

# Unpopular Opinions on Legal Scholarship

Caprice L. Roberts\*

*The life of the mind  
filling spaces  
visible and invisible  
until the words flow  
onto the page  
and out into cyberspace  
(please don't cite without permission)  
fully researched, footnoted, workshopped, edited, reworked, finessed,  
further footnoted for perhaps even the obvious,  
and begrudgingly or lovingly Bluebooked  
then broken (purposefully passive voice) into three articles  
until finally vetted and published (by whom?, you ask)  
demanding to be engaged—  
read, quoted, cited, critiqued, downloaded, celebrated, and debated  
on its merits  
by friend and foe,  
mentor and student.*

## INTRODUCTION

*“To write and explore, to fight for justice and right wrongs, to make the world a better place, one measly law review article at a time.”<sup>1</sup>*

Ask a host of law professors why they write: expect a wide array of passionate answers. Even if the professor has not published recently or much, still anticipate a set of expectations of what new hires and junior colleagues should produce. These days for engaged scholars, you might even receive a follow-up email with a multipage research agenda.

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1. Zachary Kramer, *On Being Sued, 1*, PRAWFSBLAWG (Oct. 8, 2014, 3:08 PM), <http://prawfsblawg.blogs.com/prawfsblawg/2014/10/on-being-sued-1.html>.

Academic writing with all of its tradecraft is integral to law teaching.<sup>2</sup> Many write to inform their readers and be part of a scholarly dialogue. Writing offers a way to be heard, to be seen, and to create legacy. Other scholars wish to shine a light on injustices and legal conundrums. Authors often express a sense of obligation, or even urgency, to critique faulty logic of conventional positions. For many, research and writing in an area of expertise invigorates their teaching. Law professors rigorously debate whether we need more, less, or better: empiricism, theory, interdisciplinary, advocacy, localism,<sup>3</sup> globalism, plain language, normativity, and, of course, footnotes. Beyond form and content, scholars debate the methods of publication. Student-edited and published law review articles remain the coin of the realm, though some push for reform, for peer review, and for greater receptivity to manuscripts from nonfiction to fiction and from academic to pop culture.

Some legal writers aim to change law and policy through multiple forms of writing. Some write to expand their knowledge. Some others may write because they feel they must for tenure. Some may also write to promote their field and their school. Whatever the answer, scholarly writing is a significant component of one's academic identity. Academic conferences and workshops are a part of this conversation and are multifaceted instruments to help developing scholars reach their fullest potential and provide more seasoned scholars opportunities to deepen substantive dialogue within their respective fields.

As scholar-teachers, we are driven by diverse and often competing motivations. Listen closely to yourself, but actively seek the advice of others within your circle of trust. Then trial balloon scholarly plans with professors beyond your circle so that you consider looming risks. Share ideas and drafts, and when multiple scholars and research assistants give similar constructive criticism, heed that advice.<sup>4</sup> Ultimately, however,

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2. Many law schools are broadening their missions to adapt to shifting legal landscapes. Reexamination of old methods and thoughtful evolution are necessary and beneficial. During this culling process, writing should remain an essential function of law professors. Some law schools may use the tide of reform to stifle support of scholarly work, including diminished opportunities to present and interact with other scholars in one's field. Though budgets are tight, any cuts should help professors prioritize opportunities rather than eliminate them. Attending conferences, even if not presenting, is essential to scholarly development. Critiques of how we publish and how we assess scholarship are important, but be wary of efforts to vilify intellectualism and divorce scholarship from teaching and practical values.

3. Frank O. Bowman, III, *Days of Future Past: A Plea for More Useful and More Local Legal Scholarship* 42, 49 (Univ. of Mo. Sch. of Law Legal Studies Research Paper Series, Paper No. 2017-17), <http://ssrn.com/abstract=2977593> (calling for more useful legal articles with "at least a partial return to . . . localism"—"a modest shift back in the direction of the world as it once was, a world in which law schools *and their faculties* were self-consciously rooted in their local, state, and regional legal communities").

4. I am forever grateful to John Taylor for thoughtful feedback. I accepted almost all of his comments on many drafts, but I should have listened harder about a particular quirky title I couldn't

individually and as mentor, avoid the compulsion to absolute conformity. Instead, honor what brought you to the life of the mind in the first place and take calculated risks. For your consideration on this journey, consider my advice presented here as unpopular opinions on legal scholarship.<sup>5</sup>

1. *Write about what you love and what you hate.*
2. *Take (calculated) risks.*
3. *Don't be narrow unless it suits your interests.*
4. *Be yourself: Don't fold yourself into origami to be something you are not.*
5. *Be wary of proxy.*
6. *Avoid overuse of intellectual jargon.*
7. *Show rather than tell.*
8. *Be vulnerable.*
9. *Just because they're famous doesn't mean they're right.*
10. *A plea for "middlebrow" scholarship.*
11. *Read broadly.*
12. *Promote the work of others with whom you agree and disagree.*
13. *Agree to write something because it benefits another.*
14. *Cite all authors of jointly written work.*
15. *Write across many mediums.*
16. *Tweet: Yes, Twitter can be scholarly.*
17. *Share and share alike.*
18. *Embrace student journal editors.*
19. *Data is useful and addictive but not everything.*
20. *Embrace electronic platforms.*
21. *But don't give up on paper reprints just yet.*

#### I. UNPOPULAR OPINIONS ON LEGAL SCHOLARSHIP

*"Wouldn't it be fulfilling to write stuff somebody wanted to read, and found helpful? Wouldn't it be lovely to have one's ideas actually considered by people with the power to implement them? . . . Wouldn't it be nice to matter?"*<sup>6</sup>

At every stage of my career, I have received cautionary words: No, don't write that; don't teach that (Remedies); don't write on federal

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let go. I trust that if I had titled my article, *Judicial Decisionmaking in Tense Times*, instead of the actual title, *Asymmetric World Jurisprudence*, many more people would have read it.

5. The nature of this project requires indulging meta navel gazing. No matter the advice I and others provide, sometimes you just have to *shut up and write*. To shut up and write with others virtually for accountability and support, check out [www.shutupwrite.com](http://www.shutupwrite.com) and <https://suxtuesdays.wordpress.com> and follow @shutupwrite, @SUWTues, @SUWTNA, and @SUWTUK on Twitter.

6. Bowman, *supra* note 3, at 51.

courts—you're not famous enough. Of course, I appreciate helpful advice and sage wisdom, and I regularly mentor others providing the same.<sup>7</sup> But it is important to remember that we have but one opportunity to attain our individual and collective goals. Listen closely to advice you receive, but in the end, only you can determine if your course compels you to operate from a posture of fear and suppression,<sup>8</sup> to disregard conventional wisdom, or ideally, to find a balance that enables you to follow your desires *and* meet institutional expectations.

Associate deans of research inherently play a role in norm enforcement while they also seek to promote intellectual engagement and production. They must help shepherd and mentor; they also stimulate colloquia as well as celebrations of scholarly achievement. But the post is dual natured. One front is to advise the scholar how to best fulfill her own goals and reach her optimum scholarly potential. But another necessary front is to advise the scholar of potential roadblocks at her home institution as well as within the broader academy. The advice must be predictive about how the legal academy may receive the scholarship. Behind the scenes, the associate dean of research should fight norms by arguing and lobbying on behalf of vulnerable scholars who are less

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7. Regrettably, in advising others, I have at times and at other institutions repeated certain conventional norms—that I now buck. Some of the norms I likely reiterated include publishing in the highest ranked journal, hitting certain footnote quantities to please certain faculty members for tenure, and avoiding sounding too practice oriented versus theoretical and normative. I have provided such advice as a friend, colleague, mentor, Chair of Faculty Hiring, Chair of Promotion and Tenure, and Associate Dean of Faculty Research and Development. I have done the same for those seeking advice on how to enter the academy and those seeking to navigate a transition from one side of the divide to the other at institutions that have a hard wall between courses perceived as skills and those lauded as coveted doctrinal courses. Much of the advice served the immediate and long-term goals of the recipients. Still, the fact that risk-averse institutional actors have faulty metrics should not result in rote repetition. Instead reexamination and questioning are necessary to determine if such criteria in fact advance meaningful goals for the author, the law school, and the intended readership. Do the metrics serve the substantive goals? On page and footnote minimums, I believe that once you hit your writing stride, any number is attainable. In fact, my mind dreams in footnote—so much so that I could footnote a footnote. Some of the skepticism I raise in this article I had at the time I uttered such advice, so while I gave the advice I also simultaneously lobbied the tenured professors with such views to alter their norms. I also fought hard for candidates and colleagues up for tenure when a scholarly attack sounded in perceived violation of these norms. I always have maintained that what should matter most is merit, passion, knowledge, engagement, quality, and authenticity. Desiring advancement within the legal academy requires some level of conformity and adherence to norms. Just so long as it's not blind adherence coupled with an arms race of ultracompetitive metrics that lose sight of some of the core reasons we entered the life of the mind in the first place.

8. Advice to do all that the most exacting faculty member requires does not stem only from inside the walls of the institution and its hierarchy. Various listservs and scholarly workshops often advise new scholars: *Write what you want after you're tenured and at the institution where you seek to stay*. Or, if there is a history of insurmountable tenure hurdles for similarly situated professors, the advice also includes: whatever the Promotion and Tenure Committee claims it wants (*e.g.*, three mainline law review articles in well-respected journals), double it (*i.e.*, six such articles plus a few complementary shorter pieces).

conventional yet authentic, engaged, and valuable. This work will be uphill and invisible to junior scholars but nonetheless vital. It is possible to be an advocate for broadening norms while also guiding developing scholars towards a more ideal agenda that satisfies individual as well as collective goals. Regardless, the overriding principle must be to promote the scholar into becoming the most productive, authentic scholarly self.

With that in mind, here are my unpopular opinions on legal scholarship.

*1. Write about what you love and what you hate.*

Passion is key to writing because it will drive you to write early and often. Temper your passion to maintain balance in analysis. In other words, when driven by hate, avoid writing a screed. Still, frustration and hate regarding an existing injustice may propel you to rigorously research and feverishly write.

Loving or hating a topic immensely may cause you to get itchy trigger finger on submitting for and accepting a publication offer. It remains tremendously important, however, to have thoughtful readers and incorporate feedback before submitting.

It is true that disinterested writers bring a potential objectivity that aids the project. But often the disinterest is feigned in legal scholarship. Rather, we write because we are frustrated with the existing state of the law or policies. We feel we must write to shed light on the problem and offer suggested paths for improvement. This frustration or even hate for damaging policies usually catches our attention because we care deeply about the underlying topic. Follow this love, though not blindly. It is the tension—the love/hate—that may propel you to sustain a lifetime of scholarly pursuits despite obstacles. Surround yourself with confidants and skeptics who can keep you intellectually honest, rigorous, and fair. Also watch for fatigue and cynicism to seep into your work. If darkness hovers, it's time for a shorter piece on a different topic that brings you joy.

More joy may come by doing something of service to another. It's likely also time for more work-life balance.<sup>9</sup> Stepping away, even when you feel your work is indispensable in the instant, will provide the necessary clarity to see any biases that clouded your aim. Taking a genuine break will also rejuvenate your creativity and passion.

*2. Take (calculated) risks.*

I am risk tolerant by nature. As a pretenured professor, I presented and

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9. Raul Pacheco-Vega, *On Self-Care, Balance and Overwork in Academia* (Dec. 27, 2014), <http://www.raulpacheco.org/2014/12/on-self-care-balance-and-overwork-in-academia/>.

wrote a federal courts article in a very unconventional way.<sup>10</sup> My inspiration was to write an homage to Henry Hart's famous dialogue.<sup>11</sup> First, I had the audacity to broach a series of famous articles that I'd never been taught, on a subject that I had yet been given the chance to teach. Second, I wrote my dialogue as a play with a heated *fictional* discussion among a Supreme Court justice, the attorney general, and a senator. All of which I fully footnoted. After one scholarly presentation of the work, an audience member said: "How can you get away with that?" I said, "I'm not sure I will, but once I hatched the idea, I couldn't *not* write it." In truth, I worked in secret on the project until I believed it was sufficiently substantive, rigorous, and executed to garner respect. It was a calculated risk because I felt confident in my faculty's receptivity, and I also had produced substantial traditional articles in respectable journals. These twin foundations created the space within which I felt free to be more creative.

I have since published a similarly unconventional remedies article—a footnoted poem.<sup>12</sup> At the time of publication, I already had attained tenure. So, the fault lines were different. The risk is that some will take my work less seriously. Some will view the work as a frivolous piece. I stand by it individually and as part of my body of work.

This ability to take calculated risks is my hope for authors, though in truth, taking risks may be much easier said than done, especially if one lacks the advantage of a privileged status. Privileges that create the space to buck trends include the privilege of tenure, of pedigree, of acceptance, and of belonging in an intellectual club. So, to the privileged, take risks so that the boundaries and norms are pushed in ways that benefit all. And, by all means, if you recommend a colleague take a risk, you better have her back when others challenge the *bona fides* of the undertaking.

To those in less secure positions, gauge the amount of risk tolerable by your institution, your colleagues, your mentors, and most of all, yourself. Search yourself for what goals you truly wish to attain in the short and long term. The amount of risk you opt to take should calibrate to reaching career aspirations and pleasing your idiosyncratic or nonconformist desires.

### 3. *Don't be narrow unless it suits your interests.*

Relatively recent scholarly trends include increased hyperspecialization. This phenomenon in part flows from the heightened

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10. Caprice L. Roberts, *Jurisdiction Stripping in Three Acts: A Three String Serenade*, 51 VILL. L. REV. 593 (2006).

11. Henry M. Hart, Jr., *The Power of Congress to Limit the Jurisdiction of Federal Courts: An Exercise in Dialectic*, 66 HARV. L. REV. 1362 (1953).

12. Caprice L. Roberts, *Remedies Unified in Nine Verses*, 74 MD. L. REV. 199 (2015).

competitiveness of the academic teaching market. For one who has earned a PhD and then entered law teaching, deep and narrow interests are logical *and* fulfilling.

For those with broader backgrounds and teaching desires,<sup>13</sup> an overly forced narrowing of scholarly interests may backfire. The concerns include that an overbroad agenda shows lack of attention. You will hear that you are too scattered to be serious about your main area or too dispersed to appear focused. It is true that you want to ensure that you give care to all the topics you treat: you need to both get the lay of the land and then be patient enough to research, write, and revise with rounds of comments.

Sometimes you may get spread thin, not because of a predisposition for broad interests, but instead because you simply cannot say no. You will be flattered by an invitation or feel obligation. You might even be loosely interested; that is in part what makes you an academic after all. But remember that once you say yes to a symposium on a hot topic that was not on your agenda or to a review of another's work, the project will take you away from your own plans. Let's say you recently finished a provocative article on agency discretion in the administrative state. You think you have the time and wouldn't mind participating and visiting the host city. Your time will no longer be your own because drafting the symposium piece will lead to other inquiries. What might have been better and more interesting for you would have been to write a natural follow-up to your provocative article. You flagged some open questions for further development, and you are best suited to tackle them. The latter will deepen your expertise and better brand you for mobility, media, and overall impact.

My advice is to stretch when you have the desire. Before doing so, add the potential idea or event to your research agenda or even to your resume. This modeling gives you the opportunity to see how one future path sits. Is the revised picture how you envisioned your body of work? If it's nontraditional, but still "you," then work to build and show the themes within you that connect the works. You and your interest are the common elements in all of your work. Something pulls you to and through each piece on your agenda. Uncover your overarching scholarly

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13. I am a generalist born of a liberal arts tradition. The current scholarly trend is to favor specialists over generalists (though Associate Deans of Academic Affairs may prefer the reverse when filling teaching gaps). We discussed the resistance to generalists during this outstanding symposium, *The Future of Legal Scholarship*. I am grateful to Professor Orly Lobel for sharing her path to law teaching including answering potential skeptics regarding an interdisciplinary approach. Her background no doubt enriches her ability to tackle groundbreaking works across multi-fields. See, e.g., ORLY LOBEL, YOU DON'T OWN ME: HOW *MATTEL V. MGA ENTERTAINMENT* EXPOSED BARBIE'S DARK SIDE (2017); ORLY LOBEL, TALENT WANTS TO BE FREE: WHY WE SHOULD LEARN TO LOVE LEAKS, RAIDS, AND FREE RIDING (2013).

thesis that motivates you to stay with a topic that others say to overlook. For you, this less popular or risky topic is just as integral as your seminal work. Show how that's true.

Here's a sample. For years, I have written about remedies and seen a connected thesis: remedies shape rights<sup>14</sup>—namely, restitutionary remedies push the boundaries of conventional contract law (and should when warranted);<sup>15</sup> I also have written in the federal courts field on themes of judicial independence and reasoned discretion. For me, my work in the two areas has always been connected. Skeptics fear that there is no link or worse: one situates me in private law and the other in public law. I had to push myself to see the deeper connection that I always felt. Fortunately, I had the opportunity to develop my own seminar. It was through this endeavor that I realized the answer had always been there linking my work together. My seminar is the overarching theme that permeates my entire body of work: Judicial Power and Restraint. It involves philosophy, constitutional law, doctrine, history of equity, inadequate remedies, and remedies overreaching rights. It involves state law and federal law. It involves private and public law. It involves law and equity. It involves nitty-gritty blackletter and theory. I won't apologize for it. I will consider myself blessed for having the opportunity to think and write broadly. And ultimately, I will show my themes through the whole of my body of work and ideally convince the reader to stay with me even with a skeptical eyebrow—in fact, I prefer it. Read with skepticism, but hear my claim and grapple with its merit rather than its break from conventional wisdom or inherited, ever-tightening norms.

4. *Be yourself: Don't fold yourself into origami to be something you are not.*

Academia should no doubt be about challenging and stretching yourself to deepen your knowledge and hone your skills. Yet, you should not engage in fake posturing or inauthentic, uninspired projects purely to please others or meet trends. It's tempting to mimic role models and pattern trendy techniques, but it is imperative that you be your true scholarly self in topic and style. You will research and write better if you let you be the authentic you.

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14. See, e.g., Roberts, *supra* note 12. On the general connection between remedies and rights, see Daryl J. Levinson, *Rights Essentialism and Remedial Equilibration*, 99 COLUM. L. REV. 857, 859 (1999); Guido Calabresi & A. Douglas Melamed, *Property Rules, Liability Rules, and Inalienability: One View of the Cathedral*, 85 HARV. L. REV. 1089 (1972).

15. For example, a restitutionary disgorgement remedy may push the bounds of conventional contract law because it is gain-based rather than compensatory, and it examines the breaching party's intent and gain to deter opportunism and prevent unjust enrichment. Its application is limited by deliberateness, profitability, and otherwise inadequate protection for the nonbreaching party. See RESTATEMENT (THIRD) OF RESTITUTION AND UNJUST ENRICHMENT § 39 (2011).

Don't get me wrong, there are really wonderful justifications for encouraging and conducting more empirical works. If, however, that is not your jam, don't force yourself to be in that mold. There are other conventional options that will better suit your style. This is especially true if your institution lacks the resources to help you properly accomplish an empirical enterprise.

Must you be normative? On this one, I don't necessarily think every piece you write must be, but yes, the overwhelming expectation is that as a *legal* academic you will offer some critique and prescriptions. And why shouldn't you? It is a luxury that we have. So, unless your heart is purely historian, for example, I would offer proposals. And no need to iterate how modest they are. You've earned the right to weigh in. Readers need to hear your unique point of view.

#### 5. *Be wary of proxy.*

Efficiency may dictate shortcuts. But be wary of proxy as your shortcut. Instead rely on your ability to skim abstracts or, worst case, follow others who curate worthwhile reading. Ideally you are judging the ultimate merit yourself. This method takes courage and time. But have the courage of your convictions: you earned and desired an academic job to think for yourself.

Be careful not to accept all the indicia of merit rather than judging the merit for yourself. A byproduct of overreliance on proxy undervalues newer and minority scholars who suffer under the hierarchy of protectionism metrics.

#### 6. *Avoid overuse of intellectual jargon.*

I'm still working on this one myself. The tendency is similar to a first-year law student who cannot resist discussing promissory estoppel or *res ipsa loquitur* on an exam even when there's no real argument for such an application. In essence, to show they have indeed arrived.

When you have fought hard to overcome the odds to enter a learned profession, the temptation is to prove you speak the language and understand the codes. In other words, I too can *interrogate* and *push back on your normative claims*. Display and use of some of this tradecraft is well intended and relatively benign. Still, overreliance causes a greater chasm between the haves and have-nots in the legal academic profession. Are you using that language to advance your ideas? Or are you trying to signal to other professors with elite credentials that you are part of the club? It may be fine if the use of such words is mere habit as long as it does not frustrate the listener from learning the underlying meaning or point of the argument. Beware though that some readers of jargon-laden articles may suspect that the author doesn't really know what they are

talking about but instead is simply hiding behind jargon.

Student editors may mimic overt displays of intellectualism and in turn inflate the value of the related article. This tendency is especially true if the author footnote contains a listing of famous public intellectuals along with participation in storied, intellectual workshops.

Conventional wisdom also dictates that the author never write in the first person. More to the point, the author must present as a disinterested observer analyzing and declaring.<sup>16</sup> If we're all told to have abstracts and articles declaring the novel and original nature of our claims, why shouldn't we say: In this article, I argue . . . ?

#### 7. *Show rather than tell.*

Avoiding the use of jargon connects to this entry: show rather than tell. Here's telling: In this paper, I provide a normative conceptualization for the proper role of judges administering equitable remedies. Here's showing: I propose that the judge should use restraint in fashioning complex injunctive relief.

This transition to showing takes practice and confidence. For starters, do both: tell then show. As you gain momentum, try deleting the tell parts, especially if you are telling, coming (the abstract and introduction) and going (the conclusion). See how your article reads with a sentence that shows what you mean instead. You may feel discomfort, but the show sentence is likely to provide greater readability and clarity to the reader. If you must tell and show, then work to move away from jargon in the telling. I still find this challenging, but it can also be liberating.

#### 8. *Be vulnerable.*

It is rare indeed that people give. Most people guard and keep; they suppose that it is they themselves and what they identify with themselves that they are guarding and keeping, whereas what they are actually guarding and keeping is their system of reality and what they assume themselves to be. One can give nothing whatever without giving oneself—that is to say, risking oneself. “If one cannot risk oneself, then one is simply incapable of giving.”<sup>17</sup>

Easier said than done. But truly great writing risks something.<sup>18</sup> Risk

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16. For a tweet and related GIF along the lines of this theme, see Dr. Raul Pacheco-Vega (@raulpacheco), TWITTER (Mar. 12, 2018, 6:03 PM), <https://twitter.com/raulpacheco/status/973318709304578048?lang=en>, “Every time you teach someone to avoid writing in the first person, a unicorn dies. Save the unicorns. Stop it with the faux-academic, pseudo-scientific third person.”

17. JAMES BALDWIN, *THE FIRE NEXT TIME* 86 (Random House, Inc. 1992) (1963).

18. Ideally, risk-taking does not overly expose the writer to litigation. This unfortunately happened after Professor Zachary Kramer authored *Of Meat and Manhood*, 89 WASH. U. L. REV. 287 (2011), exploring vegetarianism and sex discrimination to inform the future of civil rights law.

your stature to speak for those who cannot speak, and fight for those who cannot fight. Use your writing to push envelopes: intellectually, judicially, and legislatively.

Risk something in writing. Risk something in letting others read it. Risk more by letting adversaries and scholarly frenemies read it. Risk yourself.

9. *Just because they're famous doesn't mean they're right.*

We all like to look up to the rock stars in our respective fields. These include famous professors from storied institutions and those who speak early and often at conferences and in media. They may be brilliant. They may have contributed in countless ways over the years. But they are not always right simply because of their stature. Do not be afraid to challenge declaratory statements or unifying theories of famous professors. If you do decide to disagree, by all means send them your draft. You may find that some may become your best advocate, though you may not change their position.

10. *A plea for "middlebrow" scholarship.*

I strive to write novel, groundbreaking articles on timely, provocative topics.<sup>19</sup> I hope my articles are useful to a broad set of readers from courts to interested laypersons. I've written and edited cover letters for article submissions that state and inflate such claims.<sup>20</sup> I advocated similar patterns for our journal Note writers. It's part of the tradecraft I've modeled and shared.

But let's be honest. We can't all be highbrow all of the time. Not all scholarship is pioneering. It may aim to be. It may achieve that goal in moments of brilliance when it pushes a conversation forward. If it were all so very novel, we wouldn't also be required to *situate ourselves within*

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See Jacob Gershman, *Law Review Article Moves to Center of Defamation Suit*, WALL ST. J.: L. BLOG (Jan. 4, 2013, 1:23 PM), <https://blogs.wsj.com/law/2013/01/04/law-review-article-moves-to-center-of-defamation-suit/>. The law review article includes an examination of allegations from a sex discrimination complaint that defendant later denied in its answer, and ultimately plaintiff voluntarily discontinued the lawsuit with prejudice. In 2014, the defendant from the sex discrimination suit sued Professor Kramer for defamation; the federal district court swiftly dismissed the defamation action. Though Professor Kramer prevailed, the whole episode no doubt posed a challenging time. See Kramer, *supra* note 1.

19. Much like a patent, these requirements set the bar high. EUGENE VOLOKH, *ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, SEMINAR PAPERS, AND GETTING ON LAW REVIEW* 10 (5th ed. 2016) ("Good legal scholarship should make (1) a claim that is (2) novel, (3) nonobvious, (4) useful, (5) sound, and (6) seen by the reader to be novel, nonobvious, useful, and sound.").

20. By inflate, I am not insinuating any authors lied, but I am noting the enhanced use of advertising puffery and intellectual jargon to attract offers.

*the existing literature.*<sup>21</sup> In truth, we are building on the work of others consciously and subconsciously. Within a given area of expertise, we might even be writing a scholarly “chain novel”<sup>22</sup> if we are listening and responding to each other’s works on point.

I would never be a dream crusher. So, if you are so inclined, set your sights high towards an original claim or theory. Every writer should push herself beyond comfort and ease. If you have not yet tested your abilities, then by all means strive towards the stars. But do not feel relentless pressure to pitch each piece far beyond what it truly is. We need not all be straining towards pure theory, empiricism, and the like. Instead, the world has room for diligent, genuine, and useful, though less ambitious, scholarship too.<sup>23</sup> If you succeed in accomplishing smaller works well, those pieces plus a grander theory are the raw materials you need to comprise a future book project.

### 11. *Read broadly.*

Read authors in your area regardless of their lack of notoriety. Read authors at schools ranked well below your own because the elite do not have a monopoly on compelling ideas. Read student Notes. Read beyond your field because it brings perspective and may indirectly add value to your work. Read poetry. Read news. Read nonfiction. Read fiction. And, of course, read as much as you possibly can within the area of your subject matter.

### 12. *Promote the work of others with whom you agree and disagree.*

Promote yourself too, but not exclusively. Regularly promote the work of others—whether you agree or disagree. Be about the dissemination of ideas and the stimulation of genuine debate. Promotion occurs through email, social media, and invitations to colloquia, panels, and discussion groups. Self-promotion these days may involve book tours, marketing blitzes, and social media campaigns. But don’t forget the value of being present and engaging in genuine conversation at a conference or after a

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21. Scholarly advice typically includes this requirement and with this jargon. Avoid the overuse of jargon. *See* Part 6, *supra*.

22. Ronald Dworkin, *Law as Interpretation*, 60 TEX. L. REV. 527, 542 (1982) (articulating judicial role as similar to a chain novelist: “Each judge is then like a novelist in the chain” reading through what other judges have previously said “to reach an opinion about what these judges have collectively *done*, in the way that each of our novelists formed an opinion about the collective novel so far written”); *see also* RONALD DWORKIN, *LAW’S EMPIRE* 245 (1986) (envisioning a “Herculean judge of superhuman talents and endless time”).

23. As a student scholar, I recall wondering why anyone would want my commentary on a case, when they can just as easily read the case and interpret it themselves. Readers including legal scholars need your interpretation even if your main contribution is describing, interpreting, synthesizing, and delivering a doctrinal meat sandwich. Plenty of readers will dig in and find value.

faculty colloquium. I also recommend email and letter writing. And, by all means, let someone know when you valued and cited their work while writing yours.

To promote the work of others with whom you disagree, you need not endorse the author's work. But be gracious, and be measured.<sup>24</sup> You might opt to engage them in a friendly debate. Of course, it may be tough to keep it civil. Though an amusing GIF might cure an overstep—real or perceived<sup>25</sup>—it also may be imbalanced from the start. I am not advocating suffering trolls or tolerating any abuse. But to model diplomacy and generosity, consider experimenting with circulating the work of scholarly frenemies in addition to compatriots. It raises the level of dialogue and tightens the community of legal academics to which we all belong.

If you truly appreciate the work, then say so and point readers to key contributions. In an inundated world, many scholars value curated suggestions by other scholars they respect. When you are asked to read a draft article, recommend the work of others whom you believe worthy of emulating.

*13. Agree to write something because it benefits another.*

Long-term benefits may well flow from writing something that advances a noble cause or contributes to another's plight. Consider helping even though it may not help you. A more selfless writing includes a tenure review of another's work or an online review. Many writings that benefit another, however, will also benefit you. For example, if you have the time and talents, then agree to cowrite an amici brief, a blog, a white paper, a piece of legislation, an op-ed, a practice piece, a bar journal article, or a Continuing Legal Education outline. Your law school may consider much of this work as nonscholarly but acknowledge it as service—so be it. Just make sure you have securely fastened the oxygen mask on yourself first. In other words, if you are pretenure or visiting, make sure you are producing the sorts of publications the school of your dreams requires. Once tenured, take a hard look at whether you want to continue to propound the trappings of power by applying hierarchical, sometimes elitist norms without first pausing to examine the merits for so doing.

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24. Carissa Byrne Hessick, *Towards a Series of Academic Norms for #Lawprof Twitter*, 101 MARQ. L. REV. 903, 921 (2018).

25. If more real than perceived, a retraction and apology go far. See, e.g., Jed Shugerman, *An Apology to Tillman and Blackman*, TAKE CARE BLOG (Sept. 22, 2017), <https://takecareblog.com/blog/an-apology-to-tillman-and-blackman> (“I am writing separately from my co-authors on our amicus brief to offer my appreciation for the hard work by Tillman and Blackman to produce these experts’ reports, and I write to offer them an apology.”).

This risky work also may include completing a *supposedly* disfavored work such as a casebook or a treatise. Caveat: I've done both. Conventional wisdom is that such works aren't original enough, are too descriptive, too practical, too real, or even worse, simply done for commercial rather than intellectual reasons.

My reasons for saying yes to such projects are many. First, those whom I admire have authored such projects and hope not to see their seminal works fade. Second, I love the law—a simple nerdy truth. Third, I genuinely hope the books are of value to the field and those who toil in it.

#### 14. Cite all authors of jointly written work.

Proper citation may dictate deleting multiple authors after listing two.<sup>26</sup> This practice may cause little problem for later identifying the correct source accurately. The problem lies in the fact that the elimination of coauthors in the citation leads to undervaluing junior authors,<sup>27</sup> though their work may have been substantial. Junior authors are often more likely to be minority authors. They are more likely to be female. It is vital not to silence diverse voices and contributions given the already majority-dominant citation patterns.<sup>28</sup> I suggest, when possible, listing all coauthors rather than using *et al.*

#### 15. Write across many mediums.

It is true that some of the best writing will come from completely focusing your energies on only that work.<sup>29</sup> Enormous attention is

26. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 15.1(b), at 150 (Columbia Law Review Ass'n et al. eds., 20th ed. 2015) ("Either use the first author's name followed by 'ET AL.' or list all of the authors' names. The first method is appropriate where saving space is desired, including short form citations. The second method is appropriate when listing all of the authors' names is particularly relevant.")

27. Some books list authors alphabetically in which case citation conventions would cut authors who have last names falling towards the end of the alphabet; other books list authors with the most senior or famous first.

28. See, e.g., Minna J. Kotkin, *Of Authorship and Audacity: An Empirical Study of Gender Disparity and Privilege in the "Top Ten" Law Reviews*, 31 WOMEN'S RTS. L. REP. 385 (2010); Nancy Leong, *Discursive Disparities*, 8 FIU L. REV. 369 (2013). For a rigorous examination of significant gender gap showing top law school law reviews publishing male law students much more often than female law students, see Nancy Leong, *A Noteworthy Absence*, 59 J. LEGAL EDUC. 279, 279 (2009) (noting that "female law students at top-fifteen-ranked law schools have authored only 36 percent of all student notes published in their schools' general-interest law reviews"), and Jennifer C. Mullins & Nancy Leong, *The Persistent Gender Disparity in Student Note Publication*, 23 YALE J.L. & FEMINISM 385, 387 (2011) (analyzing of the "relationship between gender, law review membership, and student note authorship").

29. I also agree that there is real value in doing the hard labor of a deep-dive article. You have the time to research fully, develop your ideas, and truly consider challenges from readers of your draft. The work will reap scholarly dividends: "Writing a law review article forces you to conduct significant research, think deeply about a problem, and seriously engage with arguments on the

required to research thoroughly, write cogently, and edit ruthlessly. Find a way to accomplish the main goal of a high-quality, rigorous piece and then: Write in as many different mediums as you can. This includes op-eds, bar journal articles, white papers, blog posts, Facebook, and tweets. If balanced well, the main piece will benefit from the other writings and comments generated. It is likely that shorter, more electronic pieces will be widely read and will entice readers to find, digest, and cite the primary work.

A variety of writings should count. They should be judged on their merit and as a part of the whole of one's writing on the topic. Many professors across disciplines now view what counts as scholarship more broadly.<sup>30</sup> Despite evolution, however, old preferences may linger. Avoid reinforcing such norms as they are most often not on the merits. Instead, criticism of alternative mediums tends to be more about hierarchical preferences and elitism. If you have concerns about tone, address those directly rather than being dismissive of the entire enterprise. Beyond suggestions to improve the work, consider the merits of the work especially when viewed in light of the whole body and the additional audience reached.

Even as norms may develop with a broader conception, pace yourself. Don't post just to post. And, whenever possible, share a draft and deliberate before immediately posting.

#### 16. *Tweet: Yes, Twitter can be scholarly.*

Even before the Twitter gods granted us 280 characters, one could push out an SSRN link with an endorsement in under 140 characters. In under 280 characters, you can quote key phrases, praise the work, and question a point. You can do even more with a Twitter thread,<sup>31</sup> which garners much traction for readers.

Twitter helps to build broader scholarly communities. If Twitter disappeared, we would lose something quite meaningful. Other than reading print newspapers, Twitter alerts me to news and scholarship I must read. It brings a scholarly interconnectivity that is not present

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other side. . . . [W]riting a law review article makes you an expert about a particular issue." Carissa Byrne Hessick, *In Defense of Law Review Articles*, PRAWFSBLAWG (Apr. 9, 2018, 1:19 PM), <https://prawfsblawg.blogs.com/prawfsblawg/2018/04/in-defense-of-law-review-articles.html>. For more on the values of traditional law review articles, see *id.* (insisting that we do not "need to change our promotion and tenure standards to incentivize this behavior; the incentives are already quite strong. More importantly, a Slate article or an op ed in the Washington Post is no substitute for the time and effort required to write a law review article.").

30. Manya Whitaker, *Crafting a Convincing Book Proposal*, CHRON. HIGHER EDUC. (Mar. 6, 2018), <https://www.chronicle.com/article/Crafting-a-Convincing-Book/242741> ("Thankfully, what counts as scholarship has been expanding in recent years.").

31. A Twitter thread is a numerically linked string of tweets all attached to the original.

elsewhere. It builds bridges to compatriot scholars I would not have so quickly discovered. These scholars are within the law and in interdisciplinary fields. I have also had good fortune engaging scholars with whom I disagree. I'm pleased to say that the interactions have been cordial and productive.<sup>32</sup> It helps that law (and political science) professors tend to operate within industry norms even on Twitter most of the time. Though this is not always the case,<sup>33</sup> the benefits of enhanced scholarly engagement outweigh risks of unpleasant discourse.

### 17. *Share and share alike.*

I'm impressed with the boldness and freedom of certain scholars. They use open source for course books and care not to guard exclusive ownership of an idea. I have not yet made that critical break. I am a coauthor of casebooks.<sup>34</sup>

I recall the early days of SSRN in legal scholarship. In those early days, I wanted every professor on my faculty to post all of their prior and current works. Many resisted. Many professors still believe that you should not post until you are published or else another might steal your ideas. Then, at that point (once published), why bother?

I think the opposite: You should share and share alike. I prefer to own my copyright vis-à-vis the journal, but that's because we live in an ownership model. They are my words and thoughts, and I'd like to decide on reprinting and further dissemination of the work. And, my answer is yes.<sup>35</sup> You do not own the whole territory of the topic. Share drafts, post

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32. This was not true for my political tweets. Dangerous I know, but I stand by my political tweets. I tweeted all of the most recent Democratic and Republican National Conventions. My commentary garnered trolls who at best replied with a rebuke and at worst with a sexualized insult. I like to think maybe they were bots after all. See, e.g., Chris Baraniuk, *How Twitter Bots Help Fuel Political Feuds*, SCI. AM. (Mar. 27, 2018), <https://www.scientificamerican.com/article/how-twitter-bots-help-fuel-political-feuds/>. But, I took the risk by my exposure, and the broader Twitter community of discourse is still developing norms within the marketplace.

33. Despite law Twitter norms, colleagues have garnered unwarranted, often gendered abuse on Twitter. See, e.g., Lee Mannion, *Twitter Failing Women as Online Abuse Flourishes, Says Amnesty*, REUTERS (Mar. 20, 2018, 7:13 PM), <https://www.reuters.com/article/us-usa-twitter-rights/twitter-failing-women-as-online-abuse-flourishes-says-amnesty-idUSKBN1GX00Z> (recounting sexualized threats and abuse levied against women on Twitter, which sometimes results in silencing women's voices). I think the larger community must do more to call out that unacceptable behavior so that we can continue to develop meaningful norms of discourse that protect minority voices—minority by traits or viewpoint.

34. I lament the high price tags, but shouldn't the publishers bear some of the blame given the ever-rising price? For my own part, I cannot afford to do the work for free. In any event, the royalty check often reflects a negative for all the returned books. Market forces will no doubt cause further evolution until we reach a new balance.

35. I've even said yes to translations of my work, though I've later encountered real reasons to think before you leap. Skeptics are concerned that the translation may take you beyond your intent, and you won't know if you don't speak the language. I remain an optimist. Skeptics say, "Don't be tempted by the fame." Fame was not my motivation, though I joke that I am huge in far-off

drafts, and read the drafts of others. Cite each other and push against one another. I think back to early works where the trend was to hold on to your work so long that it was common for two people to publish on a similar topic without having known the other was similarly writing.<sup>36</sup> I let friends, Twitter, and the blogosphere know that I'm writing on a given topic. My rationale is that they might alert me to other work I should be reading or to other scholars working on similar projects.<sup>37</sup> Plus, why work in more isolation than necessary?<sup>38</sup>

The only real question is whether it's too soon to put your work out there. Pretenure, you may wish to have your work more refined before posting. Regardless of when you opt to post, it's wise to have an outside reader you trust before you post. I prefer to have at least two readers: one for substantive strength and coherence, and the other for sheer errors. You don't want readers distracted by typos such that they undervalue your substantive contribution. For me it's less about when is the right moment and more about making the time to do it. If you're submitting the article, then definitely make the time to post it by or ideally before then. Journal editors look to SSRN downloads too. Again, the merit ought to matter most. But with heightened access to information and unlimited submissions, readers seek proxies and curators to help guide them to the best works the fastest. So, share and share alike!

#### *18. Embrace student journal editors.*

Many writers extol the benefits of manuscript editors and editors of peer-reviewed journals.<sup>39</sup> Rightly so in many instances, though major publishers are increasingly demanding virtually camera-ready works. This means that traditional, careful copy-editing work may not occur even in professional publications. If you choose to publish with student-

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countries. My motivation is to share the learning. It is worth it to me if there is one reader who might learn something from reading my translated work.

36. See, e.g., Amanda Frost, *Keeping Up Appearances: A Process-Oriented Approach to Judicial Recusal*, 53 KAN. L. REV. 531 (2005) (criticizing Justice Scalia's decision not to recuse himself from a case in which Vice President Dick Cheney was a party despite having vacationed together shortly after the Court agreed to hear the case, and arguing for a more formal recusal procedure for the justices); Caprice L. Roberts, *The Fox Guarding the Henhouse?: Recusal and the Procedural Void in the Court of Last Resort*, 57 RUTGERS L. REV. 107 (2004) (same).

37. My mentioning an interest in writing about data breach remedies led to a scholar in another area sharing a draft data set about all pending causes of action. Thanks, Professor Charlotte Tschider.

38. You must gauge your own needs, but I work better in dialogue, and I thrive on interaction. If you are an introvert, you may prefer to receive listserv and scholarly commons updates at your own pace for you to download, read quietly when you wish, and only interact when you find that useful.

39. See, e.g., Barry Friedman, *Fixing Law Reviews*, 67 DUKE L.J. 1297 (2018) (detailing the flaws of the existing student-run journal system and suggesting robust reform including blind submission and peer review).

run law review journals, embrace and respect the editors of your work.

I am not advocating that you must add every single footnote a student editor suggests. Do they take the norms too far? Sometimes, but what do you expect; they are another critical cog in the hierarchical wheel. We've trained them well on the import of their work and attention to accuracy and details.

So, every footnote? No. Every deleted I, contraction, or sentence-starter, "But"? No. But I am saying that you should consider the good faith of their request and realize the countless, largely thankless hours they have spent checking and fixing the accuracy of your work. For some authors, student editors are wholly responsible for Bluebooking the citations. Even if you pride yourself on Bluebooking and accuracy, student editors will read the work to seek to improve it. They have a vested interest in bringing your vision to the best light possible. I have also experienced extremely thoughtful, substantive suggestions by journal editors. We continue to have opportunities to be role models for them and to empower their good deeds.

19. *Data is useful and addictive but not everything.*

Plenty of SSRN downloads will make you the envy of your cohorts<sup>40</sup>—they'll even wonder whether you've paid for bots. The "download it while it's hot" and "highly recommended" endorsements of the Solum legal theory blog are coveted moments in the life of aspiring legal scholars.<sup>41</sup> A high number of citations,<sup>42</sup> citations in the highest-ranking journals,<sup>43</sup> citations by the highest courts—all are meaningful,

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40. Yes, Judd, I'm looking at you and your amazing number of downloads: 13,942 total and 8890 for one groundbreaking work. Miriam A. Cherry & Judd F. Sneirson, *Beyond Profit: Rethinking Corporate Social Responsibility and Greenwashing After the BP Oil Disaster*, 85 TUL. L. REV. 983 (2011), available for more downloads at <https://ssrn.com/abstract=1670149> (last visited Jan. 6, 2019).

41. See generally Lawrence Solum, LEGAL THEORY BLOG, <http://lsolum.typepad.com/legaltheory/>.

42. Brian Leiter, *Ten Most-Cited Law Faculty in the United States, 2010–2014*, BRIAN LEITER'S L. SCH. REP. (May 18, 2016), <http://leiterlawschool.typepad.com/leiter/2016/05/ten-most-cited-law-faculty-in-the-united-states-2010-2014.html>. Beware, however, that such statistics generally disfavor minority scholars. Professor Leong points out the disparity evident in Professor Leiter's ranking: "All eleven are men, and to the best of my knowledge, 10/11 are white." Nancy Leong, *Why Are (Almost All of) the Most-Cited Legal Academics White Men?*, FEMINIST L. PROFESSORS BLOG (June 13, 2014), <http://www.feministlawprofessors.com/2014/06/almost-all-cited-legal-academics-white-men/>. For a slightly more inclusive look, see Brian Leiter, *Top Ten Law Faculty (By Area) in Scholarly Impact, 2009–2013*, BRIAN LEITER'S L. SCH. RANKINGS (June 11, 2014), [http://www.leiterrankings.com/faculty/2014\\_scholarlyimpact.shtml](http://www.leiterrankings.com/faculty/2014_scholarlyimpact.shtml).

43. Roger Williams University School of Law professors conducted a series of studies to show "faculty productivity" of law professors at "non-elite law schools" (law schools then ranked not in the top 50) by measuring per capita faculty productivity in "Top Journals." See, e.g., Roger Williams Univ. Sch. of Law, *Faculty Productivity Study (2011)*, [http://docs.rwu.edu/law\\_fac\\_prod/1](http://docs.rwu.edu/law_fac_prod/1); see also Brian Leiter, *Roger Williams Law School Updates*

but not the end all be all. For some of these, you've simply won the lottery with a well-timed, well-titled work. Some data may verify the force of the work, but simple citation<sup>44</sup> does not equate to endorsement, or even evaluation, of the merits. To the extent we are collecting citations, it would be helpful to know which cites are engaging the work textually, parenthetically, or otherwise.

Data tells us something, but not everything. The lack of data tells us very little. Studies show that women and other minorities are cited at much lower rates than men.<sup>45</sup> It is also harder to be cited from lower-ranked institutions and lower-ranked journals. A system that tenures, promotes, and rewards purely on citation metrics runs the danger of exacerbating systemic unfairness or even discrimination.<sup>46</sup>

### 20. Embrace electronic platforms.

The modern scholar must welcome new electronic platforms. This

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*and Expands Its Study of Scholarly Productivity*, BRIAN LEITER'S L. SCH. REP. (Sept. 10, 2008), <https://leiterlawschool.typepad.com/leiter/2008/09/roger-williams.html>. As Associate Dean of Research, I had the responsibility to complete an early iteration of a data request for the first Roger Williams study published in 2007. Our faculty expressed grave doubts about the nature of every category. The study excluded scholarship not published in highly ranked journals, yet the study's title was faculty productivity. Some faculty were surprised to learn their scholarship didn't count; some professors were surprised to learn that they didn't count as faculty at all. Despite agreeing with all of the criticisms, I confess that, at the time, I experienced some pride in having articles that "counted" due to their publication in the chosen journals. Therein lies the problem with a system built on hierarchical achievement. What is clear from all of this: citation counts should not be the sole metric of productivity. See, e.g., Jeffrey L. Harrison & Amy R. Mashburn, *Citations, Justifications, and the Troubled State of Legal Scholarship: An Empirical Study*, 3 TEX. A&M L. REV. 45 (2015) (showing empirically the flawed nature of pure citation counts and encouraging continued investment in legal scholarship with shifted priorities, including making writings more meaningful to wider audiences); Carissa Byrne Hessick, *Measuring the Impact of Faculty Scholarship*, PRAWFSBLAWG (Apr. 16, 2015, 6:06 PM), <http://prawfsblawg.blogs.com/prawfsblawg/2015/04/measuring-the-impact-of-faculty-scholarship.html> (acknowledging the flawed nature of quantifying the impact of legal scholarship, but, if law schools continue to measure impact, advocating broader citation metrics).

44. By simple citation, I mean the cite is generic in tone, without a parenthetical, or interpretation.

45. See Lawprofblawg & Darren Bush, *LAW REVIEWS, CITATION COUNTS, and TWITTER (Oh my!): Behind the Curtains of the Law Professor's Search for Meaning*, 50 LOY. U. CHI. L.J. 327, 340–43 (2018) (discussing studies indicating women and people of color are cited far less by their white male colleagues in a number of academic fields); Richard Delgado, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*, 132 U. PA. L. REV. 561, 561–63 (1984) (noting that at the time, the twenty or so most cited works on civil rights were authored by white men despite a considerable number of African American, Hispanic, and Native American scholars in the field).

46. See, e.g., Anthony Michael Kreis, *Picking Spinach*, 50 LOY. U. CHI. L.J. 395, 398–400 (2018); Olufunmilayo B. Arewa, Andrew P. Morriss & William D. Henderson, *Enduring Hierarchies in American Legal Education*, 89 IND. L.J. 941, 1010 (2014). For an exploration of the use of citation measures, see Bernard S. Black & Paul L. Caron, *Ranking Law Schools: Using SSRN to Measure Scholarly Performance*, 81 IND. L.J. 83 (2006).

position will be a surprise to some of my colleagues and journal mentees. I wholeheartedly believe in the import of books, libraries, and print journals. That said, the ease of dissemination coupled with the environmental upsides weigh in favor of electronic formats. I'm not prepared to yield on paper just yet, but I firmly advocate loading drafts and final published papers to SSRN and law school or scholarly commons websites. I don't think we are at the moment to jettison paper for electronic publishing, but many readers want both. Also, I support online journals that supplement rather than replace their institution's law review.<sup>47</sup> Online supplemental versions of the attendant journal are making important contributions to the overall dialogue by enticing readers with shorter treatments and providing faster reviews.

*21. But don't give up on paper reprints just yet.*

Many law professors are not active on social media. They miss out on all the frenzy of activity from blog or Twitter mentions. They might download an article from SSRN every once in a while, but little will beat sending them a reprint with a nice note. Plenty of scholars will say they don't need the paper anymore. For them, don't send it. For others, even some tech savvy professors enjoy having a shiny reprint in hand, and I, for one, am sure to read it.

CONCLUSION

*"Let's continue to enrich our academic life with conversations about the content of our research, the connections of our scholarship to teaching and service, and the reach we hope to achieve as we continue to reflect on why we write."<sup>48</sup>*

Truly ask yourself why you write. Consider each goal and assess which goals are most important. Most important includes your individual passions and your career aspirations. Surround yourself with networks of critiques and supporters. Seek and accept opportunities to share and present works in progress. Regional and specialty forums<sup>49</sup> are a perfect way to receive early feedback before you take your show on the wider scholarly road. Then develop strategies to achieve a progression of your voice, your research, and your ultimate body of work that not only makes you proud, but also reaches your desired audience.

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47. Using the rise of electronic fora as a way to force cost-cutting and save time by eliminating the mainline journal is mistaken. Elegant formatting and editing still take time and money.

48. Caprice L. Roberts, *SEALS Advancing Scholarship*, 86 UMKC L. REV. 583, 591 (2018) (sharing the scholarly history and goals of the Southeastern Association of Law Professors).

49. For example, many conferences such as the Mid-Atlantic People of Color, SEALS, IP, Remedies, and Fed Courts welcome newcomers and provide ideal environments for you to advance your work.