

Fifty More Ways to Promote Scholarship Within a Law School Community

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I. The Mission

It is now over twenty years since James Lindgren published his widely circulated article *Fifty Ways to Promote Scholarship*.¹ His piece provided a blueprint for assembling the structures and practices best suited for making law school faculty more productive as scholars. At the time he was writing to a broad array of audiences—to law schools that already had amassed a core of active scholars but wanted to provide the support necessary to maximize research capacities, and to those law schools whose desire to make a scholarly mark was more aspirational.²

As a do-it-yourself-kit, Lindgren's article was remarkably successful. Law schools adopted many of his proposals. Particularly before the 2010 market crash, law schools that committed to scholarship worked hard to enhance work-in-progress workshops, well-funded summer research stipends, generous leave policies and reduced teaching loads. They also increased hiring based on intellectual—and not simply teaching—needs, and began more hosting of conferences. Many of these innovations still flourish today. Scholarly engagement, however, has not been cheap. Lindgren's proposals called for increasing funding at almost every level: faculty hiring, financial support for conferences and research leaves, and the establishing of administrative commitment to scholarship.

How to continue and indeed accelerate scholarly efforts in an era of economic scarcity and other cultural challenges strikes us as a question to which all of us should return. Particularly salient was Lindgren's recommendation number

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1 James Lindgren, *Fifty Ways to Promote Scholarship*, 49 J. LEGAL EDUC. 126 (1999).

2 *Id.*

ten: create an associate dean for research position, which each of us has held at the University of Connecticut.³ How to succeed in that role and more generally how to add to law schools' understanding of a culture of research is what prompted us to offer these twenty-first-century suggestions.

Much has changed since Lindgren's article was published. His word of caution that not all law schools should seek to be research law schools might gain even more adherents today, when there is a growing awareness of the need to differentiate among types of law schools. Certain law schools will focus on teaching and training for the practicing bar or providing access to underserved students and clients at the exclusion of an ambitious scholarly agenda. Accordingly, our recommendations here are perhaps most useful for already productive faculties that wish to become even more important as research centers. We are less concerned with identifying the sorts of levers—incentives and disincentives—that are so often used in corporate environments to foster improvement. Recognizing how the academy is different, our new edition of *Fifty Ways* is really about how to foster a culture of scholarship. Not every one of its suggestions requires a substantial infusion of funds. It is possible to visit Europe on \$85 per day, as Fodor reminds us, as well as follow a trail of *cordon bleu* restaurants. We believe the most salient and lasting approach to promoting scholarship is to foster a milieu that places the scholarly project at its core.

Lindgren preached to the choir—though there were die-hard adherents of practice-centered pedagogy at the time of his article's publication—when he wrote of a major duty to “create and advance knowledge.”⁴ As part of a university community, he wrote, “we owe our institutions, our students, and ourselves the same commitment to the advancement of knowledge that other parts of a university expect.”⁵ Yet in today's climate for legal academia, and higher education more generally, the justification for scholarship must be more clearly enunciated. Ironically, given the serious and distorting impact upon legal education created by U.S. News & World Report rankings, the battle for “academic reputation” has continued to steer dollars to promote research in ways many of us might applaud. But this artificial spur cannot last as a justification for the law school's scholarly mission in an era when even the federal government has begun to judge higher education in terms of enhanced earning capacity and return on investment.

Getting back to first principles leads us to our overriding theme. Legal educators have to think more often about how to spread limited resources, and we must demonstrate more clearly the complementary nature of the law school's research mission with its role as a pedagogic institution.⁶ More than

3 Joseph P. Tomain & Paul L. Caron, *The Associate Dean for Faculty Research Position: Encouraging and Promoting Scholarship*, 33 U. TOL. L. REV. 233 (2001).

4 Lindgren, *supra* note 1, at 126.

5 *Id.*

6 For one of our earlier attempts to show how legal theory informs law practice, see Jeremy

ever, it is important to think in clever, savvy, and agile ways about how to make a law school stronger as a center of intellectual ferment.⁷ We do not envision our sequel to Lindgren's article as a kind of paint-by-numbers exercise. Rather, it is part of a broader initiative that requires taking stock of a law school's current scholarly milieu, setting priorities, and thinking creatively about designing new initiatives.

When we decided to return to Lindgren's challenge to develop institutional strategies for promoting legal scholarship, we chose to employ a digital-age approach—crowdsourcing. In October 2012, we invited a few dozen research deans from around the country and a sprinkling of representatives from Israel to participate in a two-day workshop on identifying ways research deans can increase both the quality and quantity of research. We used an informal format similar to the Constitutional Law Schmooze, where each participant needed to provide two ideas as a ticket for admission. Our gathering was called the Research Dean Schmooze, and, in the spirit of the Constitutional Law Schmooze, it was seen as an opportunity for wide-ranging conversation by those committed to the legal academy's academic mission.

Of course, in earlier years, such a conference might have been a great attraction to deans as well, and some remain keenly interested. In today's financially challenged environment, however, deans are pulled in many directions, from fundraising to representing their schools within multiple constituencies, from negotiating the shifting relationship between law schools and university administrations to marketing their academic institutions to bolster the quality of admitted students.⁸ Accordingly, for deans the quality of scholarly production is now just one concern among many, and thus associate deans for research must be aggressive in boosting the research mission.

For purposes of promoting research across the legal academy, we have steered clear of value judgments concerning different sorts of scholarship. First, we believe, as Sanford Kadish has noted, that law "is both a field of liberal

Paul, *Theory Makes Successful Lawyering Possible*, NEW YORK LAW JOURNAL (April 21, 2014).

7 For one of the recent attempts to think about the law school's research mission, see Lisa Philipps, *Strategic Research Planning in a Law School Setting* (2011), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1869164.

8 Douglas E. Ray, *The Dean's Role in Building a Positive Workplace Environment*, 42 U. TOL. L. REV. 657 (2011); Claudio Grossman, *The Role of the Law School Dean: Balancing a Variety of Roles and Interests. The American University Washington College of Law Experience*, 29 PENN ST. INT'L L. REV. 113 (2010); Frank T. Read, *The Unique Role of the Law School Dean in American Legal Education*, 51 J. LEGAL EDUC. 389 (2001); Alfred C. Aman, Jr., *Protecting a Space for Creativity: The Role of a Law School Dean in a Research University*, 31 U. TOL. L. REV. 557 (2000); Frank T. Read, *The Unique Role of the American Law School Dean: Academic Leader or Embattled Juggler?*, 31 U. TOL. L. REV. 715 (2000); Gerald T. McLaughlin, *The Role of the Law School Dean as Institutional Veteran*, 31 U. TOL. L. REV. 675 (2000); James Douglas, *The Distinction between Lawyers as Advocates and as Activists; And the Role of the Law School Dean in Facilitating the Justice Mission*, 40 CLEV. ST. L. REV. 405 (1992); Jeffrey O'Connell & Thomas E. O'Connell, *The Five Roles of the Law School Dean: Leader, Manager, Energizer, Envoy, Intellectual*, 29 EMORY L.J. 605 (1980).

scholarly inquiry and a profession.”⁹ To privilege one form of scholarship over another risks disfavoring—perhaps even denying—the law school’s important role in embracing both theory and practice. Second, we are concerned with how setting research priorities might shift with changing political demands. Experiential learning, usable knowledge, empiricism, conceptual innovation, and globalization have been articulated as the centerpieces of various law schools. Who is to say whether one approach is more worthy of support than another? Third, we believe that when our colleagues are engaged in scholarly expression, research deans must remain neutral on content though not on quality. As academics, we are always making qualitative judgments, but we remain mindful that such judgments can easily become overly controlling.¹⁰

Some might argue that, in a period of shrinking budgets and skepticism about research we should be employing various quantitative measures to ensure accountability. But one of our fundamental principles in compiling this list was to try to sidestep overly determined systems of incentives. The perfect is often the enemy of the good. And, since these are practical suggestions, we have beta-tested many of the proposals.

We remain deeply indebted to the original work of Professor Lindgren, most of whose ideas we would readily embrace and some we have replicated here. But time marches on and there is always room to enhance the enterprise, not to mention have a bit of fun along the way.

II. Fifty More Ways

A. *Crystallize and Celebrate the Mission*

It’s hard to get everyone on the same page when the multiplying genres of scholarship and the increasingly interdisciplinary nature of our work make it feel as though we are all reading from different books. Accordingly, the first task of leading the research enterprise is rallying the community around what you are trying to accomplish and where you are already succeeding.

1. *Tell the Scholarship Story.* Faculty members enter the academy from multiple places in the professional community and with varied understandings of the history and purpose of legal scholarship. Yet from nineteenth-century treatises to twenty-first-century blogs, the scholarly enterprise has undergone continuous change, blossoming now into work that ranges from sophisticated empirical study to dramatic reconceptualization of existing legal doctrines. The many forms of legal research demand constant reinterpretation, even for practicing scholars. So we recommend starting each fall with a faculty session on the history and continuing development of legal scholarship and each spring with

9 Sanford H. Kadish, *Symposium: The Jurisprudence and Social Policy Program Foreword*, 68 CAL. L. REV. 202, 203 (1980).

10 James Lindgren, *Is Blogging Scholarship? Why Do You Want to Know?*, 84 WASH. L. REV. 1105 (2006).

a deep dive into where things stand in one particular genre such as legal history or law and economics. Emphasis should be placed on how such scholarship contributes to the broad mission of the law school so that these sessions are part of pulling people together. The dean might opt to open the discussion with congratulations for some recent notable scholarly accomplishments.

2. *Ask What It Means to Get Better.* Professor Lindgren began his list by insisting that schools want to get better. But most institutions have already decided to move forward as research law schools. What today's law school must decide is "better in what fashion?" A law school could pursue improvement in all spheres simultaneously, but unless resources are unusually ample, this could prove a Sisyphean task. Consider instead how law schools have distinguished themselves with a more focused strategy. The University of Chicago and later George Mason built nationally renowned programs in law and economics. Wisconsin became an intellectual powerhouse by focusing on law and society. Northwestern built a reputation for empirical legal studies, and our own University of Connecticut chose to strengthen its scholarly profile in law and the humanities—moving on from the usual disciplines of legal history, law and economics, and jurisprudence to add faculty in linguistics, anthropology, literature, psychoanalysis, and spatial design. Choosing a focus would empower a law school to direct its strategic resources concerning faculty hiring, publication, making itself a clearinghouse for scholarship through first-rank conferences, and/or figuring out how to integrate teaching and scholarship. Duke Law School's Project on Custom and Law cleverly harnessed existing faculty scholarly and teaching interests to create a law school-wide interdisciplinary conversation about how custom pervades and informs law.
3. *Enlist the Faculty in Charting a Direction.* Whether through informal dinners, faculty retreats, written surveys, or the creation of committees or task forces devoted to strategic priorities or research, be sure the course you are charting is one widely embraced. No point pushing a heavy rock up a steep hill if it's going to roll back over you when the faculty weighs in with a divergent view. We particularly like the idea of a strategic priorities committee that looks beyond the day-to-day issues of enrollment, curriculum, and ordinary scholarly production and considers what kind of institution the law school wishes to become. The idea behind this committee is that a small number of faculty from different generations gather without an agenda to consider the future direction of the law school and to propose a few good ideas for achieving these goals.
4. *Develop a Research Mission Statement Aimed at a Broad Audience.* Producing first-rate scholarship is not enough. Law schools are increasingly asked to justify their research. The dean and associate dean for research must be able to explain the significance of research to a broad audience,

and, more particularly, to alumni/ae, university administrators, and other stakeholders. It helps in this challenge to work with faculty on a robust description of the research mission, which, of course, can be expanded extemporaneously when necessary. Defending the mission provides an opportunity to demonstrate how legal scholars produce scholarship with normative recommendations and empirical research with evaluations of the effectiveness of legal rules. Equally important, you can seize the chance to create a big-tent sense of what constitutes legal scholarship, which includes law and related disciplines such as the humanities and social science and law's central role in shaping business, scientific, and technological development.

5. *You Won't Write if You Don't Read.* The sheer volume of scholarly publication in one's narrow field might actually become an impediment to building a scholarly culture. Without exposure in a thoughtful way to the ideas of others, we can become impervious to new ideas and solipsistic about our own research. Reading is a serious protocol that requires deliberation, a stepping away of seeing the immediate usefulness of the writings of others to one's own scholarship, and often the beginning of conversation. To broaden our community's lenses, we have introduced a variety of opportunities for serious reading such as reading groups involving members of the bar, judiciary, and academia, as well as author-meets-reader sessions.
6. *If You Can Write About It, It Is Scholarship.* Credit should be given to scholars who engage in public service—from working with law drafting organizations such as the American Law Institute to government agencies or NGOs or to pro bono work. Instead of seeing this as taking away from scholarship, law schools should reward public engagement by treating these as forms of scholarship. Some law schools have established pro bono requirements for students, and, certainly, these institutions might be interested in mechanisms to enable junior legal scholars to play a public role early in their careers. One easy step is to enroll the entire faculty as members in the bar association.
7. *Always Pay Attention to Impact.* Every dollar that goes to promote scholarship should be aimed at enabling authors to have impact upon a relevant community. A law school that counts law review citations for the sole purpose of boosting its rankings is one where a research culture will soon wither and die. The point is to make a difference not just to a small group of like-minded people, but as widely as possible. Deans and research deans can help by insisting that the school's communications director (or the university's office if the law school cannot afford one) understand the work of faculty and consider promoting it as part of the mission. Cultivating newspapers, blogs, podcast hosts, radio and television shows, publishers, and other vehicles for promulgating ideas is a vital component of a school that wants research to thrive.

8. *Insist that Quantity Take a Back Seat to Quality.* Constant discussion about what marks a great piece of scholarship, from books to blogs, should be at the heart of discussions at colloquia, in considering appointments candidates, and in reacting to every article that comes to the faculty's attention. Deans and research deans can add much by pointing out high-quality publications that cross our desks and by pushing hard to keep appointments discussions focused on quality of work, not quality of fit. But even if the best we can do concerning quality is to borrow Justice Stewart's famous line "I know it when I see it," we can never allow the need for judgment calls to generate overreliance on quantitative measures.

Regrettably, university processes have increasingly turned to citation counting, download statistics, journal ranking, the h-index, Thomson Journal Impact factors, and other quantitative metrics for measuring the merits of scholarship. We should grant the premise of this approach, which is that we want our faculty work to have impact. But we must always keep in mind that quantitative measures are mere surrogates for what we want to achieve. When we substitute the metric for the thing itself, we are doomed to be misled or gamed. Certain fields, for example, tend to produce higher SSRN counts than others, and download numbers are subject to manipulation by individual faculty members seeking to demonstrate their greater reputational value. The moment the institution makes clear it prioritizes numerical scores, people will dedicate their time—and too often their destructive, competitive juices—to boosting the numbers at the expense of the scholarly culture. And we all know that the battle for citations may produce run-of-the mill work rather than the pathbreaking research to which we should aspire. Of course, the best indicia of whether a work is truly important may not be immediate citations, but how well it lasts—and whether it is seen as critical a few decades later. Pointing to an imagined future cannot be an excuse to defend weak work that is deservedly ignored, but it must be remembered in defense of creative approaches whose time may not quite yet have come. Telling the difference is what we are paid for, and it's that spirit we want to infuse throughout the law school, including in the way we evaluate tenure candidates and determine annual compensation. We are not calling for a total bar against the use of quantitative assessment, but it should be deployed with caution and in service of, not instead of, evaluations of quality.

9. *Cheerlead, Cheerlead, then Cheerlead Some More.* Every piece of faculty, student, and even alumni/ae writing should be publicized, celebrated, and engaged with in as many ways as possible. This includes congratulatory e-mails with some substance, shout-outs at faculty meetings, expositions in alumni/ae magazines, book parties, Festschriften, personal notes, and anything else you can conceive. Applause, however, means little if not accompanied with honesty. So do not miss chances to push on ideas even as you celebrate accomplishments. A final sentence in an e-mail

offering a spur for the next publication is a good way to make clear you are paying attention. For example, “We look forward to Professor X’s next contribution, which we are sure will have more to say about [fill in gap that might be present in current work].”

B. Structure Law School Life Around the Mission and Innovate Constantly

We have inherited patterns and practices, including meeting times, governance structures, course schedules, academic calendars, curricular offerings, law journals, and annual reporting methods, all of which predate the internet, mobile phones, longer commute times, higher numbers of faculty managing significant family obligations, and greater financial pressure on new faculty due to high housing costs and student debt. Coming to grips with these changes is part of every dean’s job, and the suggestions we offer here are the tip of the iceberg. If we are convinced of anything, however, it is that every minute aimed at re-creating “the good old days” is a valuable minute stolen from envisioning the great new days ahead. All we offer is in that spirit.

1. *Prioritize Institutional Values, Don’t Fetishize Past Practices.* Changing technologies and work patterns leave law schools fighting an uphill battle to encourage our productive faculty to place what happens on campus at the center of their scholarly life. Now that people can easily share drafts with colleagues in their fields at other schools, and there are exciting conferences happening everywhere all the time, we must compete for scholarly attention. We should embrace that challenge and communicate to everyone the significance of boosting the work of colleagues for the value of the collective enterprise. If fewer faculty doors are open at 3 p.m. on Friday, model a culture of getting back to people quickly on e-mail and create more informal opportunities for folks to chat (provide free coffee in an appealing locale). Nothing kills community spirit more quickly than lamentations about how things used to be different.
2. *Define the Research Dean Position—But Keep It Fluid.* Lindgren called for an associate dean for research. But how does one write the job description? The associate dean must be a tireless advocate for scholarship within the dean’s inner circle, a creative wild card, the dean’s sounding board, a constant visitor to the offices of colleagues, a mentor to junior faculty members, an avid reader, a ready nominator for awards, a facilitator of access to resources and a point person for grant applications. It is useful to appoint the research dean as *ex officio* on the appointments and promotion committees. The research dean should be a respected scholar in her own right, and—when it comes to bureaucratic matters—deeply innovative.
3. *Make Sure There Is a Point Person on Interdisciplinary Education.* At some schools the right approach might be to rename the position associate dean for research and interdisciplinary education. At others, a faculty director or even a second associate dean might be needed. The academic affairs

dean has one of the most challenging jobs on campus, and building new degree programs or seeking interdisciplinary grants risks constantly moving to the back burner. But cutting-edge research and sophisticated training for our students will increasingly demand that lawyers speak not merely the language of the law but the language of business or computers or sociology or economics, etc.

4. *Follow the Money.* You often hear people say that law school professors cannot get grants. Certainly, the large NSF and NIH awards that dominate the sciences are not the coin of our realm. But there are more opportunities than you would expect for law faculty both to generate funds for research and to partner with others around a university on interdisciplinary grants. Your dean will be particularly grateful if the research dean becomes expert on fellowships available to faculty, foundations that fund empirical research and any other source of external funds. The research dean also needs to work closely with the academic affairs dean to help colleagues achieve teaching schedules that enable them to accept external fellowships, and with the dean to find funds to top off fellowships that do not match law faculty salaries. The research dean must also work continuously with the development office so that faculty research projects are front and center when donors are presented with giving opportunities.
5. *Be Creative with Teaching Schedules and Research Leave.* If there is no creative tension between your law school and your faculty in which scholars are looking to arrange their schedules to facilitate research, then you are doing something wrong. Typically, the research dean does not control teaching schedules but must advocate for colleagues with the academic affairs dean and the dean. We follow a simple rule: Support saying no to research leaves, to schedules with fewer teaching days, and to doubling up one term to make the next one easier whenever saying no will meaningfully help students or corral colleagues who have shirked institutional service that is best performed on campus. If the students need some classes taught in particular terms or at particular times, that must come first. But otherwise push hard to say yes and run roughshod over university pressure or collegial watchfulness that pushes you to cookie-cutter approaches that may appear to treat everyone the same. Only the deans know each person's circumstances, and if you act fairly people will trust you to continue to do so.
6. *Invest in Convenient, Reliable Remote Technology.* People will differ on what sort of meetings faculty members must attend in person. Some schools insist, for example, that to vote on appointments or tenure questions, a faculty member must be present for the discussion. But whatever stance your school takes on particular decisions, there is no excuse for iffy phone, video, and internet hookups. We promise that for every person who decides to come in for a committee meeting because the video link is too spotty there will be three who choose simply not to participate

at all. Virtual meetings, sharing electronic drafts, and every other technology that permits work to be done remotely will bring people closer rather than pull them apart.

7. *Designate Staff to Serve as Scholarship Curators.* Law schools often invest considerable resources for the production of scholarship but fail to make these works readily available to readers. We envision a research librarian assigned to curate each faculty member's writings. A curator would be charged with setting up Academia accounts, uploading papers for SSRN, managing Wikipedia pages, and ensuring that the law school's own faculty profile pages are up to date. Perhaps even more important, this person will work with the communications team to ensure that information about faculty research regularly makes its way into electronic newsletters, the law school's Facebook page and in-house Twitter feeds.
8. *Build Civic Culture—Rituals.* As with every small community, it is important to mark rites of passage—hiring, promotion, tenure, ascension to chairs, and retirement—for faculty members. New faculty members might be hosted with a welcoming ritual such as a toast. Some law schools have a tradition of providing each newly tenured faculty member with an academic gown. Chairs are traditionally marked with an inaugural lecture. Retirements might be recognized with a Festschrift or a reception complete with a lecture by an outside speaker or with music.
9. *Build the Workshop Around the Junior Faculty.* Your law school will never, and we mean never, boost its academic reputation based on the prominence of those whom you bring to campus to speak. Instead, use your workshops wisely by consulting with untenured and recently tenured faculty about scholars in their field whom it would be productive for your junior colleagues to know. Such visitors should be hosted by the junior faculty member, who might be able organize post-workshop coffee meetings, a dinner, and other more extensive interactions. And offer to host mooted workshops for untenured faculty that would include just other junior colleagues and those specifically invited to these more intimate junior faculty workshops.
10. *Vary Workshop Formats, Times, and Venues.* We have tried Supreme Court roundup sessions; author-meets-reader sessions when a new book is published; lunchtime, late afternoon and evening; and trial balloon workshops where a new idea for an article might be no more than a single paragraph. One of the most successful of these innovations has been the New Faculty Jam, where recently hired faculty introduce in six minutes a possible future project. The Jam, which might take place in the first weeks of the semester, never fails to remind colleagues why they were enthusiastic about this particular new colleague in the first instance.

11. *Vary the Food.* Faculties that gather regularly around lunch for workshops, appointment talks, or faculty meetings soon grow tired of the same fare. Some places distinguish between full lunches for outside visitors and simple sandwiches or wraps for informal work-in-progress lunches. But even though it might seem incongruous that research deans need to monitor catering, it is important that both the intellectual and culinary repast seems fresh. A yearly food survey of the faculty might be useful in seeing whether the dining options are optimal.
12. *Workshop Hiatus.* Do not be afraid to take a break from workshops. Lindgren suggested that law faculties should workshop until they drop. But exhaustion can take the excitement out of intellectual exchange. When appointments talks are particularly heavy, it might be useful to limit the number of internal and external workshop talks. Breaks should be seen as stepping out of ordinary routines. A workshop hiatus might be announced with as much fanfare as workshops themselves.
13. *Joint Reference Librarian/Faculty Brown Bag Lunches.* Reference librarians are talented professionals who work tirelessly in assisting research projects. Yet many of the requests for citations, sources, or research memos come as discrete queries. This suggestion is for a series of brown bag lunches hosting productive research scholars who would try to paint a larger picture of what they are doing—the ideas behind the projects, how they connect (if they do), and the larger problems that are being addressed.
14. *Introduce a Salon Class on Public Policy.* It is important for scholars to step back and examine the broad public policy implications of their work. Pick one policy issue each term and run a course for students taught weekly by different presenters from the law school and around the university and the community, where applicable. Run the class at night and open it to the general public, without scrimping on serious content. Topics could range from the opioid crisis and gun violence to racial and economic inequality and climate change. The point is to push beyond a distinctly court-centered perspective.
15. *Introduce a Rotating Co-taught Class.* Scholarship prospers by breaking the seal between scholarship and teaching. Co-teaching forges bonds, and opens faculty members to future conversations about scholarship. Unlike most classes, which one continues to teach after mastery, the idea behind our co-taught class was to teach it once and pass it on to another pair of faculty colleagues. The class should always feel fresh and innovative. Since we hoped the class would serve as a bridge to conversation and needed to be general enough to move around the faculty, we chose to organize the class around an excellent anthology of canonical texts, *The Canon of American Legal Thought*, edited by David Kennedy and William W. Fisher III (Princeton University Press, 2006). It begins with Oliver Wendell Holmes's *Path of the Law* (1897) and includes works by Robert Hale, Roscoe Pound, Karl Llewellyn, and many others. This twentieth-century collection of readings

covers various jurisprudential movements such as legal realism, legal process, law and economics, law and society, critical legal studies, and contemporary issues of law and personal identity.

16. *Introduce a Hybrid Class.* Classes co-taught with practicing attorneys expose faculty to the sorts of issues lawyers face in practice. If one of the goals of legal scholarship is to create what Aristotle called practical wisdom, then we need to create classes that mix theory and praxis.
17. *Introduce and Extend Reading Groups to Students and Alums.* When faculty in the other part of the university mentor graduate students, they can often experience a kind of scholarly exchange that is less hierarchical and more rewarding than the more formal teaching done by law professors. Connecticut instituted reading groups to provide that sort of experience. A faculty member gathers up to six students, who are selected by the faculty member and not through traditional mechanisms of enrollment, to discuss a wide-ranging subject. Readings are focused more on secondary literature rather than cases and statutes. The important part is the conversation. There is no writing requirement. At Connecticut, the reading groups meet before the fireplace in the faculty lounge. This special space, and that food is often served, distinguishes the reading group from ordinary seminars.

Deans often hear from alumni/ae that faculty members do not do enough to keep in touch. Yet typical alumni/ae events are cocktail parties at local watering holes, events that do not necessarily align with faculty interests. We have fostered interchange between the faculty and the graduates by hosting on campus reading groups focused on interesting nonfiction books on the topics of the day. This has become a marvelous way for faculty members to keep in touch with life on the ground for current practitioners and also builds alumni/ae loyalty. Citations to the chosen books frequently find their way into the scholarly writings of participants in ways that help keep scholarship fresh.
18. *Introduce a Recent-Cases Class.* This was one of our favorite innovations. Each week a different member of the faculty would tackle analysis of a case very recently decided by a high court about a subject close to his or her research expertise. Students could earn credit for the class by reading all the cases and writing reflection papers about the cases before the session. But the whole community would be invited so that all members of the faculty could learn from one another about recent developments.
19. *Support Student Scholarship.* Most of our focus is upon faculty scholarship. But student involvement in the research mission of the law school contributes to the intellectual vitality of an institution. Some law schools invite a few students on a first-come, first-served basis to faculty workshops. Others provide financial support for the electronic submission of articles to law reviews. Setting aside space in a law

school's law review for student prize-winning articles is another way of supporting student scholarship.

20. *Think About the Architecture.* Almost every successful high-tech company has retained a consultant to think about the way space might be used to foster creativity. How can we maximize the encounters among colleagues? What kind of collaborative space might be created? UC Irvine made a point of building spacious, attractive waiting areas outside each faculty office so that students could easily congregate. Sometimes just putting faculty mailboxes in a place with coffee can facilitate exchange.
21. *Make Your Buildings into Histories.* Displaying photographs of past and present faculty on the walls (as at Harvard) and posters of conferences hosted at the law school (as at Yale) and establishing a highly visible bookcase for faculty publications are ways of signaling the primary role of scholarship at a law school. Moreover, it creates a sense of collective identity, which is critical to promoting scholarship. Of course, one must take care that posted portraits include a diverse group. Every student should see someone who looks like him or her reflected in the institution's history, its present, and its future.
22. *Shift from Faculty Committees to the Task Force Model.* Faculty governance plays an important role in creating a community of scholars. Yet nothing is more destructive of intellectual joie de vivre than standing committees requiring faculty to meet often with little progress to show for their efforts. Every moment a faculty member spends in committee work is a moment lost to producing scholarship. While certain committees, such as appointments or tenure, are at the core of faculty concerns, others are more marginal. In some instances, it is useful to replace committees with task forces that have a very limited goal and a limited time span, that will dissolve when the goal is achieved. Task forces are often made up of a smaller number of faculty members, perhaps only three or four. They are intended to be nimble and flexible additional institutional mechanisms to institute change.

C. The Human Element is the Straw that Stirs the Drink

Because we are battling centrifugal forces pulling our colleagues away from campus, one of our key tasks is creating a sense that everyone is in this together and that our scholars can draw strength from committing resources to the institution. Success depends upon understanding motivations and pressures that confront our colleagues and thinking hard about what it takes to build esprit de corps.

1. *Nominate, Nominate, Nominate.* Our professional world is replete with awards, from prestigious opportunities such as Carnegie and Guggenheim fellowships to prizes distributed by local legal newspapers, such as "top women in the law." Similarly, our own universities often select named lecturers and award honors such as

distinguished professorships. All these awards begin with nomination processes, many of which are quite lengthy and time-consuming. Some of these awards help build careers. Some have funds attached. But each and every one makes the winners feel good. So invest time in building systems where you have all the material you need to send as many nominating letters as you can. You'll be glad you did.

And when you can, find ways to create more awards. After several years of hearing complaints from the Connecticut Bar Association ("CBA") that few faculty members attended their annual luncheon, we pointed out that an award was given to top judges, top litigators, and top pro bono lawyers but there was no award for a top educator. Thanks to an inspired CBA president, that organization now has an annual Tapping Reeve Legal Educator award, which has gone to great teachers throughout the state.

2. *Communicate that Faculty Are Not Fungible.* Every serious research law school must embrace the principle that faculty members are not considered easily replaceable. Dean Emeritus Claudio Grossman of American University likes to say that when he walks through the halls and runs into colleagues he thinks about each one, "I didn't know I needed you until I met you." This marvelous sentiment can be expressed in different ways: noting the individual contributions of faculty, hiring outside of narrow curricular needs, making significant counteroffers when a faculty member has an outside offer, and—as suggested above—creating a civic culture around scholarship that recognizes achievements such as tenure or being named the holder of a faculty chair. The dean should communicate that she or he understands what makes a scholar distinctive. Phrases like "work product" should be avoided when referring to articles and books. After all, a prime goal of the scholarly turn is to create scholars—not simply to churn out writing.
3. *Use Annual Reporting Wisely and to Promote Reflection.* Most schools will expect each faculty member to provide an annual summary of professional activities, and we encourage putting thought into how such reports can further the scholarly enterprise. In addition to requesting updated CVs, copies of publications, and lists of accomplishments, ask faculty to reflect on the pros and cons of the year. Ask open-ended questions such as "how does your current teaching load further or distract you from your scholarly ambitions?" or "what do you see as the issues you want to work on in the next year and the next five?" We particularly recommend providing opportunities for faculty members to communicate to the deans how they hope to contribute to the mission in the coming year, and we always seek suggestions on how the school might adapt to our changing environment. The most important question to ask is how the law school might further each faculty member's ability to write and teach more effectively, and what obstacles are in the way and might be removed.

4. *Use Summer Stipend Applications Even More Wisely.* For schools fortunate enough to offer research stipend funding, the annual application provides an opportunity to gather information about the research interests and directions of every faculty member actively seeking support. These applications should include statements about why the proposed work is significant, how it connects to other scholarship by the faculty member or scholars elsewhere, and the future direction of a faculty member's work. At Connecticut, we introduced an application format that aims to track the level of detail one would expect for an external grant application. On occasion, we have asked that faculty members rewrite their summer grant applications to provide the dean with a well-developed picture of a faculty member's scholarly profile. The goal is to send a clear message that the school is supportive of reflection and ambition and not merely asking our colleagues to jump through bureaucratic hoops.
5. *Take a Lifecycle Approach to Scholarship.* Institutional support for research is far more effective when it runs from the start of the cycle through the end. Project conceptions can be facilitated during exploratory dinners and brainstorming sessions. Research can be fostered through effective library assistance and frequent opportunities to share ideas. Projects approaching completion can be spurred along via help with copyediting, production, copyright permissions, etc. After publication, the law school must stand ready to get the word out through providing post-publication financial support for travel to workshops at other institutions, wide distribution, web posting, etc. We include this approach under the human element because we emphasize that deans should expect each faculty member to be at multiple stages in the scholarly process simultaneously, and understanding this is part and parcel of a supportive environment.
6. *Relentlessly Squelch Negative Rumors.* While we are stressing a supportive environment, let's be candid about one of the worst afflictions that can cripple team spirit. No matter how much effort leaders put into celebrating everyone's achievements (and, as noted above, you can never do enough), your colleagues will still be certain that they know who the key performers are and who in their view is doing very little. Yet so often it will be the case that the alleged shirkers are doing a great deal and just not getting noticed for it. We cannot stress enough how important it is to make sure that everyone knows of the activities of those less likely to blow their own horn. Every false negative comment must be quickly corrected. Of course, every faculty has some members who, for whatever reason, have lost touch with the joys of our profession. Your job is to help those few find their way back to meaningful contributions. But far more often the claim that so-and-so is not doing anything is just not true. Shoot it down.

7. *Protect the Junior Faculty, Integrate the Junior Faculty.* Junior, untenured faculty members should be shielded from onerous committee duties and especially from politically charged tasks that require sidebar conversations. The problem with many internal forms of service, of course, is not simply a matter of how much time these might demand. There are also costs to a faculty member's sense of well-being when committee work requires negotiating competing faculty positions. Nevertheless, junior faculty also learn a great deal from working with colleagues. It is possible to be overly protective.
8. *Rethink the Tenure File and Request a Master Review of a Tenure Candidate's Work.* Many universities will place straitjackets that prevent control over the tenure process. But where possible, letters from local peers should be included to round out the file and to encourage tenured colleagues to know more about what tenure candidates are doing. Notes should be solicited about the service untenured faculty members have performed in organizing conferences or contributing to outside projects. When it comes to external letters, law faculties often send out for review individual articles or book chapters. A longer review would have a seasoned scholar read a number of pieces and link them together to evaluate how they might constitute a collective contribution to the field. A number of salient questions might be addressed: What is the tenure candidate's distinctive contribution to scholarship? And how might her or his work enter into scholarly and judicial debates? This requires a reviewer willing to do this extra work, and it makes sense to offer a generous honorarium for this particular review.
9. *Address the Post-tenure Blues.* Some faculty, but not all, find themselves in a writing slump immediately after tenure. So the tenure process itself should be designed not merely to evaluate the candidate but to inspire a post-tenure career. One approach would require a research agenda for *future* scholarship to be submitted just before the end of the tenure process. Tenure, after all, is about providing long-term security after meeting a series of rigorous bench marks, and this is a good moment to consider what a junior faculty member would do if he or she had what Morton Horwitz calls "tenure of the mind." Another way to keep the blues in check is to provide extra funding for conference attendance elsewhere or hosting a conference at the home institution.
10. *Encourage Teaching Abroad.* American law students, and often American law school faculty, are among the most provincial in the world. Exposure to civil law norms, a different set of cultural and social normative demands, and the very requirement of having to explain—even justify—one's own legal system to outsiders can prompt new ways of thinking. There are many different models for teaching abroad. A particularly useful one consists of formal exchanges in which a United States law professor teaches a condensed course for two or three weeks in another country. For junior faculty members who have not yet created their own

international networks, that a professor's law school has established the opportunity means that little additional time need be expended navigating logistical details. Short visits also work better for those with significant family and scholarly responsibilities. If the faculty member's own law school provides additional generous funding beyond the support of the hosting institution abroad, there is an even greater incentive to undertake a global teaching experience.

11. *Send the Faculty Away—and Debrief them Afterward.* Law schools can become isolated places. Having faculty visit to teach a semester away or short classes elsewhere is critical to ensuring an infusion of new ideas. It is important to strongly support plans to visit at another institution. But beyond what is learned from teaching and scholarly exchange in innovative ways, it is important to gain information about institutional issues at another law school—new innovations, their concerns, etc.
12. *Raise Money for and Creatively Manage Summer and Other Grant Programs.* The summer stipend approach to promoting research is a legacy from an era when universities sought ways to compete for top law faculty without raising salaries too far above those of faculty in other departments on campus. Now that necessity has been the mother of this invention, we should seize it to move financial rewards toward a kind of fairness that eludes customary approaches to faculty compensation. Consider disparities that arise when Professor X completes a major article and earns a large raise in year one, putting him or her a few thousand dollars ahead of colleague Professor Y. Since percentage increases are one way that raises are often calculated, his or her lead by year three will have increased to the point where even if Professor Y publishes a major book in year three, the catch-up raise he or she receives is unlikely to produce parity. Larger one-time payments for significant achievements provide a more equitable approach. There are reasons those in the financial services industry rely so heavily on bonuses.
 - a. *Don't be afraid to split grants,* paying some money upfront and some when the project is complete. Current summer programs often demand that someone finish the project from summer one before seeking a grant for a new project in summer two. But project completion does not always follow such a regular schedule. By holding some money back on project one, you free faculty members to tell you directly that this project is now on hold while a new one has moved to the front burner. Plus, getting some money when you deliver on a promise fits more closely with ordinary expectations and incentives.
 - b. *Consider retroactive grants or increases when a truly stellar project hits the streets.* Within university guidelines it often makes sense to provide a meaningful reward for exceptional achievement that differs from a permanent raise. So, if someone hits a home run, find your own approach to an annual most valuable player bonus.

- c. *Incentivize risks.* Regular summer stipend programs that simply reward ordinary publications place incentives on faculty members to stay within their lanes and continue replicating past efforts. Find a way to add a bit to the amount for people who propose projects that demonstrate a willingness to extend their expertise, break into new conversations, or just aim higher in terms of impact.
 - d. *Offer skills grants.* Scholars often need to draw upon a panoply of skills that might require additional funding to obtain: language skills, public speaking, and statistical methods are just a few examples. A grant process should be available to provide the financial backing for faculty development.
 - e. *Award grants for teaching innovation.* Although it might seem counter-intuitive for us to include teaching awards in this article aimed at supporting research, we all know that teaching and research should be complementary. The faculty member meaningfully engaged in improving his or her teaching is far more likely to find ideas worthy of dissemination. It's crucial to the enterprise that strong teaching also be rewarded
 - f. *Reward, do not punish, outside funding.* That someone has earned an external grant to support work should generally not reduce the amount the law school is willing to contribute. Doing so penalizes activity you want to encourage.
13. *Encourage Shared Projects that Bind the Faculty Together.* Scholarship flourishes in conversation. At Connecticut we hosted a project where over a half-dozen faculty members (we also opened this up to former faculty members who took lateral positions elsewhere) listened to the podcast *Serial* and wrote a brief essay from the point of view of their own area of expertise. This project was published as *A Law Faculty Listens to Serial* in the law review. In an earlier period, our colleagues team taught a course on Walmart and the many areas of law needed to grapple with the effect of the retail giant on our polity. This ultimately led to a group presentation at the AALS and a symposium issue of the law review.
 14. *Talk Openly with Faculty About Teaching Loads and Research—For Example, Negotiate Small Sections.* Many law schools offer a small section for one of their first-year classes. With fewer students and a smaller number of finals to grade, faculty should use the small section as an opportunity to experiment. This might mean assigning written work, integrating the section with the skills training part of the law school, or perhaps including additional out-of-class components such as attending a judicial proceeding or inviting a practicing attorney for a discussion. In any event, taking the small section would require the faculty member to negotiate with one of the associate deans.
 15. *Research Assistant Mentoring by Research Librarians.* Law student research assistants are often overwhelmed by the tasks they are assigned. It is

helpful to organize a special training session for research assistants and to assign them a research librarian mentor to whom they report.

D. Keep Spreading the Word

As noted above, publication of research is not the end of the scholarly cycle but the beginning of the challenge of ensuring that good work is noticed. To counter the destructive trend of valuing research for the sake of the numbers, every research dean must ensure the law school is tirelessly devoted to ensuring that the work of our colleagues is recognized and read by as many as possible.

1. *Make Friends with the Press.* Few things are more encouraging to a faculty member than landing an op-ed piece in a major newspaper. Yet almost none of us know how to accomplish this goal. This goes double for placing authors onto television and radio talk shows to showcase a new book. You can never spend enough time learning to navigate these waters. One good tip is to invite prominent press people to exciting events on campus. One year we had a Nobel laureate as our commencement speaker and invited top press people to the small dinner the night before. One attendee who chaired an editorial board later helped the law school navigate a challenging crisis with a favorable piece that was neither solicited nor even discussed.
2. *Encourage Outward Orientation.* Attaining visibility for one's research depends in part on being part of ongoing conversations that are happening across many dimensions. Encourage your faculty to keep up with the many sources that now cover our narrow world, such as legal newspapers and magazines, *Jurist*, *SCOTUSblog*, the *Leiter Report*, *The Chronicle of Higher Education*, etc. But also enlist your library in generating access to key publications and in setting up a central location where people can read top journals that expand horizons such as *The Wall Street Journal*, *The Economist*, the *Harvard Business Review*, *The New York Review of Books*, and others that are not electronically accessible.
3. *Talk to Other Departments.* There are all sorts of ways to involve other parts of the university in law school research projects. These include inviting a wide group of faculty from other departments to workshops, initiating joint research groups, and making joint appointments. A law school might become a hub of all legal-oriented activities at a university much as the Program in Law and Public Affairs at Princeton University has successfully unified scholarship across the entire campus. The wider your circles at the outset, the greater your range at the back end.
4. *If It's Not Online, It Does Not Exist.* Finally, and it pains us old-timers to say so, nothing can substitute for finding ways to spread your research message online. Your symposia and conferences, your course for the community, your speakers and workshops, your reading lists, your faculty work, your faculty presentations at home and away, your faculty

publications and whatever else you can capture should all be posted and accessible on the website, on SSRN and bepress where applicable, on every social media outlet, in your alumni/ae newsletter, and in a regular report about scholarship that you can circulate. An article published in a forest where no one is reading is just a dead tree.

Of course, in the end we are far more persuaded by the importance of our quest for building a scholarly community than we are impressed with any of our own approaches. We greatly look forward to hearing from readers about your ideas. You can reach us at steven.wilf@uconn.edu and j.paul@neu.edu. We doubt it will take twenty more years before our successors will offer yet fifty more ways. Number fifty-one might well be revise your list of *Fifty Ways* more often.