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## ARTICLES & ESSAYS

**Generating Interest, Enthusiasm,  
and Opportunity for Scholarship:  
How Law Schools and Law Firms Can Create a Community  
and Culture Supportive of Scholarship**

Judith M. Stinson

# Generating Interest, Enthusiasm, and Opportunity for Scholarship:

## How Law Schools and Law Firms Can Create a Community and Culture Supportive of Scholarship

Judith M. Stinson\*

Legal scholarship educates.<sup>1</sup> In this essay, I use the phrase “legal scholarship” to broadly mean any writing that advances knowledge about what the law is and how it works. The goal of this essay is to help lawyers and academics interested in improving legal writing create more scholarship. Under the broad definition above, that scholarship includes articles in newsletters and bar journals, traditional law review articles, and books or any other writing designed to advance knowledge about the law and how it works. This type of scholarship can be short, long, practical, or theoretical. It can be written by<sup>2</sup> and designed for<sup>3</sup> academics or practitioners, or both.

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“Generating Interest, Enthusiasm, and Opportunity for Scholarly Activities” was the topic of a roundtable discussion at the Association of Legal Writing Directors’ biennial conference in June 2011. Few of the ideas in this paper are mine; some originated at my law school, the Sandra Day O'Connor College of Law at Arizona State University. Others came from colleagues in the field who, over the years, have shared their techniques for remaining productive scholars. And a number of other ideas came from the invaluable feedback from roundtable attendees. For their helpful insights and energizing engagement with the topic, I would like to thank the roundtable attendees: Peter Bayer, Linda Berger, David Cleveland, Kirsten Davis, Linda Edwards, Lisa Eichorn, Lyn Entrikin, Lorraine Gin, Tamara Herrera, Lance Long, Megan McAlpin, Terry Pollman, Suzanne Rowe, Rebecca Scharf, Rosi Schrier, and Gail Stephenson. Their feedback and input made the session and this paper much stronger. Any errors or omissions are, of course, entirely my fault.

<sup>1</sup> See e.g. 61 Mercer L. Rev. 803 (2010) (hereinafter *Symposium*). Professor Linda Edwards described scholarship as a “shared enterprise” that “expand[s] human knowledge.” *Id.* at 811.

<sup>2</sup> Many lawyers and judges write scholarly articles, including about legal writing. For example, Raymond Ward, an appellate lawyer in New Orleans, hosts a blog entitled *the (new) legal writer: A collection of resources for lawyers and other writers*, <http://raymondward.typepad.com/newlegalwriter/> (accessed Mar. 10, 2012). Similarly, Mary Massaron Ross, a partner and Appellate Practice Group Leader in the Detroit law firm Plunkett Cooney, is a member of Scribes and has written five books

Legal writing—professionally and academically—has progressed substantially in the past few decades. At least part of this transformation has occurred because of the quantity and quality of legal writing scholarship.<sup>4</sup> Yet how do we find the time to produce that needed scholarship and also balance the demands of law practice or teaching? By creating a culture where scholarship is the norm—where scholarship is both an expected product of our intellectual pursuits and an expected creator of knowledge in the field—we can increase overall scholarly activities as well as our professional satisfaction.

and dozens of articles, including publications in the *Journal of Appellate Practice and Process* and the *Journal of the Association of Legal Writing Directors*. Plunkett Cooney, Mary Massaron Ross, <http://www.plunkettcooney.com/people-120.html> (accessed Mar. 8, 2012). Many judges also publish scholarly works in addition to judicial opinions. Perhaps the most prolific is Judge Richard A. Posner of the Second Circuit, who is also a senior lecturer at the University of Chicago; he has published over a hundred articles. Other judges also write scholarly articles, including Judge Pierre N. Leval, now a senior judge on the Second Circuit.

**3** Most traditional law reviews are designed for academics, but a number of journals publish articles helpful to the practicing bar, as well, including *Legal Communication & Rhetoric: JALWD*, whose “mission is to advance the study of professional legal writing and lawyering and to become an active resource and a forum for conversation between the legal practitioner and the legal writing scholar,” *Legal Communication & Rhetoric: JALWD, About*, <http://www.alwd.org/LC&R/about.html> (accessed Mar. 8, 2012); *The Scribes Journal of Legal Writing*, which seeks “to promote better writing throughout the legal community—in courthouses, law offices, publishing houses, and law schools,” Scribes: The American Society of Legal Writers, *Welcome*, <http://www.scribes.org/> (accessed Mar. 8, 2012); and *The Journal of Appellate Practice and Process*, which is “designed to provide a forum for creative thought and dialogue about the operation of appellate courts and their influence on the development of the law,” U. of Ark. at Little Rock William H. Bowen School of Law, *The Journal of Appellate Practice and Process*, <http://ualr.edu/law/bowen-publications/the-journal-of-appellate-practice-and-process/> (accessed Mar. 8, 2012).

**4** A substantial amount of scholarship relating to legal writing has been produced in the last decade. See e.g. *Bibliography of Books, Articles, and Periodicals on Legal Writing Programs and Instruction*, <http://www.abanet.org/legaled/publications/sourcebook/sourcebookbibliography.pdf> (accessed Mar. 15, 2012) (cited in Eric B. Easton et al., *Sourcebook on Legal Writing Programs* (2d ed., ABA 2006)); Terrill Pollman & Linda H. Edwards, *Scholarship by Legal Writing Professors: New Voices in the Legal Academy*, 11 Leg. Writing 3 (2005); Michael R. Smith, *Rhetoric Theory and Legal Writing: An Annotated Bibliography*, 3 J. ALWD 129 (2006); Kathryn Stanchi, *Persuasion: An Annotated Bibliography*, 6 J. ALWD 75 (2009); Carrie W. Teitcher, *Legal Writing Beyond Memos and Briefs: An Annotated Bibliography*, 5 J. ALWD 133 (2008); U. of Denver Sturm College of Law, *Selected Applied Legal Storytelling Bibliography as of October, 2010*, (available at <http://www.law.du.edu/documents/storytelling-conference/Bibliography-of-Applied-Legal-Storytelling-as-of-October%202010.pdf>); Legal Writing Institute, *The Monograph Series of the Legal Writing Institute*, <http://www.lwionline.org/monograph.html> (accessed Mar. 9, 2009).

No doubt the advancement in the field of legal writing is also due to hard-fought gains in status of legal writing faculty. See e.g. *Symposium, supra* n. 2. As Linda Berger notes, we have moved to a “third generation” of legal writing scholarship: the first centered on the debate of whether to produce legal scholarship. The second generation questioned the type of scholarship we should be producing. This third generation requires legal writing scholars to “find a rubric for scholarship that allows us to integrate all aspects of our professional lives—that is, teaching, scholarship, and service—and also allows us to engage more fully with outside communities of various kinds.” *Id.* at 804–05. Using Professor Berger’s model, this essay presumes we should write. Furthermore, the particular type of scholarship is irrelevant for my purposes; the point of this essay is identifying ways to increase scholarship, whatever the type.

**5** Association of Legal Writing Directors & Legal Writing Institute, *Report of the Annual Legal Writing Survey* xi (2011) (available at [http://www.alwd.org/surveys/survey\\_results/2011\\_LWI\\_ALWD\\_Survey.pdf](http://www.alwd.org/surveys/survey_results/2011_LWI_ALWD_Survey.pdf)) [hereinafter *ALWD/LWI Survey*] (stating that only 36% of writing program directors and 24% of writing faculty are required to produce scholarship).

## I. Introduction

As with all things in life, we are more likely to produce scholarship if we are required to do so. But scholarship is rarely a requirement of law practice. Even in the academy, scholarship is not required for many professors who teach legal writing.<sup>5</sup> And for many in these two groups, scholarship is not even expected.<sup>6</sup> Furthermore, although scholarship may have been required or expected at some point for some practitioners and law school faculty, requiring continued scholarship is much more difficult after partnership or tenure.<sup>7</sup>

Institutional barriers can also make scholarship more difficult even for those who are motivated to write. Time spent on scholarship detracts not only from other work, such as client representation and teaching, but it also detracts from time we can spend with our families, friends, and communities. In addition, even in places where scholarship is generally valued, less value is often placed on scholarship about legal writing and on scholarship by legal writing faculty.<sup>8</sup> Yet even when not required and even in the face of these institutional barriers, many lawyers and academics would produce scholarship under the right conditions.

For many who care deeply about professional legal writing, though, the problem is that we often see scholarship as selfish: it is enjoyable, it helps us, and it therefore must hurt our clients, firms, students, or institutions. We need to change that perception. Scholarship not only creates knowledge—hence, is a form of public service—it also makes us better lawyers and teachers.<sup>9</sup> It can help reduce the burnout that results from doing the same thing over and over. The intellectual challenge of drafting articles breaks up the monotony of our normal routine.<sup>10</sup> Furthermore, scholarship actually helps our own institutions. For law firms, having an “expert” can bring in business. For government offices, creating positive public relations is helpful. For law schools, generating more scholarship helps the institution’s reputation. And for legal writing faculty broadly, producing scholarship dissolves some of the barriers between casebook and skills teachers. In short, thinking about these institutional goals can help create an “unselfish” motivation for those worried about the greater good.

6 Scholarship is, however, “expected” or “encouraged” by most of the responding law schools. *Id.*

7 The incentives also differ depending on the level of job security; for writing faculty on short-term contracts, for example, achieving stellar teaching evaluations and keeping students happy (so the administrators responsible for renewing the contract are happy) often take priority.

8 See e.g. Jo Anne Durako, *Dismantling Hierarchies: Occupational Segregation of Legal Writing Faculty in Law Schools: Separate and Unequal*, 73 UMKC L. Rev. 253, 264 (2004).

9 Edwards, *supra* n. 2, at 811.

10 See *infra* n. 29 and accompanying text.

For others, fear keeps them from writing.<sup>11</sup> Especially for those relatively new to the scholarship scene, insecurity about the quality of their work and the impression it will make with their colleagues can be paralyzing.<sup>12</sup> Lawyers and law faculties are a critical bunch. Whatever causes us to not write, we can, collectively, overcome the obstacles to scholarly production.

The solution largely lies in leading by example, as well as garnering support from others: the suggestions here are primarily about creating a culture that generates interest, enthusiasm, and opportunity for scholarship. As with all changes in culture,<sup>13</sup> a lot depends on the existing culture. Both the expectations of others and support from others matter tremendously. But there is also a self-fulfilling prophesy that results when you expect others to have high expectations and be supportive.

As the title suggests, the body of this essay is divided into three sections. The first explores methods of generating interest in scholarship and scholarly activities by creating incentives for its production. Next, this essay discusses ways to generate enthusiasm for scholarship so that it becomes a priority. Finally, this essay suggests methods of creating opportunities for scholarship so that those interested and enthusiastic about writing can actually do so. Because culture is so important to this process, six steps to creating a culture are infused within these three main sections.

## II. Generating Interest

Generating interest corresponds to this culture change: “Make the Work Matter!” The gist here is to create incentives for scholarship.

Money is often a good motivator. For those in law practice, pay in the immediate sense is rarely provided for scholarship. But publishing articles creates a long-term benefit; the author becomes an expert, and experts are generally more attractive to clients. In addition to client development, publishing can increase a lawyer’s prestige with her peers. And writing better suggests the author is even more of an expert.<sup>14</sup> This “rainmaking”

11 For many, this fear is caused by the power “outside audiences” hold over their professional futures; tenure committees are generally perceived as critical and unsupportive. *Symposium*, *supra* n. 1, at 816–17 (remarks of Terrill Pollman (contrasting outside audiences with the “inside audience” of the legal writing field, where “[o]ur community ethic is extremely strong, and we have come to value highly uncritical support and unquestioned acceptance”). Associates in law firms may also be wary of partners’ reactions to their scholarship.

12 Within law schools, in an environment where 61% of writing faculty receive summer grants, *ALWD/LWI Survey*, *supra* n. 6, at xi, that paralysis simply translates into less money and often less recognition.

13 The steps to creating a culture in this essay are slightly adapted from the list created by Tony Schwartz for innovation in business. Tony Schwartz, Harvard Business Review Blog Network, *Six Secrets to Creating a Culture of Innovation*, <http://blogs.hbr.org/schwartz/2010/08/six-secrets-to-creating-a-cult.html> (Aug. 10, 2010, 10:26 a.m. ET).

is a key component of success for many lawyers. For many who teach legal writing, a more immediate monetary incentive comes in the form of summer research grants.<sup>15</sup> They also have the longer-term incentives in terms of future pay raises and mobility on the job market, which also often results in higher salaries.

But more important is to figure out why the individual *wants* to write. As noted above, the institutional implications should be clear: scholarship is not a selfish act. In general, it will further both institutional and personal goals. So for those who want to write but feel as though they are not entitled to that luxury, the law firm or the law school should disabuse them of that notion. To be sure, law practice, teaching legal writing, and performing professional service are all activities that take substantial time and those obligations cannot be ignored.<sup>16</sup> But the freedom to write in addition can be invigorating.

For many, the writing they do needs to matter to those with power—partners, law school deans, and others. For that reason, when the scholarship is being produced in order to obtain partnership or tenure, reframing the situation might help. For example, recognizing that producing scholarship can create valuable job security may be enough incentive to generate the interest in writing. When writing is seen simply as a necessary evil to avoid being fired, it is much harder to actually get excited about it.

Furthermore, when there is flexibility in scholarship expectations, it is easier to generate interest by encouraging writing on any topic.<sup>17</sup> It is also often easier to start smaller, writing shorter pieces for bar journals, newsletters, and for writing publications that focus on these shorter, focused articles.<sup>18</sup> Writing of any kind—short or long, doctrinal or procedural or theoretical—initiates a positive cycle and creates an expectation of continued writing. With any luck, producing some scholarship also makes it more likely that raises and summer grants will be available in

14 Perhaps even more important than directly attracting clients, referrals from other lawyers are bound to increase once the lawyer is perceived as an expert by virtue of his scholarship.

15 *Supra* n. 13. ALWD and LWI also provide a number of summer Legal Writing Scholarship Grants each year. Association of Legal Writing Directors, *Scholarship Research Grants*, [http://www.alwd.org/awards/scholarship\\_research\\_grants.html](http://www.alwd.org/awards/scholarship_research_grants.html) (accessed Mar. 10, 2012).

16 Few lawyers feel underworked. Debra Cassens Weiss, *Workload Is the Same or Higher for Most Associates Surveyed*, ABA Journal (Aug. 6, 2008 8:05 a.m. CST) (available at [http://www.abajournal.com/news/article/workload\\_is\\_the\\_same\\_or\\_higher\\_for\\_most\\_associates\\_surveyed/](http://www.abajournal.com/news/article/workload_is_the_same_or_higher_for_most_associates_surveyed/)) (“[D]espite the reports of a downturn in work at some big law firms, most midlevel associates surveyed are not seeing reductions in their workloads.”). For legal writing faculty, grading papers, conferencing with students, preparing for class, and otherwise meeting the demands of faculty service are time consuming.

17 See *infra* sec. 3(a) (Nurture Passion).

18 Most state bar associations publish regular periodicals, as do many county bar associations. Similarly, *The Second Draft* and *Perspectives*, for example, are wonderful avenues for publishing shorter pieces designed for legal writing faculty. *The*

the future, bringing monetary rewards. And the more the law professor or lawyer writes, the easier it is to write. This helps break the negative cycle and self-fulfilling prophesy that many of us experience—the “they won’t respect it so I shouldn’t do it” block.

Finally, scholarly interest can be generated by encouraging interaction between those engaged in scholarship and those who are not yet writing scholarship. Presuming these colleagues like each other, spending nonwork time together can be helpful. This is the “warm fuzzies” approach to generating scholarly interest.<sup>19</sup> Whether it is over a potluck, a slip ‘n slide party, sushi nights, a happy hour, or hikes, the closer the community and the more the potential author becomes institutionally invested, the easier it is to jump on the scholarship bandwagon.

### III. Generating Enthusiasm

Interest in scholarship is essential, but not sufficient. Competing demands on lawyers’ and professors’ time mean that only those interests that become a priority actually get any attention. Interests become a priority when people are enthusiastic about them; that can happen by nurturing the passion for a subject and valuing renewal time for its creative potential.

#### A. Nurture passion

The gist here is this: law school or law firm colleagues should be encouraging when others are writing and encourage them to write what they are interested in writing. Positive feedback matters to many people.<sup>20</sup> Therefore, colleagues should acknowledge difficulties and opportunities when others are writing. Colleagues can encourage writers by engaging in discussions about their topics and being genuinely interested in their scholarly interests. Colleagues can encourage new lawyers and law professors to write on topics that genuinely matter to them. Whether it is wrongful convictions, environmental law, corporate takeovers, rhetoric, or

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*Second Draft* is the Legal Writing Institute’s newsletter, and it is available at [http://www.lwionline.org/the\\_second\\_draft.html](http://www.lwionline.org/the_second_draft.html). *Perspectives: Teaching Legal Research and Writing* is West’s electronic journal targeted to those who teach legal research and legal writing; it is available at <http://west.thomson.com/signup/newsletters/9.aspx>.

<sup>19</sup> As Schwartz points out, people “are meaning-making animals. Money pays the bills but it’s a thin source of meaning. We feel better about ourselves when we’re making a positive contribution to something beyond ourselves.” Schwartz, *supra* n. 14.

<sup>20</sup> A leader is “someone who believes in you and gets you to believe in yourself.” Anna Hemmingway, *The Work of Leading a Law School Successfully: Re-visioning Classroom Dynamics under Leadership Principles*, Presentation, ALWD Conference (Pacific McGeorge Univ., June 23-25, 2011). True encouragement, which includes providing suggestions and redirection when needed, is both a relatively simple and a relatively powerful way to stimulate scholarly productivity.

composition theory, authors are much more likely to actually work on a paper when they are enthusiastic about the topic.

In addition to being encouraging generally and encouraging writing on a topic of the author's personal interest, colleagues should encourage others to share their written work. Engaging with others about the work is important to nurturing the passion as well as to helping create a stronger article draft. Sharing drafts has the obvious benefit of providing feedback on the substance and organization of the paper. But it also serves the essential function of creating deadlines. Without deadlines, it is easy to push work on a scholarly project to the bottom of the pile. Deadlines force authors to sit down and write.

There are several ways to provide feedback and encouragement. Within a law office, setting aside time to meet and discuss projects can be both a rewarding and team-building exercise. Similarly, for law school faculty, traditional in-house, faculty-wide scholarship talks and workshops provide easy opportunities for obtaining feedback. These internal sessions can be scheduled on an as-needed basis or can occur weekly during the summer, for example.<sup>21</sup> Unfortunately, for many—especially those newer to legal scholarship—that setting can be intimidating.<sup>22</sup> Fortunately, for both lawyers and faculty, a number of alternatives exist. These settings allow the scholar to develop confidence in a “safe” workshop setting where the participants are critical about the paper, not the person.

First, “invitation-only” internal workshops can provide a safer audience yet permit a large number of people to provide input on the paper and engage with the author on her paper.<sup>23</sup> Within a firm or government office, this can mean inviting the five most helpful mentors to work with three relatively new lawyers on their writing on, for example, a Friday afternoon. Expanding on this concept, intra-office or intra-school workshops can fill the same need.<sup>24</sup> Finally, at least in the academic

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**21** One participant during the June 2011 ALWD conference session described a “summer roundtable” at which, once each week, faculty sit and discuss their scholarship.

**22** One way to get around the intimidating nature of firm-wide or general faculty workshops is to host “junior scholars’ retreats” where more junior associates or faculty members share their work and evaluate each other’s papers, often joined by a handful of more seasoned—but encouraging—lawyers or faculty members.

**23** For example, at one recent lunchtime session of this sort at Arizona State, approximately fifteen faculty members, all with some level of experience in the topic, were able to provide feedback to a colleague on an article draft. Almost all of the participants taught legal writing or clinical courses, making the audience both relevant and less threatening. Discussion about the paper ensued at the law school, in a variety of circles, for weeks.

**24** Intra-firm workshops within the same area of town can be easy to arrange, especially with former law school classmates. Similarly, intra-school workshops within the same city or state can often be arranged, permitting more-interested faculty to receive feedback. For instance, a recent workshop held at the University of Nevada Las Vegas allowed two professors from Arizona State and two professors from UNLV to workshop papers; there were approximately ten participants total, and we each read and commented on all of the papers.



context, the ALWD Scholars' Workshops/Forums<sup>25</sup> and the LWI Writers' Workshops<sup>26</sup> are obvious sources of support and encouragement.

The message here is simply that to nurture the passion in others, it is helpful for more lawyers and writing professors to participate in these scholarly workshops and activities, and encourage others to participate as well.

## B. Value renewal

In short, time should be set aside for play. Those interested in encouraging scholarship by others should make clear that time for renewal is not only permitted but expected. Productivity increases when people take short breaks; maintaining a hectic pace can work for short periods of time but is not sustainable. Sabbaticals and summer breaks are key, but for academics at least, that is not only time for renewal but also the primary time to write. In the shorter term, life and daily events can be structured to allow a break. Court appearances and teaching schedules are relatively inflexible, but meetings can be scheduled to allow for breaks. Encourage these breaks by asking a colleague who is working on an article to go grab a cup of coffee, go to the gym, or meet for lunch. During some of these "down" times, the conversation will turn back to the paper. But even if it does not, the time away can be beneficial for overall productivity.<sup>27</sup>

Similarly, small but concrete acts can serve to renew the energy needed for scholarship. For example, colleagues may decide to celebrate with dinner on the day when one of them submits an article for publication. A law firm or a law school could begin a tradition of bringing champagne to celebrate when an article is accepted. Or they could host book launch receptions. These events, and others like them, help provide

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<sup>25</sup> The ALWD Scholarship Committee, headed by Professor Kirsten Davis, created this opportunity for authors to workshop their papers at very little cost. The workshops and forums are hosted approximately four times per year and are connected to a regional conference, generally occurring the day before or the day after the conference. There is no charge for participating, and ALWD pays the host school's expenses for providing meals during the day. Hence, the only expense is one additional night at a hotel. Five or six scholars workshop papers at each event.

<sup>26</sup> The Legal Writing Institute's eighth Writers' Workshop took place on July 11–13, 2011 in Colorado, allowing twelve legal writing faculty to work on their scholarship. The workshop occurred just after the Applied Legal Storytelling Conference. See Lou Sirico, Legal Writing Prof Blog, *LWI Writers' Workshop*, <http://lawprofessors.typepad.com/legalwriting/2011/05/the-legal-writing-institute-announced-the-facilitators-and-participants-for-the-2011-summer-writers-workshop-the-facilitato.html> (May 7, 2011).

<sup>27</sup> As Schwartz notes, people "are not meant to operate continuously the way computers do. We're designed to expend energy for relatively short periods of time—no more than 90 minutes—and then recover." Schwartz, *supra* n. 14. He points out that creativity requires we "step away from a problem we're trying to solve and let our unconscious work on it. It's effective to go on a walk, or listen to music, or quiet the mind by meditating, or even take a drive." *Id.* He also notes the significance of physical exercise: "Movement—especially exercise that raises the heart rate—is another powerful way to induce the sort of shift in consciousness in which creative breakthroughs spontaneously arise." *Id.*

the short-term and long-term renewal needed to remain enthusiastic about scholarship.

Generating scholarship itself can also be a form of renewal. For practitioners and judges, scholarship provides an opportunity to intellectually engage with ideas and topics beyond what may be necessary to resolve clients' needs or cases. For legal writing faculty, scholarship provides a break from teaching and can renew the passion to teach, just as teaching provides a break from scholarship and can renew the passion to write.<sup>28</sup>

And it almost goes without saying, but carving out and protecting time with family and friends, as well as time for other important endeavors, is essential. Without that balance, resentment—about scholarship and about work in general—is likely.

## IV. Generating Opportunity

Generating interest and enthusiasm for scholarship can only go so far. There must also be opportunity for scholarship. Three techniques for creating that opportunity are meeting people's needs, training them, and providing the time.

### A. Meet people's needs

Not all scholars are created the same. What works for one person may spell disaster for another. The question is this, Where are the new writers in the writing process? What would help them move on? The best way to discover the answer is to ask each of those people what will make them more productive.<sup>29</sup> For some, it may be scheduling practice group meetings or classes in the afternoon, as the morning is their best writing time. For others, it may be having someone set weekly or monthly deadlines—maybe three pages a week, or a new subsection by a certain date. Whatever it is, if the law firm or law school can meet their needs, they are more likely to write.

One way to meet their needs might be to assign writing partners, so each person in a firm or law school who wants to work on a project has a "buddy" to consult with, share drafts, and encourage. These writing buddies could discuss what each person needs to be more productive—someone to read drafts, someone to meet for two hours a month to brainstorm about particular challenges, someone to set deadlines,

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<sup>28</sup> Interacting with students and watching them learn and grow is rewarding, but so is diving head first into a difficult issue, reading the existing literature, creating a new framework to approach the problem, and writing about it.

<sup>29</sup> Schwartz says to begin by asking "what they need to perform at their best." *Id.*

someone to send weekly reminders, or whatever would most help each of the writers. The reciprocal nature of the relationship increases the likelihood that each writer will feel more comfortable asking for help, and it helps meet each writer's needs.

## B. Train them

With very few exceptions, training on how to be a better scholar would benefit all writers.<sup>30</sup> Organizing brown-bag sessions where some of the firm's or school's accomplished scholars<sup>31</sup> can share their tips for success can be one easy way to provide this training. For example, sessions can be offered on increasing publication opportunities, including discussions about the structure of successful articles, how to draft an effective title, timing for submission, and other strategies. Other sessions could be offered on how to effectively use SSRN and ExpressO, as well as drafting an effective cover letter. These group sessions can be quite valuable.<sup>32</sup>

Individual mentoring by good scholars is also tremendously helpful, although more time-consuming.<sup>33</sup> Helping to create those connections and encourage more experienced scholars to mentor and train newer scholars can go a long way toward creating more opportunities to write.

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**30** Schwartz argues that even creativity "isn't magical" and "can be developed." *Id.* Furthermore, in the academic setting, scholarship by faculty who teach legal writing (as well as scholarship about legal writing) is relatively, in the big-picture sense, a new phenomenon. *See e.g.* Berger, *supra* n. 5, at 804. But as the number of tenure-track writing faculty increases and scholarship requirements and expectations increase, we need to adapt and learn how to be scholars. Many of us began teaching when scholarship was neither required nor expected, and in many cases, not even encouraged. Over time those expectations have changed. *Supra* n. 5 and accompanying text.

**31** Some of the most helpful of these "accomplished scholars" may be more junior lawyers, judges, or faculty. In law schools, the most helpful scholars include those recently tenured or even on the tenure-track who have come from fellowships designed to teach them how to become legal scholars. For example, Climenko Fellows from Harvard receive extensive guidance on producing effective scholarship. In addition, because many of these fellows teach legal writing, they may have a special appreciation for the field and a willingness to mentor writing faculty in their scholarship. Harvard Law School, *Information for Prospective Climenko Fellows*, <http://www.law.harvard.edu/academics/degrees/jd/fylrwp/info-for-prospective-climenko-fellows.html> (accessed Mar. 10, 2009) (noting that Climenko fellows teach legal writing "and devote themselves to scholarship in preparation for entry into the teaching market" and that the fellowship program "undertakes to facilitate participation in faculty workshops relating to the Fellow's field of interest and to facilitate mentoring relationships with faculty working in the field").

Similarly, Stanford offers fellowships whose fellows teach legal writing. For those fellows, Stanford "provides mentorship and research resources to help place Fellows favorably on the tenure-track teaching market." Stanford Law School, *Fellowships, Teaching Legal Research and Writing*, <http://www.law.stanford.edu/program/courses/lrw/#fellowships> (accessed Mar. 10, 2012). Furthermore, fellows "participate in faculty workshops at the law school and have access to a research budget to support their scholarly work. The Teaching Prospects Committee advises Fellows seeking tenure-track law teaching jobs, and moots job talks and interviews." *Id.*

**32** In addition, attending faculty talks and reading at least the abstract and introduction is a wonderful training ground for learning about scholarship.

**33** At most law schools, the Associate Dean for Faculty Research and Development formally fulfills this role, although having others to assist, especially with overlapping areas of interest, can be helpful.

### C. Provide the time

This is often the toughest part about writing scholarship.<sup>34</sup> With that caveat in mind, many lawyers and legal writing professors have been finding a way to write for decades, so it must be possible. And the more interest and enthusiasm one has for scholarship, the easier it is to find time to write.

Yet there are some concrete ways to create that time. For example, lawyers and judges regularly present at Continuing Legal Education seminars. Preparing both the talk and the written materials takes time. Yet presenters rarely think about drafting a short article that summarizes that presentation, even though it would take far less time to write that article than it did to prepare for the presentation. The article also has a broader audience,<sup>35</sup> which educates more people and in turn creates more knowledge.

In addition, in either a practice or an academic setting, time can be scheduled solely for the purpose of writing scholarship. For example, law firms or law schools could encourage anyone working on an article to come to the office on a weekend day and dedicate that day solely to scholarly writing. During these “writing days,” the firm or school could create an expectation that time would not be spent checking e-mail, working on other projects, returning calls, or completing other nonscholarly writing activities.<sup>36</sup> The firm or law school could provide lunch to make it easier to spend the day being productive.

An even more communal way to encourage writing would be to schedule a writing day during a normal workday, but rather than go to the office, a group of lawyers or professors working on scholarly projects could meet at a colleague’s house, a coffee shop, or a library. Basic ground rules would need to be set for these writing days as well, such as no e-mail or general work or work discussions.<sup>37</sup> Writing can happen in a number of settings, but having two, three, or more colleagues sitting around a table

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<sup>34</sup> Schwartz notes that in the context of innovation, “the best way to insure that innovation gets attention is to schedule sacrosanct time for it, on a regular basis.” Schwartz, *supra* n. 14. The same holds true for writing scholarship. Setting aside time that will be spent on writing projects means it is substantially more likely they will actually get completed.

<sup>35</sup> Even if 150 people attended a CLE seminar, thousands can learn the material by reading the article in the state’s or county’s bar association journal.

<sup>36</sup> For a specific example, at Arizona State, every Saturday during January and February was dubbed by our Associate Dean for Faculty Research and Development as “Misery Loves Company” days; anyone who was working on an article was encouraged to come to the law school at 9:00 a.m. and write until 4:00 or 5:00 p.m., without checking e-mail, preparing for class, or doing other work. We would all break for lunch at noon and meet in the faculty center, where we were provided with pizza at the law school’s expense. We would talk about our challenges for the day, cover letters, when to submit, or other topics. And then we would all head back to our offices and type. It was amazing how many articles went out that February.

<sup>37</sup> Even if the group spends twenty minutes or so resolving some pending issue, writing for seven hours and talking about other matters for twenty minutes is likely a vast improvement over the ratio that results when colleagues are all at the office.

all working on scholarship increases the likelihood writing will actually happen. These writing days not only help provide the time, but they also help generate interest and enthusiasm.

## **V. Conclusion**

Scholarly productivity will increase if those committed to writing encourage others to write and make it a priority to write, even though time is limited. Share drafts, even though critical feedback is sometimes hard to take. Ask to read other people's drafts, even though that also takes time. And keep in mind that encouraging scholarship is as much about creating a culture that expects and supports scholarship as it is about the actual writing.