue made it very easy for my interviewers to understand exactly why I wanted to become a law professor. I could not have been any clearer that I wanted to teach Indian law, not for just for one class or two on the side, but as my primary area of scholarship and teaching. Not surprisingly, this weeded out almost all of the schools I interviewed with.

Two notable things happened as a result of my experience at the AALS hiring conference that year. The first was that I had a couple of on-site interviews and eventually was offered a tenure-track position by Tulsa Law School, the only school that year that was looking to fill an Indian law position. The second was that I interviewed with Kansas, which was not hiring anyone that year, but which was interested in maintaining contact with me as time went on. To give some perspective as to how naive and how little I understood about how hard it was to obtain a law teaching position, I actually turned down the job at Tulsa. However, at the urging of the Tulsa dean I agreed to a “look see” semester visit during the

Spring of 1995 to more fully explore what full time academic life might be like.

It is amazing, sometimes, what fate deals you. While I was making plans during the Fall of 1994 to take leave from my job to go to Tulsa, the Seneca Nation had its biennial election. Not only was there a change in administration as the result of that election, but a political conflict erupted that eventually led to a full-blown civil war and the loss of three Seneca lives.<sup>3</sup> To say the least, this had a destabilizing influence on my career plans, as it became clear that the Seneca Nation government was unlikely to be involved in any meaningful endeavors for some time. I realized very quickly that it was time to get a new job.

My first option was to pursue the Tulsa position that had been offered to me the year before. Unfortunately, but not surprisingly, my earlier rejection of the offer sufficiently spoiled my prospects for the position the second time around. I was passed over for the Indian law position after my second time interviewing for it, making my semester visit there a lame duck endeavor. But it all worked out because Tulsa went on to hire a candidate and friend, Bill Rice, who as a Cherokee from Oklahoma is far better suited than I was to teach Indian law at an Oklahoma law school.

I next followed up with the schools that had shown some interest in me at the 1993 AALS hiring conference. One of those schools was Kansas, which ended up being the only school at the time interesting in pursuing my candidacy. The odds, I know now, were long that a position would materialize. But Kansas had a new law school dean and university chancellor, both of whom were interested in establishing an Indian law program. In addition, there also was the opportunity to build an alliance with Haskell Indian Nations University, a unique all-Indian school also located in Lawrence.

As things turned out, I ended up being in the right place at the right time. The Kansas law faculty was widely supportive of the idea of bringing me on board and the administrators were somehow able to find the resources. By April of 1995, they were able to extend to me a tenure-track position as an associate professor of law, an offer that I quickly, and gratefully, accepted.

*The Second Stop at the Academy, This Time as One of the Nobles*

Most American institutions of higher learning, including Kansas, require of their faculty that they dedicate themselves to pursuing three primary objectives: scholarship, service, and teaching. The ability to bal-

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3. See Robert B. Porter, *Strengthening Tribal Sovereignty Through Peacemaking: How the Anglo-American Legal Tradition Destroys Indigenous Societies*, 28 COLUM. HUM. RTS. L. REV. 235 (1997).

ance these competing priorities is a key determinant of success in the profession, both in terms of receiving tenure and in sustaining a standard of excellence. Some of the career choices that one might pursue are limited by the priorities one's school has for its faculty. My academic choices were in part shaped by the fact that Kansas is a top-level research institution where it is expected that law professors will conduct research and generate scholarship as an integral part of their duties.

For me, the challenge of producing legal scholarship was something that I embraced with zeal early on. I was fortunate to have generated a slew of ideas for articles in my practice with the Seneca Nation. Because of my orientation as an Indian nation insider, rather than as an outsider in a private firm or government agency handling Indian affairs, it was clear to me that there was much that needed to be written about the internal law and governance of the Indian nations. This was an area of inquiry and study that was virtually uncharted. Aside from some anthropological works, few articles had ever been written on the law of the Indigenous nations. Most writing in the "Indian law" field, as it turns out, focuses on the law of the United States that controls and regulates the Indian nations.<sup>4</sup> Because of this preparation, I was able to get a quick start on my scholarly agenda. My rapid progress was enhanced by the fact that I was given a summer research grant that allowed me to get a considerable amount of writing done on my first article prior to the start of my first classes.

Beginning an academic career engenders a considerable degree of angst regarding teaching. There is no class that one takes to learn how to teach. Sure, one can gain some degree of comfort, even mastery, over the substance of a particular area of law outside of the classroom. But it is a considerable challenge to figure out how best to convey that information and understanding to one's students. Succeeding at teaching is much more art than science, and thus it is an ever evolving academic challenge and responsibility.

My teaching was greatly aided by my prior experiences in the classroom. By the time it came to start teaching full-time, I had already taught seven law school classes between Buffalo and Tulsa. As a result, I was already familiar with the casebook for my federal Indian control law class, and had a good idea how to present the material. For my class on Indigenous sovereignty and self-determination, I had already developed a set of materials to use which served as the foundation for my Kansas course. Only torts, which I had not thought about since my first semester in law school, required that I prepare from scratch. Overall I felt reasonably

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4. In what is somewhat of a one-man crusade, I refer to this area of the law as "federal Indian control law." See Robert B. Porter, *A Proposal to the Hanodaganyas to Decolonize Federal Indian Control Law*, 31 U. MICH. J.L. REFORM 899 (1998).

comfortable in the classroom during those early days, although it has been a continuing challenge to enhance my effectiveness each year.

Service is difficult to define, but I interpreted the concept as requiring that I devote some attention to communities directly outside of the university. Again, this was rather easy for me to do as I already planned to work with Indian nations in my academic capacity whenever possible. While much of my scholarship and personal interests were focused on my own people, the *Haudenosaunee*, I was also interested in working with other Native peoples, including those in Kansas.

Soon after I started teaching, I found myself invited to give speeches and lectures at Indian law-related bar events, at tribal political gatherings, and in the local Lawrence civic community. On a few occasions, these engagements precipitated consulting opportunities in which I was able to serve as counsel for particular Indian nations. In one instance, I was invited to serve as a justice on a newly formed tribal supreme court of an Indian nation, the Sac and Fox Nation of Missouri. In most instances, however, my service work was conducted in the spirit of simply offering advice and information on matters that, as a full-time academic, I had the luxury to take the time to understand but that others, restrained more by the demands of daily life, did not. The service aspect of my academic life has involved considerable travel and time away from family. Nonetheless, it has contributed greatly to my scholarly work and my teaching. At the very least, it has allowed me to test my ideas on others and to avoid the curse of staleness or irrelevancy.

Certainly the greatest source of pressure for a new faculty member is the road to tenure. The juggle of scholarship, teaching, and service must be done in just the right way to ensure that one is acknowledged as worthy of a life-time faculty appointment. For many pre-tenure professors this pressure is intense. In my case, while obtaining tenure was definitely a consideration during my pre-tenure years, I did not allow it to become my only reason for being. Because I had already formulated an ambitious scholarly agenda—one which I soon realized far exceeded the tenure window—I looked at tenure not as an end point, but simply as a marking point along a much longer academic journey.

My approach to tenure may have been naive, but it allowed me a greater degree of comfort during the pre-tenure years than I might have had. Of course, there were occasions when the risk of not getting tenure raised its ugly head. In particular, I remember having this feeling—a year before my tenure review was to begin—while writing an article equating the federal statute conferring American citizenship upon Indigenous peoples to an act of genocide.<sup>5</sup> My resolution of this internal dilemma was to

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5. See Robert B. Porter, *The Demise of the Ongwehoweh and the Rise of the Native Americans: Redressing the Genocidal Act of Forcing American Citizenship Upon Indigenous Peoples*, 15 HARV. BLACKLETTER L.J. 107 (Spring 1999).

was to basically say, “to hell with it.” By that time, I had convinced myself that what I needed to say through my scholarship was important, and even if I was denied tenure because of it, the articles needed to be written. Fortunately, things worked out for the best, as I was tenured in 2000. My fears turned out to be unfounded. My senior colleagues were quite supportive of my scholarly work, even though several of them disagreed with my conclusions. But the tenure review process certainly has a nerve-racking quality to it, much like when you received your report card as a kid. I think the approach I took—that tenure is not the be-all or end-all of my life—helped me stay productive and allowed me to get through the process with a minimum of worry.

Since becoming a law professor, I have continued to perform the scholarship-service-teaching juggling act with much enthusiasm. I have continued with my scholarly agenda—and I have realized that it takes much more time to put out a decent quality article than I originally thought. As time has gone on, I have become more efficient (both in my own writing as well as in the use of research assistants), but my horizons have expanded to wanting to write books which obviously requires a lot more time and effort than an article. My service work has remained about the same, although I now get more requests to speak than I can handle and find myself in the position of having to turn down some of these opportunities. Consulting opportunities have also continued to materialize, and as a result I am now more selective in the projects I choose to get involved in. Continuing to have clients has been an important source of rejuvenation. Both professionally and academically, this work has helped me maintain that connection to being a “real” lawyer as well as serving as an opportunity to test new academic theories. Moreover, seeing as the education of lawyers is one of my primary responsibilities, this outside work has also been important to maintaining a certain degree of freshness in the classroom.

Perhaps the most surprising thing about being a law professor is how much I continue to enjoy it. My wife often kids me that my hobby is my job and vice versa. While I hope that I am not that one-dimensional, I do know that I love what I am doing and that I spend a lot of time doing it. Foremost I know that this is because of the freedom afforded those within the academy. This freedom—which includes the freedom to say and write what you want, the freedom to choose how you organize your work week, and the freedom to choose how connected or not be connected you are to the “real” world—is a rare luxury that I try not to take for granted. Indeed, I know that such a life of freedom has certain responsibilities and as time has gone on I think I have gained a greater appreciation for what those responsibilities are.

*Concluding Thoughts, For Now*

Looking back at my journey thus far, there were a handful of noteworthy factors that contributed to my becoming a law professor. Certainly I have passion for what I do—advocating on behalf of Indigenous nations and peoples. This drive has carried me through my schooling, law practice, service on behalf of my own Indigenous nation, and into teaching. This passion has served as a compass for my life's direction in ways I could not have anticipated.

I have been blessed to have some tremendous people in my life who have given me valuable insight, mentoring, and support. These people include my wife, my mother, my colleagues, and my friends. Although my ego sometimes gets in the way of my ability to listen to other people, those people have made me stop and listen.

There have been many other factors that have helped me to achieve what I have accomplished thus far. It certainly has been helpful to have gone to Harvard Law School, as well as having had the experience of serving as Attorney General of the Seneca Nation. But these things are as much due to good fortune as to any talents that were given to me by the Creator. I do not have any explanation for how I have been able to get a good break now and then, but I do know that it is possible to improve one's luck through hard work. As my life and work continues, I hope that I always remember to be thankful for the opportunities that I have had. *Nya-weh*.<sup>6</sup>

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6. Meaning "thank you" in the Seneca language.