

Panel Discussion: Balancing Scholarship, Teaching and Service to Succeed on the Tenure Track - A Workshop for Pretenure Colleagues and Faculty Aspirants

Moderator

Brenda V. Smith

Panelists

José Gabilondo
Danielle Holley-Walker
Kristin N. Johnson
Rose Cuison-Villazor

Introduction by Brenda V. Smith, Professor of Law, American University Washington College of Law

In imagining the National People of Color Legal Scholarship Conference, the planning committee brainstormed about the theme of the conference and the scope of panels and opportunities that would capture the breadth and vibrancy of scholarship by faculty of color. An antecedent, however, to that scholarship is the entry, success, and thriving of faculty of color in the academy.

This panel was part of a stream that addressed strategies for becoming a law professor. While the panel mirrored ones that have occurred at the Faculty Recruiting Conference held by the American Association of Law Schools, imbedding this panel in the larger NPOC Legal Scholarship Conference changed the conversation in significant ways. First, we had the benefit of the recent release of Meera Deo's, *Unequal Profession: Race and Gender in Legal Academia* that validated the experience of our panelists. Second, the conference happened at a time when the assault on both people of color and people who rely on facts and scholarship are under attack. Finally, while the numbers of faculty of color in the academy are increasing, these young professors still face barriers to entry: access to information and mentoring on strategies for being successful teachers, scholars, and institutional citizens.

All importantly, determining the appropriate balance for each of these is imperative—as a faculty aspirant, pre-tenure, and post-tenure.

Three panelists and a moderator with different paths to tenure shared valuable insights about their professional journeys and distilled lessons from that conversation. The panel asked: (1) what was your journey to legal academia; (2) how did you succeed as a pre-tenure professor; and (3) how did you balance teaching, service and scholarship pre and post tenure.

What was striking was the varied paths the panelists took to academia—business, non-profit, firm, government. The panelists included faculty who were the first in their families to finish high school, attend college, or law school. They all talked about the importance of mentors, people in the academy and outside who saw their potential and encouraged them to pursue a career in the academy. Still others knew from an early age that law was in their future and they pursued it with amazing success, in some instances to the leadership of a law school.

The panelists talked about the importance of building community on the journey to tenure. Spaces like the regional people of color conferences, the Southeast Association of Law Schools Conference and the Clinical Conferences provided opportunities to share early works in hospitable settings and to develop connection that would aid these scholars on their journeys to tenure. Former law school professors were also important sources of inspiration, encouragement, and coaching for faculty of color on their paths in the legal academy.

Finally, the panelists talked about how they developed their scholarly agendas, often drawing on and expanding on work they were passionate about or had done prior to teaching. They also shared their writing processes, further demystifying the process of developing a scholarly voice. The transcript below is powerful, inspiring, generous, and generative. The panel accomplished its goal of shining a light on the road to tenure and opening that space to those eager to walk that path.

Brenda V. Smith: Good afternoon, can everybody hear us?

[Audience]: Yes.

Smith: Welcome everyone. This has been such an amazing conference. When we were putting the conference together, one of the things that we were clear about is that if we had the opportunity to have all of these fabulous minds together, we wanted to do some work to demystify the process of being and becoming a legal scholar. It is very easy when you see people like Sherilyn Ifill and Kristen Johnson and many of these people on this panel to think that if they are the metric, then I'm just not going to get there. The reality is that becoming a tenured law professor and meeting the requirements of teaching, service, and scholarship is achievable. The aim of this panel is to speak honestly about that endeavor and to answer questions. This is a space where you can ask basic questions that you might be reluctant to ask in other settings. We aim to

talk about the whole process—teaching, service, scholarship. The panelists will also discuss their individual journeys. While these experiences are individual, they illustrate how people arrive at and remain in the academy.

The panel will proceed as follows. First, panelists will share their individual journeys to the academy. Second, panelists will discuss strategies for being successful for pre-tenure colleagues and faculty aspirants. Panelists will share their top strategies for successful entry into the academy. Panelists will also discuss strategies for success after hire—how to balance teaching, service, and scholarship. Let's start.

Rose Cuison-Villazor: Good afternoon everyone. My name is Rose Cuison-Villazor. I teach at Rutgers Law School. My legal academic journey began in this school—American University Washington College of Law. I am a proud alumna of WCL and loved my time here. As the first in my family to go to college in the United States and subsequently to law school, I wanted to go to a school that had a strong clinical program and concentration on human rights and social justice lawyering. I am glad I chose WCL. My professors were demanding but supportive, my classmates were smart and critically engaged and I took classes that taught me what the law is but also pushed me to think about what law should be. I would not trade my law school experience for any other. After law school, I clerked for a year and subsequently obtained an Equal Justice Works fellowship. I then joined the legal academy in 2004 when I received a fellowship at Columbia Law School and in 2006, I obtained my first teaching appointment.

I began my talk with my education and experience at WCL because I am what may be described in Professor Meera Deo's book as a non-traditional law professor. As Professor Deo's book points out, 85% of law professors come from only 12 schools. And 40% of them graduated from Harvard or Yale. I am therefore among the 15% who are considered "nontraditional" because, unlike most law professors in the academy, I don't have the "conventional" elite educational background. To be sure, there are other factors beyond educational achievement that help one get a tenure-track teaching job such as a federal clerkship, membership on the *Law Review* or journal, and getting published. But, as Professor Deo demonstrates, typically, a person's educational pedigree makes a big difference in terms of getting an academic job.

So, given my background, how did I get here? I got to where I am through a network of people who were committed to helping me get a job. First, I received the support of my former professors at WCL who served as my references and guided me through the process of getting a teaching job. Second, professors and other aspiring law professors at Columbia Law School read my work-in-progress (one which became my job talk paper), mooted my job talk and recommended me for law teaching jobs. Third, I received the support of law professors I met at the Conference of Asian Pacific American Law Faculty (CAPALF) in September 2004 and George Washington University School of Law the next month when it hosted the second National People of Color Conference. Those professors welcomed me to the community and made me

feel like I already belonged. Fourth, the following year in 2005, I attended my first LatCrit conference in Puerto Rico and reconnected with some of my former law professors and those professors I met at CAPALF and NPOC and they provided mock AALS interview sessions and also mooted my job talk. In sum, my legal academic journey involved the support of a community of scholars and teachers, most of whom are professors of color, who believed in me and provided me with generous help along the way.

I want to highlight one particular professor from this community who was instrumental to my becoming a law professor: Professor Leti Volpp. At the outset, I never even thought about becoming a law professor. I was a high school teacher before law school and I wanted to be a public interest lawyer doing immigrants' rights work. My 2L year, I applied for a Dean's Fellow position (research assistant) with Prof. Volpp who was then in her first year of law teaching at WCL. As her Dean's Fellow, my job involved writing memos, editing her articles, and helping her put together materials for a new seminar she was going to teach, Asian Pacific Americans and the Law. I enrolled in her seminar and learned so much about the history and contemporary challenges facing Asian Americans and Pacific Islanders. I wrote a research paper for her class about the Commonwealth of the Northern Mariana Islands (CNMI), which is U.S. territory and where I grew up. She then encouraged me to try to get my paper published (it did) and then she suggested that I should consider law teaching. In other words, it was Prof. Volpp who saw something in me and made me think of law teaching as something that was possible. And, she served as my reference when I went on the market and she provided important mentorship when I began my career.

Kristin N. Johnson. I love Rose's suggestion regarding the significance of being in a community where people support you and believe in you.

I had a great conversation with Katrice Bridge Copeland from the University of Michigan Law School when I was a second-year law student. Katrice is now a Professor as well. Katrice expressed that we could and should support one another. We were fortunate to have had thoughtful and generous professors; during my time at Michigan both James Forman, Jr. and Adrien K. Wing visited the law school. I served as a research assistant for both Professors Forman and Wing when they visited, and each has been an important role model and supportive mentor for me during my law teaching experience.

Being here at the National People of Color Conference at American University George Washington College of Law this is a really critical space. It is a safe space, and there are so few of them. I think, sort of the ivory tower of the academy is a space where, regularly for me, there is still too little diversity. Meera Deo's book *Unequal Profession* opens with a narrative about Alexandra a "superstar" who has earned undergraduate and law degrees from exclusive institutions, secured a prestigious federal judicial clerkship and practiced law at an elite corporate firm but she is hesitant to consider law teaching because "all of her law professors had been white." I did these things and had these concerns.

I think that most appointments committees are looking for entry-level candidates who have published several articles ahead of entering the law teaching market, an increasing number of whom have PhDs. Some of them have book contracts related to their PhD dissertations. I find this astonishing and impressive and wonderful, but it wasn't, I think, the expectation in most law schools a decade ago. I think that a decade ago the expectations were definitely slightly different.

I also want to say one tiny other additional thing. I thought about applying for a visiting assistant professorship "VAP". There are excellent options including the Hastie Fellows Program at Wisconsin or the Bigelow Fellows Program at the University of Chicago Law School, for example. A VAP was not an ideal option for me after accumulating three years of debt at an elite law school. I was a first-generation college graduate, first generation law school graduate; I had siblings who were starting college and in college at the time. There was no likelihood that my family could afford for me to leave my job in private practice to accept the VAP salary. I had the expense of my loans and everything else that came with leaving the firm.

Smith: So how did you enter the market?

Johnson: I was invited to interview.

Smith: And you were invited to interview because of what? Why did they invite you?

Johnson: I teach securities regulations. I have been a corporate transactional lawyer at a large law firm in New York and served as a Vice President and Assistant General Counsel at a large investment bank. I was invited to interview because there is a dearth of practicing transactional lawyers who leave practice for law teaching. Admittedly, I believe that the law school wanted to diversify the faculty. Which is laudable. So, I did interview with the first law school and several others and in the end they made an exploding offer and I accepted the offer.

Smith: Okay. I'm going to skip myself. And then I'm going to go to Jose and then I'm going to go to Danielle.

José Gabilondo: I'm José Gabilondo. I teach at the College of Law at Florida International University in Miami. The truth is that I hadn't really thought about teaching law school when I was in law school, which I found quite silencing. In fact, it took some years after law school for me to rediscover my voice as a thinking person. That process started thanks to a wonderful tax professor that I had, Bobby Barton. She had a knack for making people feel comfortable while teaching them to think rigorously. My interest in tax law surprised me, because, having been a sociology undergraduate, I did not really have a background in economics. I had no economic background. I think what happened in her class was that in my questions and exchanges in class I heard myself think and sound like a lawyer. That was a revelation for me, so I always encourage my students to listen for those moments when a

case or a comment or a professor triggers something in you. Those are defining moments.

Before starting in the academy, I worked in financial market regulation in Washington. I worked at the World Bank, the Securities and Exchange Commission, the Comptroller of the Currency, and main Treasury. I really enjoyed those years, which provided me with the experience that would inform my scholarly agenda. When I started teaching, what I noticed most was the amazing degree of autonomy that I had as an academic. I feel fortunate to have landed in this profession because it has allowed me to develop not just as a financial academic but also in terms of Cuban area studies and gender, both areas about which I care deeply.

Danielle Holley-Walker: Hi, I'm Danielle Holley-Walker. I'm the Dean at Howard University School of Law, and also a professor there in my spare time, when I find time. I'm glad to teach. I'm glad to see some members of my faculty here, glad you guys came. So, I got into teaching, in the fall it will be 17 years since I started teaching. And probably the most unusual thing about my journey into teaching is how early I started it. I really knew from a very early age, I thought that I wanted to be a lawyer and I wanted to probably be a professor. I have two parents who were academics. My father's a law professor. And so really one of the sights of my childhood was a classroom just like this one. I'd run up and down all of the hallways and be in the classrooms with him and I loved it. I loved that law school. I loved the feeling of that faculty and loved the energy of the students. And I felt from a very early age, probably five, six, seven years old, that this is the place I want to be. And so that makes my story a very unusual story in the sense that I knew from a very early age that I likely wanted to be a lawyer and that I probably wanted to be a law professor. So, I think the biggest challenge to me was then I got to school, and I absolutely hated it. So, I found it to be just—

Smith: Are you noticing a trend?

Holley-Walker: Yeah, it's like, what you said, silencing was exactly, it was a huge loss. So, I chose the absolutely wrong law school in many ways for me, it was the key. I went to Harvard. So, I have a very traditional law teaching resume. I went to Yale Undergrad. I went to Harvard for law school. I clerked on the Fifth Circuit Court of Appeals. Like I did all of those things, but in law school I started to doubt, right? Whether this was the profession for me, whether I wanted to go into teaching? And I think in my second year, all of the sudden I met a professor, who, he taught administrative law, but he was really about education and civil rights work, and I looked at what he was doing and I was like that's exactly what I want to do. So I echo that statement about, you know, just really, and I think we encourage people to get into law teaching to find that moment when law teaching really resonated with you and I think a lot of that is about modeling for your students. You know, the kind of lawyer that you are, the kind of professional that you are, and hopefully some of them will see that in you.

So, my journey to Howard has been. This is my third law school. I started out teaching at Hofstra, where Rose also taught. I chose it, I went on the market in a completely different time and, really in the fall of 2001, right after 9/11 is when I went on the market. And it was, I mean law schools were looking for a lot of law professors and I had multiple offers. I chose Hofstra, honestly, because I was young, and I was single, and I wanted to live in New York. I had, so in that way I did not follow the traditional, I had more prestigious schools, higher ranked schools, whatever you want to call it, I had offers from. I just decided I wanted to move to New York. And then I got married. My husband is from South Carolina, so I went to the University of South Carolina. I spent almost a decade there. Most people would've said that would've been the exact wrong atmosphere for a young, but I was the first black woman on the tenure track at University of South Carolina in 2005. You never want to say you're the first black anything in 2005. So, that was a huge, difficult move and I think some of you, those of you who are going on the market, some of you who are in atmospheres right now where you're on the tenure track in an environment in which you may look at the other people, the history of the institution and say, wow, I may be in a little bit of trouble, right? And so, I definitely had that feeling. And I went to a school where I felt very well supported at Hofstra. All of the sudden, I found myself at University of South Carolina in an almost all-white atmosphere, an extremely conservative southern atmosphere. And I was like, oh my gosh, how am I going to make it here?

And I think one of the things that happened is I found Southeast by Southwest People of Color Conference. I went to the first, my first National People of Color Conference was at Seton Hall, where Kristen used to teach. And in this community of the People of Color Conferences, and a SEALs, honestly, was one of the other communities where I found it. I just found lots of support from people outside my institution and I also met lots of people who I wanted to bring to the University of South Carolina. So, I was the first black woman on that faculty. By the time I left, now there's six women of color who teach on the University of South Carolina faculty by the time I left. So, I started as an Assistant Professor, left when I was the Associate Dean of Academic Affairs. So one of the things I like to tell people is sometimes you go into an institution, it seems on paper like it is, you know, not great, not the right fit for you, and if you commit to it, and you find things that you love, and shared values with some of the people there, sometimes you can help to transform that institution. Not every institution that you come into will be great for you when you get there, and sometimes you have the opportunity when you're lucky and when the environment is right to help transform it into a place that's different.

Smith: I am going to quickly summarize what we have heard thus far about the journey of faculty of color. First, the support of a faculty member at the law school you attended seems important. Second, attending gatherings of faculty of color is a path. Third, trust in yourself, ignore the haters and people telling you that you either cannot or that you are not suited for the academy. Finally,

there seems to be an element of luck, providence, serendipity, and synchronicity. It appears that often people of color receive an invitation in an attempt to diversify faculty. It seems that encouragement and validation is key to people-of-color's access and entry to the legal academy. It also appears that those same factors are key to success upon entry.

Very quickly, the way that I came into the academy is very similar to others on this panel. I attended Spelman for my undergraduate education and attended Georgetown for law school. I was first generation everything. I was raised by my mother, who went back to school as an adult and graduated the same year I graduated. I loved Spelman, took the LSAT and I was accepted into a number of institutions but decided to attend Georgetown. I never visited the campus, didn't know anything about it other than it was a good school. I didn't know it was a Catholic Institution and that it had a reputation for conservatism. Ginger Patterson was my first-year Contracts Professor. I took every class that she taught: conflicts of law, public utilities regulations seminar. One of the reasons that I took her classes was that I wanted her to see someone who looked like her in those classes—I wanted to protect her because she was the only African-American faculty member except for...who am I thinking of?

Cuison-Villazor: Emma Jordon?

Smith: I don't even know if Emma was there that year, maybe she was. Eleanor Holmes Norton was there. Girardeau Spann, as well. There were very few. So basically, I enrolled in every class Ginger taught in order to see someone who looked like me in a position of authority. After law school, I clerked for two years for Judge Gladys Kessler, who was Presiding Judge of the Family Division of the DC Superior Court. Ginger had worked with Gladys and Florence Roisman as a law student. I then went to the District of Columbia Public Defender Service. After that, I worked as Senior Counsel for Economic Security for a decade at the National Women's Law Center. While at the Center, someone approached me to fill a Practitioner-in-Residence position at American University, Washington College of Law. A tenure track position in the Clinical Program became available. It was a very competitive process with other internal candidates. I interviewed for the position and accepted a tenure track position 20 years ago. Now, I am the Senior Associate Dean for Faculty and Academic Affairs—not what I would have expected.

As I said in the beginning, I am hopeful about the teaching and legal market. This year we over-admitted. In fact, many schools over-admitted. Because of the political and economic issues in our country, people want to go to law school. Students feel like this is the time; this is the moment. That feeling has created a market for faculty. Additionally, many current faculty members are retiring. Recently, we had a voluntary retirement program and 12 of our faculty retired. We were in the market last year for six positions. We will be in the market next year for five positions.

Some of the things that our panelists have discussed; some of the things that Meera talked about in her presentation, will actually work to your

advantage. I do not know what anybody's situation is, but there are a limited number of unicorns—VAPs, PhD's, etc. You also have to look at the values of the institution. And institutions often value people who want to teach, people who want to engage in service, and people who are going to write scholarship that is timely and that also changes the world. That is one of the advantages that each of you have.

Thus far, we have all talked about the particular ways that we got into the market and ultimately into the academy. Those paths still exist e.g. people who come in as a practitioner-in-residence or come in and teach and then ultimately a position opens, and they are hired. So, I think that those paths still exist. There are more formal ways, however. I would, like somebody to volunteer to talk about the "Meat Market." Okay so let's talk about the "Meat Market."

Cuison-Villazor: And I'm happy to talk about the Faculty Hiring Conference or what is colloquially known as the "Meat Market." For those of you planning on applying for your first teaching job, the "Meat Market" is the conference you attend where you will be interviewing for tenure-track positions. But before going to the market, it is important to ask someone to review your CV and the Faculty Activity Report (FAR) form. The FAR form is the Appointments Committee's introduction to you so you must make sure that you compete the FAR form in ways that highlight strategically your teaching and research interests.

I went on the market in 2005. That was a different time when jobs were still aplenty. Because of the 2008 recession, hiring in law schools decreased. But I predated that by a few years thankfully.

At the time, I think you, Kristin, and I went on the market the same year, 2005?

Johnson: I was never formally on market but I had not interviewed yet.

Cuison-Villazor: Oh, right, right.

Johnson: But, 2008, yes.

Cuison-Villazor: I preferred to stay in New York, but I understood that an academic job meant the possibility of moving to another state. And that's what happened. My first teaching job was at Southern Methodist University (SMU). But I fast-forwarded. Brenda asked me to talk about the "Meat Market." Well, the conference is held in Washington, D.C., at the Hilton.

Smith: The Hilton is like Hogwarts.

Cuison-Villazor: Yeah, yeah. Basically, you have 30 minutes to interview with maybe nine people in a hotel room. Some rooms have tables and chairs where you sit and interview with the members of the Appointments Committee. But you might also end up sitting on a bed while they're interviewing you. It depends on the type of room. At the conference, I spent a lot of time running back and forth and waiting for someone to finish. I would wait on a chair outside a room and hear people inside laughing and I would pray that my interview would go as well!

Smith: Sitting on a chair out in the hall...

Cuison-Villazor: Sitting on a chair, you go in and then they ask you questions about your research and teaching interests. I recall being asked why I was interested in teaching property. I was particularly interested in the intersection of property and race, but I had previously been advised to deemphasize my interest in race-related issues. So, my response focused on my research interests in the unnoticed restrictions on the alienability of indigenous-owned lands, which was just a different way of explaining my then research project. I had over 20 interviews—again, it was a different time—and I tried to make sure that I knew something interesting about at least one person on the faculty as well as the Chair of the Appointments Committee but I must confess that I found that incredibly difficult to do. Anyway, the hiring conference is a two-day process and you then wait to find out whether you're going to get a callback—and someone else can probably talk about that. But that's the "Meat market" in a nutshell.

One of the most challenging things for me was logistical. I recall having an interview in one tower and the next interview was to take place in another tower. There was a lot of rushing back and forth and then trying not to look so haggard. The other thing that I found challenging was trying not to overthink the interviews. I recall feeling bad that people did not laugh when I interviewed with them while the person before me seemed like they had a great interview. That of course was not the case since I ultimately got a callback from that school.

Holley-Walker: I would say from a hiring perspective, one thing that has changed about the market since 2005 and 2008 is the notion that you have one core class to teach. I think that shifted to now, most people are expecting at least two core classes. One in the 1L year and one in the upper levels. So even when law schools are doing well, the truth is one part of what happened in the downsizing was that there was what I would call a rightsizing of mini faculties, where a lot of retirements are happening, and people are not being replaced. So, if you used to, like when I came into the Academy, I was a Civil Procedure professor and then I eventually, in order to be more marketable, I became a Civil Procedure and an Administrative Law professor. So, I would say if you're going on the market, think about those two core classes. Hopefully they will be very deeply, with, if it's Criminal Law, obviously do Criminal Law and Evidence or Criminal Law and Criminal Procedure. But make sure that you have something in your wheelhouse in the upper level that is a core course that is on the bar. So, something that is typically a bar-related core.

Most law schools, so 210 law schools, probably you'll only find 25 to 30 of them where you can teach one core course. Every other law school in this country almost is going to require that you be able to teach multiple core courses because we just don't have the budget anymore for people to teach one core course. So, prepare yourself. And your FAR form, your FAR form is everything. That's what I tell people. To get from the FAR form to the interview room, is one of the toughest steps of the "Meat Market." Your FAR

form has to be, especially in terms of those preferences, of what you're going to teach has to be really thoughtful. And a match for what schools are looking for.

Gabilondo: The advice that I always give candidates is to tell the truth about what they want to teach and what their interests are. You may be tempted to say that you will teach anything to get a job, but I really think that is a mistake.

Holley-Walker: Or else you're going to end up in a place where they don't expect you to show up.

Gabilondo: Exactly. The academy is a place where people really can find what they want and make an institutional contribution at the same time.

Smith: You were going to say something?

[Portia]: Yeah, two quick things. Also to make sure to be aware that some schools and some conferences have pre-preparation for the FAR form and all of that. So, SEALS has a conference, has a whole thing. There's some other things that exist and some schools now have kind of mootings for the FAR form. The other thing with the FAR forms and for your CV, there's a total of 10 lines where you can add something and they all need to be filled because in addition to caring about what you say, you also want a job. It's hard to say if you only put five of the 10, oh, of course I would also love to teach that too. And it's like, well you didn't even fill out the 10 slots you had. And for me, I came on as Civ Pro. I had Civ Pro, Property, Evidence, Professional Responsibility, all there and I still got questioned about things that weren't there. So, it's almost as though because of schools needing different things, to beef up as much as you can. Your interest in multiple first year and upper level necessary courses, so that you can meet for the different schools and have a connection to the stories. So, like having four to six of those types of courses can be good and love 'em.

Smith: The reality is that most schools have a course package. And most of you will be teaching either three or four courses depending on the school. That four-course package may include classes and seminars. As, Portia says, it makes really good sense to be expansive in what you can or are willing to teach. And be honest with yourself: say, I can't see myself teaching Civ Pro, I can't see myself teaching Evidence. It's really important to figure out an area that you are interested in and that you're passionate about. And the fact is that you can actually learn to teach it. There are books. There are exercises. I can tell you that going from being a litigator to saying, "okay, I can teach Civil Procedure"—even if you know Civil Procedure—is a different endeavor. Practicing a subject is different than teaching it—though practice helps for sure. practicing as opposed to teaching.

Johnson: Can I add something?

Smith: Please.

Johnson: Just a really quick tidbit about teaching packages for those who are already hired. So, something else I observed in recent years is the mission

creep of the teaching package. So, you may or may not have had something on your FAR form but you eventually get a job. And then suddenly, the Associate Dean asks, can you teach Bankruptcy

Smith: And typically, what the Associate Dean for Faculty is going to do is, you say a lot of things in the process of being hired, but at some point, there is the reality. What is it that you're going to be teaching? And I think that honestly, at this point after hire, everybody—and some of this depends on the culture of the institution—but we are invested in you being tenured and being successful. And so, there are going to be a tremendous number of resources to assist you in that endeavor.

Okay, I want to move to one other, to another fact. Okay, so, two things also, there's the AALS Meet Market, M-E-E-T, and there's also applying directly. So sometimes if there are, for example, geographical considerations, you may just decide to apply directly to a school. You may apply directly if a school doesn't give you an interview in the "Meat Market." One of the other points that I want to mention—and I'm happy to talk to people after this panel—is about experiential opportunities. If you're a clinician, often people come in as practitioners and then move on to either clinical tenure or if you're in a place like American, a unified tenure track, where you teach both in the clinic and outside of the clinic, okay? So, there are those options as well.

Now, I want to also talk about some of the things we've already talked about. I'm going to talk about a number of questions that I've raised on our little outline. Like, what value does your teaching and service add? And we talked about in the institution, in the University, and in the community, because those are all spaces that can be important as you're looking for tenure. So, when we talk about in the institution, Kristen, Rose and Danielle, have already talked about, are you teaching more than one core course? We can also talk about teaching evaluations as well. What are you doing with the feedback that you get on your teaching evaluations? That is certainly going to be something that a committee is going to look at in terms of ultimate tenure. Then also, are you innovating in terms of pedagogy? We are talking about different ways that you can be valuable. For example, there is a move to putting classes online. So, people who are willing to do their courses online or do a version of them online are valued. Novel assessments that aid in bar passage. Are you a team player? If there are a bunch of Civ Pro professors, are you in conversation with them? Often those people can be strong advocates for you. Are you a draw for Alums? Are you doing a particular kind of work, particular kinds of scholarship that have been visible and that get tweeted out? Do you help with recruitment?

[Female Audience Member]: Just a quick point of clarification as to recruitment. Recruiting students or recruiting faculty or both?

Smith: I was actually thinking about student recruitment, but faculty as well. And we can talk about sort of the service piece. Why don't we stop for a minute and talk about that? Because the same way that people feel like they

have to do everything pre-tenure, you also have to be very mindful about the kinds of service you undertake. You have to do service, but you also have to be mindful that you're not doing so much service that you're not dealing with the other pillars, which is teaching, service, and scholarship.

So, okay so let's put a hold on teaching for a minute because I want to make sure... We've talked some about the "Meat Market." We've talked a little bit about teaching. Can we talk a bit about scholarship? And about how to get scholarship done? Let's talk a bit about scholarship.

Gabilondo: Sure. Succeeding as a scholar requires a lot of self-regulation, because no one is looking over your shoulder. By and large, you will be left alone until a few key points. Most of us get an annual review and, on the tenure-track, most places do a major review after three years to let the candidate know how she is doing. I didn't start out in the academy as a prolific writer, but that has certainly become a core part of my professional and personal identity. When I started on the tenure-track, I researched writers, in particular what writers say about writing and what works best. A common theme emerged: professional writers don't wait for inspiration; instead, they view writing as their main work, so they write regularly, early, and often, ideally every day. So, I began to write each morning, after coffee but before checking my email. It felt odd at first, but it really paid off.

I still think that writing is the hardest thing I do in terms of abstraction and creativity. Teaching a class requires work and preparation but writing requires substantial original thinking and organization of complex material, not just once but repeatedly for a long period of time. Few people teach writing well. Instead, they just point to good writing and say, "do that." For someone who wants to transform as a writer, that approach is not terribly helpful.

That said, I have also had the benefit of some excellent teachers. Frank Valdés once told me that there are two ways to write a law review article. Most people study an area intensely, master the content, and then try to fit in their view in the existing conversation. Alternatively, you can start by developing your views extensively and then figuring out how to fit that into current debates. I've always done the latter. It's important to understand which approach works for you.

Holley-Walker: The number one piece of advice I give everyone about teaching, scholarship, and service, is to know your institution. Every single one of our institutions is different. I really encourage you, when you take that job, your first teaching job, the first thing you should ask for before you start talking to the Associate Dean about what you will teach and all those things. Ask for your Tenure Promotion Standards. That should be one of the first documents you should ask for. When you read the Tenure Promotion Standards, understand very, very carefully, what is the expectation for production. It varies wildly. So, some schools you have to produce four law review articles before you're ready to go up for tenure. Some schools, it's one for promotion, one per tenure. Is it two for promotion, two for tenure? But, to

me that's how you backtrack into: how productive do I need to be? If I have six years, I have four articles to write. You have to produce one every year and a half or so. If you have one article to write, and that's the only way to know, and it's the only way really to judge, what are the expectations in terms of teaching. You should start with the standards first. And it also gives you leverage when you're talking to someone like the Associate Dean to say, you know, I don't really think I can teach Commercial Law my first year and also teach Contracts and also teach Property because I'm expected to produce four articles by tenure. So, there is no way that I can do both of those and if you are not in the know about what those standards are, it's very difficult to do that.

And I would say the second thing is to pay attention to the other things that are unsaid about scholarship. The things that are not in the TNP rules. So, for example, are you at a school where publishing in a top 20 law review or a top 50 law review is really the only thing that counts? Are you at a school where you can basically publish anywhere and that will be considered to be something that you can use for your tenure file? Understanding your institution, it's norms, talking to other faculty about where they place articles, how fast they place them. That's one of the most critical things you can do pre-tenure—have an understanding of how your scholarship will fit into how you're evaluated. There are lots of law schools now that have moved away from valuing scholarship this much. So, what you teach, your evaluations may be almost just as important as scholarship. For other people, scholarship is still the coin of our realm. So really have a great understanding of your institution.

Smith: And since U.S. News and World Report has just said that they're going to start looking—

Johnson: It's their bibliometric.

Smith: Yes.

Johnson: I guess we should say what that means. Because it may not be obvious to everyone, right? Just really quickly, so U.S. News is going to release a ranking that is based on the number of citations that faculty's scholarship has received by others.

Smith: An institution.

Johnson: And in one singular space, HeinOnline, which is a depository of academic research that does not include the entire breadth of possible law journal publications, let alone the broader universe of central publications. As of next year, there will be a secondary ranking published. So the traditional U.S. News and World Report ranking and a secondary ranking based on the bibliometric data. Ultimately, anybody who has really, a really good eye for this, can imagine that the bibliometric ranking will be consumed into the other larger or more general law school ranking and will feed into either affirming, what was already likely to be true about the top five or 10 or 15 or 20 law schools.

Smith: The important thing is like basically you need to do the scholarship and I think that as Danielle has said, is like these ratings get... you should not

be worried about it. You shouldn't be. I think the important thing is to figure out how to find the time to do the writing. And so, I was going to ask Rose to chat about it a little bit.

Cuison-Villazor: Well, before I talk about finding time to do the writing, I want to echo what Danielle said about knowing the local rules and norms of your institutions. I know of schools where they don't tell you how many articles one needs to publish or where they should be placed yet there's this expectation that one has to publish twice a year in top 10 or top 20 law journals. And then in some institutions, there are financial incentives for placing an article or essay in a top journal. There are schools that award professors between \$10,000 to \$20,000 to publish in the top 10 journals. These expectations, informal or formal, impact the faculty and may create unhealthy competition. You might not like it but it's important information to know.

Regarding finding time to do your writing, there are three things I did that I found helpful. First, I joined a local faculty workshop, of which Kirsten was also a member. Our group met once or twice a semester. We shared drafts, presented our work to each other and offered substantive feedback and morale boosts. You should start one—either within your law school or within laws schools in your area.

Johnson: I really miss that.

Cuison-Villazor: I do too. Yeah, yeah, I need to revive that. The second thing is I did is I joined a writing group. Writing can be an isolating experience for me sometimes. I dealt with that by forming a writing group with my friends, who also happen to be law professors. We would meet at each other's houses or a café. We would say hello, how are you, and talk about our goal for the day. For example, I might say to the group, "By lunch time, my goal is to have an Abstract done." Then, we would open our computer and start a twenty-minute timer. After the timer goes off, we would take a quick five-minute break, and then write again in the next twenty minutes. Sometimes, we would bump it up to thirty minutes. By lunchtime, we then check-in with each other and ask whether we have reached our goal. If yes, great. If not, we ask why not and what's happening? We do not provide substantive comments—that's for later when we workshop the paper. Our collective goal is to simply be there for each other and support each other's writing goals.

The third thing I did was commit to presenting my paper at faculty workshops or conferences. I called friends in other institutions and asked if I can workshop my paper at their colloquia. And, if I got an invitation, that ultimately meant that I would need to send the faculty a paper. That is, I would have a real deadline, which always helps me! You never want to send a draft out there that you're not at happy to share with others because, again, the paper is circulated to the entire faculty. Although it's not a job talk, I have been advised that anytime you visit another institution, you kind of have to think about it as another job talk. I also attended various conferences like Law and Society, LatCrit and regional People of Color conferences where I

presented my early works-in-progress. In so doing, I received comments and feedback on my writing.

I should add that circulating a strong paper when you are workshopping it another institution is important for another reason. Some of you might end up in a school or you are already in a school where you may have to think about leaving for another school for various reasons, including family, geography or career aspirations.

I have had to move a number of times. My first appointment was at SMU Law School and then I lateralled to Hofstra. After Hofstra, I moved to UC Davis. Then, I moved to Rutgers. I did not expect to move schools in the first place but did so for personal and professional reasons.

Smith: So, honestly, we've just really scratched the surface.

Johnson: There are two that I know of in addition to what Rose just described which has actually been one of the most positive experiences I've had as a law teacher. Gathering together with women law professors of color in New York City and advancing scholarship through rigorous and thoughtful workshops. There are two national programs that meet every summer. One is the Lutie Lytle Writing Workshop. If you're interested in information, please let me know. There's a lot more emotional encouragement support in that space. There is tons of writing as well. But there is just really some acknowledgement that it might be hard to be at the intersection of these, at the race and gender issues in this space. But, there's also a men's cohort of the Langston Mercer Writing Workshop that takes place every year.

Holley-Walker: Hi,

Johnson: So, okay! So you can talk to the Dean.

Holley-Walker: You can talk to Professor Johnson right there.

Smith: I just want to say one thing very shortly. Is that, okay everybody's talked about working in groups when they write? I don't write with people. I don't. I just don't. And so, after I have something I'll show it to you, and we can be in conversation. But I think that it's very important for you to know how you work. Like, if I was with you guys, I'd be so annoying because I'd want to talk to you. And so, it takes a little bit to figure out what you need to do in order to be a productive writer. The other thing is, it's like, whatever got you here was actually, there was something. I think people try to make themselves over. It is important to build on your current capacities and then figure out how you need to amp them up or supplement them in order to do this endeavor. I'm saying that because, it's hard to totally reinvent yourself and then also do this other endeavor as well. Okay, so questions please.

[Female Audience Member]: Well I have a lot of questions. I teach at Loyola Law School in Los Angeles and I'm co-director to our immigrant justice clinic but I'm at that point where I'm thinking, where do I go next? And, I keep, every time that I have the conversation about potentially doing the "Meat Market," then I get posed the question, or not, maybe not posed

a question but I get empowered or people motivate me to do more doctrinal work and move away from clinical work. And I wanted to, well just ask you because you mentioned that there was clinical tenure. And no one's really been able to explain that to me because it doesn't exist at Loyola. And what is it that the steps that you should take as a clinician to establish yourself?

Smith: It's interesting because I think that one of the things that would be really great to do is to come to a clinic, have you been to a clinical conference?

[Female Audience Member]: Yes. Yes. I'll be at the AALS in San Francisco.

Smith: Right. Did you, have you been to any of the--

[Female Audience Member]: Previous one? The one in Colorado, yes.

Smith: Okay, and so I think that that would be a good place to explore that and I think that one of things you have to think about is, I mean clinical tenure, the standards, just as Danielle said, see what the standards are for the institution. My institution doesn't have clinical tenure. It's just tenure.

[Female Audience Member]: Oh, okay.

Smith: Period. You know, there's no different between a clinical faculty and a doctrinal faculty. And, that's the case at many institutions.

Johnson: But it would vary institution to institution.

Smith: Right.

Johnson: And as Danielle mentioned earlier, you'll want to be really clear about what that is because, I think to sort of Rose's point as well, the placement of scholarship usually is one of the hardest things for most pre-tenure people, but for clinicians it's especially tough to get the time for writing. Solicit a reduced teaching load or some sort of an arrangement.

Smith: Reduced supervision. Often you can negotiate pre-tenure leave. And with the clinical program there's also a lot of support for, you know, sort of scholarship as well. Be happy to talk to you about it.

Holley-Walker: And typically, the only difference between if you don't have identified tenure standards, but the clinicians do have tenure, typically the difference is that the scholarship can be about pedagogy and about clinical pedagogy in particular. So, I think that's a good option. Howard has a unified clinical track. That's the first school that I've taught at that has a unified and I love it. Because it really gives so much flexibility. But there is a benefit to having, to going to schools where you are recognized as a clinician who really focuses on that and doesn't necessarily want to focus on doing traditional legal scholarship. So, look carefully at that. Some of the clinicians that do have tenure track have the ability to publish various kinds of scholarship and not just the kind of traditional law reviews scholarship.

Smith: And again, there's the institutions you're looking at. Look at the kinds of scholarship people, you know, again, as we've talked about, some institutions it's just that you have to be in the top 20. And I think that some others have, I'd say more, I wouldn't say democratic, that's not really a word

that I'm looking for, but more varied. They value different kinds of scholarship. Whether it's sort of quantitative, pedagogy, narrative, critical theory, so on and so forth. It's important to look at those kinds of things as well. Another, any other questions? Okay, I'm going to take one over here and then one over here. Yes?

[Female Audience Member]: So I just wanted, I know it seems like it depends a lot on your institution, but if you're a VAT going on the market, should you prioritize like getting something out there or kind of prioritize where you place it? So like, I'm at the end of this cycle and I still haven't submitted all that and next Monday is when I'm going to submit, so probably not going to get as high a placement as if I hold it and maybe try at the beginning of the next cycle? So, I'm just trying to get a sense of what would be better, like if I submit it and I get an offer that's not, that's kind of on par for my other articles. It's not even kind of top 10 or top 20. Would it be better to just accept that offer to have an additional publication going on the market or would it be better to try and boost the prestige of my publications?

Smith: Rose, can you do?

Cuison-Villazor: Sure. So, you're planning on sending it out on Monday. You've wrote, how many articles have you published before?

[Female Audience Member]: In the U.S., five.

Cuison-Villazor: That's a lot! Congratulations, that's incredible. I haven't seen your CV and we don't know each other but you sound amazing. Some of us have been on Appointments Committee a few times. We've looked not only on how many law reviews one has published but also where they were placed (whether it's a general law review or a specialized law review). In your case, you've already published enough. I guess the question is what value do you get out of adding a sixth one, right? And so, you could, I mean, maybe you could just chance it to see, maybe the Harvard Law Review might pick it up and so when you submit your FAR form and your CV, then you might have that line that says you have a forthcoming article to be published with the Harvard Law Review. You could also wait until July 1st to send it out, there are two cycles. There are two submission cycles. I strive (emphasis on strive) to send out a draft by February 1st and another by July 15. When you wait a little later, then you don't have as many options. So, for me, I try to follow a drop-dead deadline in February and July.

So, if I were to look at your CV and I saw five articles, I don't know if the sixth would make that much of a difference unless it was placed in a top law journal. There's also value to waiting to publish the paper. You can use this current project as your job talk paper and then send it out your first year of law teaching.

Johnson: I have a really quick question for you that's a follow up for this question about placement. That's just about whether you had equal success in the summer cycle and the spring cycle?

Cuison-Villazor: It's really hard to tell. I have generally had better success in the spring. Having said that, I have lucked out during the fall submissions too. Interestingly, I submitted those drafts very late in the process (near the end of September) and they landed well. Most of the time, I've had a lot more success and able to negotiate with journals in the spring.

Smith: I'm going to make sure that we get her question in, yes.

[Female Audience Member]: I was wondering if you could talk a little bit about balancing the emotional labor that comes with being one of the few minority faculty? How you balance that with your tenure requirements and where, how you draw the line of that all?

[Female Audience Member]: And can I add to that, especially if you're at a law school with very, very few other minority faculty to like dominantly white, next to none. That's something I'm personally nervous about when I, I haven't started yet, but I start in the fall.

Holley-Walker: I would say, having been in that position, pre-tenure coming to a law school where I was the first black woman on that faculty. It was largely, almost an entirely, white faculty and almost entirely white student body and a very white university, very conservative. I think, I just really refused to take on a lot of that originally. I'm not saying that that's the right answer. I was the BOS Advisor and I worked with my students as BOS Advisor. It was one of those things where I just could not do both. I had to prioritize my ability to be able to be an excellent teacher for all of my student and also to do my scholarship and try as much as possible to not take on a lot of that emotional burden. And people all around you will be trying to get you to get involved in. Every student calls everything that happens to faculty of color that is on your campus, everything that's happening around you, and I hear stories now, especially in this era, there's so much that's happening on our campuses that you almost feel like you can't look away. But I would say you have to be really careful about that. Because the truth is, sometimes there is limited ability to really be effective during the emotional labor of other people and it really takes away and distracts from your ability to get to the place where you are successful career-wise. So I would stay very cautious in taking on all of that emotional burden that other people, and it will be students, faculty, administrators from your law school from all across campus, if you are in that environment, who will want you to do that work and I think you have to guard yourself against that.

Smith: Thank you guys. Thank you, that was very good.