

Entering the Law Teaching Market



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CHAPTER 1

THE LAY OF THE LAND

A. Introduction

The work of a law professor combines research, writing, and teaching, infused with a strong dose of autonomy. For those in clinical teaching it adds the rewards of direct client services. This combination creates a highly appealing mix for many people, including many YLS graduates. In fact, YLS graduates represent a meaningful percentage of all law faculty. This means that YLS alumni are law professors in every conceivable subject at institutions in every area of the globe. In our surveys of our alumni, law professors consistently report a high degree of satisfaction in their work. Yet law teaching is not for everyone. In this guide we will try to help you evaluate whether this world fits you, explain the law teaching market, and provide some concrete advice on how to enter it.

B. The Downturn in Law Faculty Hiring

Recent years have seen a marked downturn in the number of people taking the LSAT, the number of people applying for admission to law school, and, most importantly, the number of people entering law school. At the moment, the extent to which this contraction is a cyclical shock, rather than a structural and permanent one, remains unclear. (This year there was a significant uptick in the number of students taking the LSAT and applying to law school.) Nevertheless, in response to declining applicant numbers, some law schools have downsized their enrollment and their faculty hiring. What is clear is that law schools have made substantially fewer tenure-track hires over the past three years. While many Yale graduates continue to secure very attractive academic jobs, some require more than one year on the market to do so, while others have been unable to secure a position. There continues to be uncertainty about the amount of market-wide hiring that will take place in the coming years, as well as the focus of that hiring. The continuing instability in the market also suggests that candidates would be well-advised to undertake considerable due diligence before accepting offers from schools that may be in precarious financial conditions.

C. Types of Academic Positions

Most applicants in the teaching market are aiming for tenure-track positions in classrooms or clinics, where they hope to progress from assistant professor to associate professor and, finally, to full professor. However, there are different types of teaching positions in law schools that vary in permanence, salary, voting status, and other issues. In addition to tenure-track teaching, three common types of positions that may be available to an entering law teacher are visitors, adjuncts, and legal research and writing instructors.

1. Visitors

Traditionally, a visiting professor is a tenured or tenure-track professor from one institution who is hired to spend a semester or a year at another law school. The post may be used to fill a temporary need, cover a sabbatical, or explore whether this visitor may make a good permanent hire (popularly known as a “look-see” visit). Recently an increasing number of schools have created “visiting assistant professor” (VAP) programs for those not currently on a law faculty. See below for more information on VAP positions.

2. Adjuncts

Law schools hire adjunct professors to teach specific courses for a semester, with no promise of future or full-time employment. An adjunct teaching position can be valuable to help you determine whether or not you actually enjoy getting up in front of students and teaching. Adjunct work also may provide access to a good academic law library and contacts in legal academia who could assist in your publication efforts and serve as mentors and recommenders.

If you are assessing whether being an adjunct teacher will help you in your goal to obtain a tenure-track professor position, keep in mind that law schools are very focused on scholarship and publications. If the adjunct work allows you to focus on publishing, gain faculty input into your writing, and develop a cadre of supporters in academia, it will serve you well. If it instead prevents you from publishing due to the time spent in classroom preparation, or provides very little opportunity to become involved in faculty academic life, you should weigh these factors heavily. New teachers often spend five or more hours for every “contact” hour teaching – and so teaching a course for the first time often interferes with producing scholarship.

An additional potential disadvantage of adjunct teaching is that these positions are highly remunerated. Normally, adjuncts receive only a few thousand dollars per course, without other benefits of employment.

3. Legal Research and Writing Instructors

Most law schools employ legal research and writing instructors. These individuals typically teach first-year classes on research and writing, and may have additional duties in this area. According to a recent survey conducted by the Legal Writing Institute, 45% of legal writing programs in U.S. law schools have full-time non-tenure-track teachers, 36% use a hybrid staffing model, 5% use adjuncts, and 6% have tenured or tenure-track teachers hired specifically to teach legal writing.¹ The use of term employment contracts is quite common. Salaries are reported as averaging \$119,601 for legal writing program directors, with significant regional and school variance. Legal research and writing instructor salaries, excluding directors, are considerably lower, averaging about \$83,188.²

Often candidates who are primarily interested in academic teaching wonder whether a legal research and writing position will be a helpful entrée into the field. Many of the cautions stated in the above adjunct section continue to apply. There are benefits to such positions: you gain a valuable skill in reviewing student writing; you demonstrate your interest in academia; you may gain access to great library and online resources; and you might have a chance to develop relationships with faculty mentors. There are concerns to weigh as well. Appointments committees seek candidates who want to be academic professors; research and writing instruction is quite different. In addition, you may be so busy with your new, demanding job that you have no time for your own research and writing. Finally, legal research and writing instructors may not be well-integrated into the faculty, thus impeding your ability to develop faculty mentors. Carefully evaluate the specific situation and your personal goals to see whether this type of position is for you.

¹ The Legal Writing Institute [website](#) has the survey results for the last few years, as well as other helpful information for potential legal research and writing instructors such as a syllabus bank and job postings. The staffing model summary and table can be found at page 5 of the [2015 Survey](#).

² See p. xvi of the [2015 survey](#).

4. Academic Fellowships and Yale Law School's PhD in Law Program

Academic fellowships provide an opportunity to spend one or two years at a law school in an academic position for those interested in a career in law teaching. These positions were almost unheard of ten or fifteen years ago, but they are proliferating. They can be roughly placed in five categories.

Research and Writing Only

Some fellowships provide a pure research and writing experience for individuals interested in preparing for entry into the law teaching market. Some schools offer an informal, unpaid version of this research opportunity, often called a “visiting scholar” or “visiting researcher.” The relationship may have a formal path, but it is not uncommon to see these visits arranged more informally. Visiting scholars are usually provided with library privileges, have access to workshops and academic events at a law school, and can sit in on classes with a professor's permission. In some cases, a visiting scholar must pay a fee (considerably less than normal tuition), and typically prospective visiting scholar candidates must submit research proposals to individual professors or to committees. No financial support is provided.

Teaching/VAP Fellowships

An increasing number of schools are offering Visiting Assistant Professor (VAP) positions, or academic fellowships that offer an equivalent experience, which provide emerging scholars a year or two to develop their teaching and scholarship with fewer institutional demands than those of an entering tenure-track assistant professor. VAPs generally teach one or two upper-level courses in their substantive interest areas, fewer than a tenure-track faculty member. Teaching/VAP Fellowships often pay a salary that is roughly the same as an entry-level faculty position, though there is considerable variation. In addition, VAPs often have an opportunity to participate in faculty workshops and other activities as they develop their scholarship. Schools from Brooklyn to Duke to Northwestern to Berkeley – and many others – offer this type of program.

Teaching Legal Research and Writing

A third type of academic fellowship requires fellows to undertake a significant role in teaching legal research and writing at the law school. The University of Chicago Law School's Bigelow Fellows program offers a good example. Bigelow Fellows are appointed for one year with a possible one-year renewal. They are required to teach a first-year legal writing section, and are encouraged to pursue scholarly research and to participate in the University of Chicago academic community. A legal writing fellowship can be useful if it is structured to give you time and opportunities to interact with faculty and to pursue your own scholarly projects. As noted previously in the description of permanent legal writing instructor positions, if you are simply trading one time-consuming job for another, the benefits of a law school environment may not be worth it, depending upon your short- and long-term goals.

Clinical Teaching Fellowships

A fourth type of fellowship is geared toward careers in clinical teaching. For example, the two-year Robert M. Cover Fellowship at Yale Law School helps to train experienced lawyers as clinical law teachers by offering fellows the opportunity to supervise students in a clinic, formulate scholarly research and publishable work, and develop strong mentoring relationships with clinical faculty. Georgetown Law Center offers over a dozen fellowships in conjunction with its clinics and policy centers, for example, from Appellate Litigation to Women's Law & Public Policy to Street Law. Some even are available to entry-level lawyers.

Specialized Teaching Fellowships

Finally, there are fellowships that are geared toward a specialized area of law teaching. For example, NYU School of Law offers the Golieb Fellowship in legal history to individuals with a JD and a PhD in History (or one that is almost complete) in order to provide individuals with a forum to pursue their scholarly agendas.

An academic fellowship should be carefully evaluated to see if it meets your goals. For example, if there are teaching requirements, is the teaching load so great that it will make scholarship difficult? Does the fellowship have a good track record for placing its fellows in great teaching jobs? Is there institutional support for the fellows when they go on the market? Are the fellows integrated into the faculty? Will faculty guide your scholarship, moot your job talk and interview, and call appointment committees? How long is the fellowship? Since the AALS process begins in early August, a full year before a tenure-track teaching job would commence, a one-year fellowship will most likely not begin until after you have already entered your CV and recommenders into the AALS system. Therefore a two-year fellowship, in which the fellow develops scholarship, experience, and mentors during the first year and pursues the AALS market during the second, provides some logistical advantages.

Appendix B provides a list of academic fellowships at several highly ranked law schools. In addition, PSJD includes academic fellowships in its database. To find information on academic fellowships from the PSJD search screen, choose *Job Postings* in the advanced search option, then select the boxes under *Post-Graduate Fellowships* under *Job Type*, and *Education* under *Practice Area*. Also check the Taxprof Blog for listings of fellowships for aspiring law professors.

Yale Law School's PhD in Law Program

Another pathway you might consider is Yale Law School's PhD in Law program. The first of its kind in the United States, the PhD program enables students to enroll in specialized graduate seminars, and prepare dissertations (typically in the form of three related law review essays) under the guidance of a three-member faculty committee. PhD students participate in Yale Law School faculty workshops and seminars, and receive training and experience in teaching. They are also provided with a tuition waiver, a living stipend, health insurance and full access to and participation in the intellectual life of Yale Law School and Yale University. The PhD program aims to enhance students' professional and intellectual development, and to prepare them for an increasingly competitive law teaching job market.

D. Clinical Teaching

If you want to enjoy mixing theory and practice in your daily life, and want to have an opportunity to influence and train law students, clinical teaching may be a perfect career for you. Not only would you get to be a pretty well-paid public interest lawyer, but you would have a high degree of freedom in selecting your cases and clients. But those considering a career in clinical teaching should be aware of the similarities to, and differences from, "academic" law teaching.

Although it used to be quite common for clinical faculty to be treated differently than academic faculty with respect to job security, governance, salary, leaves, and research support, in many U.S. law schools such status and salary distinctions are being eliminated. In these schools, clinical faculty may enjoy full tenure, including voting rights, and are expected to spend significant time producing published scholarship. Indeed, at many law schools clinical faculty broaden their teaching to include podium, or "regular," courses. At other law schools, however, clinicians are still not accorded the same privileges as academic faculty.

As to the job itself, clinical teaching is a much less isolated enterprise than traditional academic teaching because the clinician works collaboratively with clients, students, and (usually) clinical colleagues. Clinical teaching is also different in terms of classroom preparation and activities. For example, although a clinician still needs to develop teaching materials and a syllabus, since there is now almost always a classroom component to a law school clinical course, the clinical cases themselves will present an important part of the course. In addition, most law school clinics include simulated skills exercises as part of the classroom component, so the clinician will be called upon to design interviewing, negotiating, counseling, or other scripts as part of the teaching materials.

The qualifications for the job of clinical professor are also a bit different. First, even at law schools with a fully integrated faculty, those who do some clinical teaching need to be experienced lawyers. Thus, their career paths necessarily include significant practice (generally at least three or more years). Although clinical teachers don't need to develop a narrow practice specialty, it certainly helps to have experience in the field(s) of practice in which the target schools already have, or plan to start, clinics. This is typically in public interest/poverty law areas, but more clinics are being established in other fields such as small business assistance estate planning, so a broader range of experience may be relevant for these positions.

As with academic teaching, fellowships have also become increasingly common entry routes into clinical teaching. Many law schools now offer degree or non-degree clinical fellowships, specifically designed to help lawyers make the transition from practice to clinical teaching. Lawyers typically apply to start these fellowships one to three (or more—sometimes many more) years after graduation from law school.

A great resource for would-be clinicians is the [Clinical Legal Education Association](#) website, which includes informative articles, resources, jobs, and a clinician locator. These resources can help connect candidates with potential future colleagues who can provide a wealth of information.

E. The Market

Two basic points to note about the entry-level teaching market are that it is fairly well organized through the Association of American Law Schools (AALS) and that it starts surprisingly early. The annual AALS Faculty Recruitment Conference (the AALS Conference) is discussed in more detail in Chapter 3, but bear in mind as you are thinking about your application materials and references that you will be submitting them over a year before you would actually begin teaching. It is possible to conduct a more limited search outside of the AALS process by utilizing contacts or sending your application materials to targeted schools, but, for most applicants, the AALS process will provide advantages that are worth the registration fee. Almost all schools participate, evidence of interest from multiple schools seems to motivate law school employers, and AALS candidates are assumed to be fairly serious about undertaking a career in law teaching.

Particularly in light of the current market uncertainties, you should not assume from the strong representation of YLS alumni in academia that it is easy for anyone with a Yale degree to get a teaching job, or that you will necessarily receive offers from the schools at the top of your desired list. Although YLS provides an excellent foundation from which to move into law teaching, and certainly its faculty's scholarly impact has been ranked at the top of ABA-accredited law schools,³ many lawyers are attracted to law teaching, and the competition is keen, especially for jobs at the most attractive schools and in geographically desirable locations. Although the success rate of YLS alumni is considerably higher than that of general candidates, if you really want to teach law, you should be open to talking to a variety of law schools, even if you are not familiar with them. There are opportunities for satisfying research and teaching at many schools. If you have geographic preferences for particular schools, you can often enhance your chances at those schools by generating interest at other peer institutions.

It is best if you can find an entry-level job where you would be happy teaching long-term. But whether or not you land a job offer from your ideal school, you should know that productive scholars often have opportunities to move subsequently to other (often higher-ranked) schools, as there is a fair amount of lateral mobility in law teaching. Law schools will also sometimes make look-over visiting offers, especially to professors who have produced high-quality publications.

Many potential candidates ask if they are “ready” to go on the market, or if they should wait an additional year. The answer is based on candidates' credentials, publications, recommenders, areas of interest,

³ Professor Gregory C. Sisk of the University of St. Thomas Law School has led a [study](#) compiling statistics on the scholarly impact of faculties among the top-third of ABA-accredited law school. Yale is typically ranked first, as it was in 2016.

interview skills, geographic restrictions, what they would accomplish in the additional year, and their tolerance for rejection. Your YLS recommenders should be able to give you a better sense of whether you are ready and even at what type of school you are likely to place. If you are concerned about your reception in the market, discuss it with your recommenders, get in touch with the [Law Teaching Committee](#), and examine other resources to reach a decision that is right for you.

F. Salary

As you might expect, there is enormous variation in law teaching salaries, depending on type of school (public or private), geographical location, level of the professor's experience and qualifications, and wealth of the school. A private, heavily endowed, top-ranked school in an expensive urban area will probably pay significantly more than a not-so-well-ranked state school in a cash-strapped rural state. The picture is made more complex by the frequent exceptions to the rule. The good news is that law professors are commonly among the highest paid professors.⁴

The Society of American Law Teachers annually surveys law schools for median salaries (found at the Society's [website](#)). According to the survey, there is quite a range. Entry-level law professors are typically hired as assistant professors, and move through the ranks to associate professor and full professor. As reported in a recent SALT salary survey, the range of median base salaries for assistant professors is approximately \$72,100 to \$138,108. Associate professor (pre-tenure) median salaries range from \$87,718 to \$152,220. For tenured professors, the median range is \$102,622 to \$198,519. While demonstrating the large differences in professor salaries, the SALT survey is hampered by incomplete data; over half of law school deans did not participate in it. A recent study by the College and University Professional Association for Human Resources states that law professors are the highest paid, with full professors averaging \$145,732, associate professors earning \$109,109, and new assistant professors earning \$90,429.

CHAPTER 2

QUALIFICATIONS FOR THE JOB

A. Clerkships and Law School Credentials

Clerkships and journal work are taken as evidence of an interest in scholarly pursuits, but they are by no means the only ways to show such an interest. Typically, the three most important factors in hiring decisions are publications, strong faculty recommendations, and well-demonstrated academic and scholarly interests.

Clerkship and law journal experiences are pluses, but generally not so much as they once were. A clerkship with the U.S. Supreme Court is a big plus (especially in getting initial interviews), but even that will not guarantee job offers. As for journal experience, most appointments committees do not value membership or editorial positions so much as they value actual publication while on a journal. Equally important, the lack of journal or clerkship experience is not viewed as a negative. It just reinforces the importance of the rest of the package (publications, strong references, etc.).

Law school is a great time to find what interests you in the law and to see how much you enjoy legal research and writing. There may never be a better time to produce publishable work. During your studies, all the resources of the law school are at your disposal; you can test ideas on engaging colleagues, and

⁴ See, e.g., the full report "2018 Faculty in Higher Education Salary Report" on the College and University Professional Association for Human Resources (CUPA-HR) [website](#).

you have a relatively high degree of control over your time. In addition, you can observe and get to know the kind of scholars and thinkers you want to work with someday—law professors.

You need not target specific classes, but consider opportunities that will permit you to hone your analytical and writing skills. Seminars and directed research are easy examples. Working as a research or teaching assistant for a professor can offer you a different perspective on law teaching, give you research or teaching experience, and provide the opportunity to develop a strong relationship with a faculty mentor and recommender. Developing relationships with potential recommenders is important—not only because the relationship can provide the basis for a more informed recommendation, but because the recommender can also be an important source of advice. You might even consider sending professors unsolicited comments on unpublished working papers in your fields of interest—as a natural way to display your analytics.

Class selection may be somewhat more important if you want to pursue clinical teaching. An array of progressively more responsible clinical experiences in law school is helpful. Even limited clinical experience can be offset with relevant practice experience, however.

Although law school can help you determine if law teaching is the right field for you and help you to develop credentials, many YLS graduates do not decide to pursue teaching opportunities until several years after they leave. Sometimes it takes a while for interests to gel. It might take a little more effort, but it's certainly feasible to produce publishable work and make or renew connections with professors after you are working.

B. Publications

Publications, and your demonstrated writing and research abilities, are probably the single most important factor in securing an entry-level job. Remember, the primary goal of the hiring process is to find people who are going to be productive scholars throughout their academic careers. Anything on your CV that indicates a talent and affinity for producing legal scholarship is a plus, and nothing is more powerful than demonstrated writing ability. You should challenge yourself to create a portfolio of circulable drafts and/or publications that demonstrate your ability to craft and support worthwhile claims. It is important to have at least one published piece; most YLS graduates have two or more pieces published or accepted for publication at the time they go on the market. The key is to have a portfolio of writing that you can circulate to hiring committees. If you don't have at least one publication and some circulable drafts, you should seriously consider postponing your application for a year and use the intervening time to complete and submit more writing.

1. Writing Your Article

For the uninitiated, writing a law review article may seem like a daunting task. You can make this task more manageable by looking to your law school papers, such as the SAW or Substantial, to improve into a submission. If you have been practicing several years, take a long look at the issues you have identified through practice and the research and writing you have done already. This may present not only the idea for your work, but a jump start on the research and writing. Many would-be applicants overlook the option of publishing a book review. It is a somewhat easier writing project, it "counts" as a publication, and, if done well, it can reflect a good deal of fluency and analysis in a particular subject area.

Academic Legal Writing by Eugene Volokh contains some good nuts and bolts advice for a novice and is available in the CDO library and through Amazon.com. Other articles on legal writing by Professor Volokh can be found at [here](#) under *Areas of Research Interest/Writing*.

Law review articles normally should not be longer than 25,000 words. (Some reviews will not publish longer articles.) The traditional range for articles is 19,000 to 24,000 words. Essays are shorter (say, 10,000 to 15,000 words). Primarily, writing your first law review article takes discipline. It is never easy to create the time necessary to produce a piece of legal scholarship, whether you are still in law school or currently in legal employment, yet it must be done. Apart from snagging an academic fellowship (discussed previously), the initial article is a work add-on and not for the faint of heart.

2. Timing

Because student-run journals follow an academic calendar and change editorial staffs every year, there are times when they are not reviewing submissions. At some point, of course, the volume fills up and no more articles will be accepted until the new editorial board takes over. In addition, submissions tend to pile up unread during exam periods. There is a general consensus that two windows of opportunity for submissions exist. The first is February-April, when most new journal staffs have taken over. The second is August-September, when full journal staffs return for the fall semester. Some would add a third window in May, when student editors have finished exams and are deciding what to read before and during their summer jobs. In any event, one safe bet is that if you submit your article after September, you are likely to find that journals are full. You would probably be better off holding it until February.

3. Choosing Where to Send Your Article

It is common to send an article to dozens of journals and to include a mixture of general interest journals and specialty journals which might be attracted to your topic. Authors generally compile their lists based on the reputation of the school and the reputation of the journal. Aside from the school rankings in *U.S. News & World Report*, there are a number of different rankings of journals as well as schools. The best known is the [Washington & Lee University Law School law journal rankings](#). The searchable database includes contact and submission information for each journal, as well as a ranking.

Talking to current professors about the list they use for submissions can be useful. Junior faculty tend to be more attentive to this question than senior faculty and therefore may be more helpful. It can be particularly helpful to talk to scholars in the field of your article — whether they are your recommenders, your classmates, or others you have met professionally — to learn which specialty journals in that field are particularly well-regarded.

Avoid the tendency to set the bar too high for your first piece, however. Publication in an outside journal is a significant accomplishment for a student or practitioner, considering the strong bias in favor of law professors found at many journals. For now, your first priority is simply getting your article published; you can worry about breaking into the “top 20” later.

4. Sending Your Article

Initially, you would submit your article to dozens of journals concurrently. This was traditionally done in an avalanche of fat submission envelopes but is now conducted via the internet. [ExpressO](#) is an online manuscript delivery service. The service delivers your cover letter, CV, and manuscript electronically to your selected law reviews for \$3.10 per review. The site also offers information on submission policies, delivery tracking, updates on when law review volumes are full and no longer accepting submissions, automated expedited requests, and easy online withdrawal of your publication request.⁵

⁵ The YLS Library assists students in publishing their work in law reviews by providing the ExpressO manuscript delivery service to all students under the law school account with its provider, BePress. Unfortunately, this free YLS Library service is not currently available to alumni. Students should contact [Fred Shapiro](#) for more complete information on this service.

You can also submit your article on your own. All journals offer submission information on their websites. As with journal rankings, there are a variety of online collections of submission information, starting with the Washington & Lee database mentioned above. In addition, a team of law professors produces a handy table of submission information on over 200 general-interest journals, updated annually since 2009: Rostron, Allen and Levit, Nancy, *Information for Submitting Articles to Law Reviews & Journals* (January 2018).

5. Picking a Journal

You will hopefully find yourself with an offer from a journal. Although you can immediately accept if you're happy with the journal, it is common for authors to negotiate a reasonably long response period, often two weeks, and then contact journals that are higher on their preference list. If you decide to employ this practice, known as "shopping up," you telephone or email (or use the ExpressO automated service) the journals higher on your preference list promptly to let them know that you have an offer from another journal and you'd like to request expedited review of your article. You should ask for an answer a few days before your response deadline. Shopping up sometimes results in additional offers since some staffs get so bogged down with submissions, they do not look at an article until they get an expedited review request. You might also contact journals of comparable or even slightly lower preference, because a comparable offer of publication will give the better journals more time to consider your article.

If you are choosing among multiple offers, issues to consider include the reputation of the journal generally and in your field, your sense of how easy it will be to work with the editorial staff, the target issue for your article, and the likelihood that the journal will meet its publication schedule. If you especially want the article in print before the AALS Conference, for example, you might accept the journal that promised your article would be published in the September issue, if you were reasonably certain that that journal's staff were putting the issues out on time. You can figure out if they are already behind schedule by asking which issue they are currently working on.

C. Teaching Experience

Teaching experiences can be found in the academic fellowships, adjunct work, and visits discussed in Chapter 1, or in the more informal law school experiences of having served as a research or teaching assistant to a professor, or having taught in other arenas. Teaching experience is not required for pursuing work in law teaching; make no mistake, the focus is on research and writing. The downside to many temporary teaching opportunities is that class preparation can impede your primary task (creating a portfolio of circulable writing). The credential of having been an adjunct professor does not normally help to secure a tenure-track job. But teaching can be helpful. If you're anxious about whether you will be able to speak in front of a classroom full of students, temporary teaching gigs will provide information. Teaching can also give you the opportunity to develop legal scholarship, academic mentors, recommenders, and teaching experience. This is well expressed by one YLS graduate who pursued a fellowship focused on legal research and writing (LRW).

First, the bad news: in theory, these fellowships are sort of like an introduction to life in the academy: the task is to teach and publish. But teaching LRW is especially intense and demanding; it is a skills course that requires instructors to provide a constant flow of written and oral feedback to students. Prepping for teaching—particularly for the first time—and giving students sufficient feedback consumes a lot of time, and at the beginning, it is really tough to focus on one's own scholarship. To make matters worse, Fellows/LRW Instructors do not have the same status in the law school as the faculty. The students catch on to the signals fairly quickly—offices are in the basement, we are called by our first names, etc. And it can be difficult to form mentorship relationships with faculty. (Part of this is in the nature of LRW programs, but it was exacerbated by the fact that my school was just re-introducing the fellowship model, and so professors may not have been accustomed to dealing with and mentoring fellows.) And so, for the

first months in particular, we moaned incessantly (mostly among ourselves) about the program. The good news, though, is that the fellowship worked out marvelously for me, and looks to have worked out well for my colleagues as well, which suggests that it can be an excellent opportunity. First, during that first year and the summer that followed, despite my moaning about the lack of time to produce scholarship, I managed to place a substantial book review essay in a good law review and an Article that was accepted for publication (and that became my job talk). The three other fellows who started with me all had something accepted for publication at the end of that first year. Second, despite the difficulty of connecting with faculty mentors, I managed to figure it out. I reconnected with my faculty mentors at YLS, who became very supportive once I began to produce scholarship and find a direction. By happenstance, the paper I was working on related to an area pioneered by another YLS Professor, and she was exceedingly gracious and generous with her time and support. I was also lucky enough to gain the support of a faculty member at my fellowship school. Also, by attending faculty workshops, symposia, and conferences, I managed to network a bit. Finally, during the summer after the first year teaching, some of the faculty at the fellowship school became more accessible, no doubt because the demands of teaching and attention to students ease during the summer.

So here's what I got from the program:

- *I learned a lot about teaching and who I would be as a teacher;*
- *I discovered that I really enjoy teaching;*
- *I learned the importance of collegiality (and gained much from it), as the Fellows decided to meet semi-regularly, share and comment on works-in-progress, talk through ideas, and generally be accountable to one another;*
- *I produced scholarship;*
- *I developed a sense of where my scholarship would go;*
- *I gained the strong support of some faculty mentors at YLS and the fellowship school;*
- *I learned to speak like an academic;*
- *and I managed to network a bit.*

D. Recommendations

Three or four references are sufficient for a law professor application, and more are okay as long as all are well-prepared and extremely positive. The best references will be YLS faculty, or law faculty from other schools who know your work (former visiting professors, etc.). It looks odd if you graduated from YLS and yet do not have a single reference from a YLS professor (or someone who taught you when you were here). Most candidates have references from at least two YLS professors. Even if you have not kept in contact with past professors, you should email professors with whom you had meaningful experiences (your supervisors for your SAW and substantial papers, your small group professor, professors specializing in your field of interest). Your email should include brief descriptions of your research (possibly culled from your annotated CV described below) in the body of the text.

The key to using your references effectively is timely, accurate information. You should contact potential recommenders as soon as possible and inform them of your plans to go on the teaching market. Ideally you will contact them by the beginning of the summer of the calendar year on which you are “going on the market.” Provide them with an up-to-date CV and offer to forward a copy of your published works and a synopsis or draft of any works in progress. In this first contact, you should ask for your recommenders’ feedback on the tentative thesis of your job talk. In your discussions with recommenders, be sure to solicit their candid advice, and be explicit about expectation

You should ask each recommender to send letters or emails to the schools (usually not more than 30) you are contacting. Some YLS recommenders are only willing to respond to telephone calls. But many hiring schools now want written recommendations, and you should prod your recommenders to draft a generic recommendation for that purpose. Sometimes faculty recommenders will agree to help a candidate by

mooting a job talk or conducting a mock AALS interview. Recommenders can do this in person or by telephone. Even if it is just in an informal telephone call, you should solicit your recommenders' reactions to your job talk before you go to the AALS meetings.

You should keep your recommenders and the Law Teaching Committee informed with periodic emails throughout the hiring process. Before the AALS Conference, you should send regular email updates of publication acceptances, contacts from schools, any pre-conference interviews, and a complete list of scheduled AALS Conference interviews. After the AALS Conference, you should send updates about scheduled call-back interviews, offers, and ultimately the school you accept. In short, be expansive in providing your recommenders with the information they need to be informed advocates for you. Avoid being a daily pest, of course, but do keep in regular contact. If you have gone more than a month in the fall without emailing them and the Law Teaching Committee, you have gone too long.

E. Additional Degrees in Related Fields

An advanced degree in a non-law field can be helpful, but not in all cases. Unsurprisingly, advanced degrees are more common among people whose scholarly interests cross disciplines such as law and economics, history, or philosophy. However, even if your writing and teaching interests include concepts or methodologies from another field, it is certainly still possible to get a law faculty job without an advanced degree in that field. Faculties care more about the quality of the scholarship than the degrees behind it. Further, advanced degrees in other fields, especially when obtained after law school, can occasionally be a detriment in the law teaching market. This occurs when your credentials no longer indicate a strong interest in the law and law teaching. If all of your publications, teaching, recommendations, and efforts for the last two to five years have been in philosophy or medicine, it creates a greater burden to show your passion and potential in law teaching. Indeed, this was one of the reasons Yale Law School launched the nation's first PhD in Law degree program in the fall of 2013 to allow students to pursue a PhD in the field of law itself.

The market downturn has produced two further considerations for candidates with advanced degrees in non-law fields. First, it is worth noting that anecdotal experience suggests that the market may be especially bad for candidates who do substantial work in a non-law field. Such candidates risk being seen as luxury goods in a world of financially strapped buyers. Candidates can overcome this concern by publishing in established law reviews, and thereby showing that their work is central to the curricular needs and scholarly interests of law schools. Second, candidates with advanced degrees in non-law fields are well-advised to cast their net broadly. There are a handful of undergraduate legal studies departments around the country where a JD degree alongside a PhD in a relevant cognate field can be a major asset. Moreover, candidates should keep an eye out for teaching positions in the field of their non-law degree as well as in the law.

A number of candidates might consider an advanced degree in law. In addition to Yale's new PhD in law, some candidates might pursue an LLM, JSD or SJD degree. Though primarily pursued by candidates whose first law degree was earned outside of the United States, an LLM degree might be helpful for candidates who have been in practice for a while and lack academic publications. The degree itself is less important than is the opportunity the program provides to help transition into academic writing. The fact that you were willing to give up your practice for an academic environment may enhance your credibility with law faculty. More important, in a formal academic program, you should have the chance to get feedback on your writing from professors and your fellow graduate students. Some LLM programs are geared specifically toward academic careers, and offer students time to write as well as teach. Before pursuing an advanced degree in law or in related fields, you would be well-advised to speak to your recommenders or members of the Law Teaching Committee.

F. Work Experience

1. How Much?

In most cases, some work experience is desirable since it informs your research agenda and your writing and gives you more credibility in the classroom. Beyond around five years, however, you will begin to see diminishing returns. In addition, some law faculty members view long-term practitioners with suspicion, wondering about the depth of their commitment to scholarship. The emphasis on practice experience varies from school to school, and to some degree also varies among subjects. If you are interested in teaching Commercial Law, for example, you could reasonably expect more interest in your practice experience than if you were interested in teaching Jurisprudence.

If you are interested in clinical teaching, the calculation shifts because of the demands of student supervision and live-client interaction. For clinical positions, significant practice experience definitely helps. Candidates who have less than three or four years of practice experience (which can include clinical teaching fellowships, as discussed above) are rarely considered.

2. Transitioning to Academia After Practice

Although several years of practice experience is generally an asset in the law teaching market, candidates with four or more years often feel challenged when transitioning into law teaching. Typically they have not had any recent academic publications and relationships with law faculty have long since withered, if they ever existed at all. The work of preparing for the law teaching market involves gaining a portfolio of one or more circulable pieces (publications and/or works in progress) and faculty recommenders. This may well be a two-year — or longer — project. Three paths, or options, are commonly pursued in such circumstances.

The first option is for a practitioner is to try to carve time in the day to develop faculty connections and publications. Use the YLS online alumni mentoring system, Career Connections, to search for former YLS faculty or YLS friends and classmates who are now in law teaching, to try to enlist their support in your publication efforts and entry into the law teaching market. Appendix E may aid that effort as well; it lists YLS graduates on US law faculties, derived from the AALS directory. Since a significant publication may consume a few hundred hours of time, it takes a highly disciplined individual with understanding family members to achieve this goal. Although it is possible to publish without the advice or involvement of former faculty and classmates, it is not as effective. Your scholarly pursuit provides a great forum to redevelop relationships, or establish new ones, with law professors. These professors become familiar with your work and your goals and are thereby empowered to be great recommenders. Their advice can also be invaluable.

Another option is to try to land an Academic Fellowship (see Appendix B). Many of these positions are geared to provide significant research and writing time and resources, and to serve as a springboard into the law teaching market. However, they are also quite competitive and some require a fairly refined scholarly agenda. Adjunct work is also often considered as a method of re-involvement in academia, but comes with many cautions, discussed in Chapter 1.

Finally, LLM programs may be used to facilitate a transition from practice to teaching. The utility for YLS graduates is predominantly found in the time, library resources, and faculty assistance available for research and writing.

Whichever path or option you may pursue, it is vital to rework your resume to create an academic CV. Carefully review the sections of this guide on CVs, the sample CVs in Appendix A, and work with a CDO counselor to craft your own best effort.

CHAPTER 3

APPLYING FOR POSITIONS

A. The CV

Your academic resume, commonly referred to as a *curriculum vitae* or CV, is the centerpiece of your application. You can peruse the sample CVs in Appendix A. A CV shares many of the same features as resumes aimed at other types of employment. All resumes/CVs must be clear, error free, and focused on the mission at hand. There are some differences, however, which we will highlight here.

The Law Teaching Committee for the last several years has been advising applicants to create a CV which is a one-stop-shopping document that includes all the information you would like a school to have at its disposal when making initial decisions about which candidates to consider.

1. Length and Layout

You should not limit your CV to one page. Most CVs for entering law teachers are about three to five pages. The second and succeeding pages in a multi-page CV should have your name and the page number as a header or footer.

2. Education

Your glossy Ivy League law school credential remains highly relevant for a bit longer in the academic market than in the private sector. Put Education as the first major heading, and begin with your most recent degree, including the school, your degree and the year you received it (e.g., Yale Law School, JD 2014). Since your YLS degree carries weight in the law teaching market, in some cases, if you have more recently been involved in a graduate program that is not as directly related to your teaching goals, you may list that educational experience second. If you received any degrees with honors, don't hide your light under a bushel of text. Instead, include the honors designation with the degree. Also, candidates should list relevant activities such as journal work, pro bono projects, or research assistant positions. See examples in Appendix A.

3. Publications and Works- in- Progress

A publication section is extremely important. If at all possible, begin your list of publications on the first page, right after the education section. You should not have a separate "works in progress" section. You should list the title of works in progress followed by "(working paper)" or, if applicable "(submitted for review)," "(accepted for publication)," "(forthcoming Yale L. J.)," etc. Make sure you use current Bluebook citation form for your publications.

Normally, the most recent writings are listed first. It is especially useful to start with your job market paper and you should include the parenthetical "(job market paper)" or "(job talk)" to indicate clearly the document you will be presenting at on-site interviews.

Most YLS graduates include a paragraph abstract after every publication/work-in-progress, describing the core claims of the writing. The description of your job market paper can be a bit longer than those of other publications—and you might forego descriptions for pieces that are less academic/substantive.

For example:

Foreclosure Law and Mortgage Risk in the Subprime Era: An Empirical Examination, (job market talk, main dissertation essay, working paper)

Foreclosure laws vary between states, and some states' foreclosure procedures are considerably swifter and less costly for lenders than others. In light of the foreclosure crisis, an empirical understanding of the effect of foreclosure procedures on the mortgage market is critical. This study finds that lender-favoring foreclosure procedures are associated with more activity in the subprime arena.

If possible, also include hyperlinks to those publications or works in progress (possibly on SSRN) that are circulable. Including a substantive description and hyperlinks is an important way to transform your CV into a one-stop-shopping document. Hiring committees can read the title; if they are interested, they can immediately read the abstract; and if they are still interested, they can easily click through and read the underlying paper.

For example:

Taking Exit Rights Seriously: Why Governance and Fee Litigation Don't Work in Mutual Funds (2010), with John Morley, forthcoming YALE L. J. (available at www.ssrn.com/abstract=1547162)

Mutual fund investors possess a uniquely effective right of exit that eliminates their incentives to use mechanisms of voice, such as shareholder voting and board elections. Unlike shareholders of ordinary companies, mutual fund shareholders can redeem their shares at any time for their pro rata value of the fund's assets. This means that the present value of a fund shareholder's investment is unaffected by the fund's future prospects. The current design of mutual fund governance, and much of the academic debate, fails to take account of the important implications of this exit right. Shareholders who can redeem their shares have little incentive to engage in costly activism. The net effect of exit on many investors is ambiguous, because investors who do not use their rights to leave underperforming funds cannot expect activism by other investors to improve the funds. Ultimately, exit causes mutual funds to look more like products than ordinary companies. Voting, boards and fee liability therefore have limited value, and could be replaced by more effective regulations.

Or:

Limited Legal Representation and Lawyers' Duty to Avoid Complicity (work in progress; job talk)

The social compact that allows lawyers to self-regulate (and to operate an opaque justice system) requires lawyers to ensure that the justice system actually does justice. At the very least, lawyers have a duty to ensure that their participation does not give the false impression that the proceedings are just. This article assesses the obligation to avoid giving a false impression of fairness in the context of limited legal representation (also known as "unbundled legal services") in civil cases, particularly in tribunals in which most litigants appear pro se. Some types of limited representation are unlikely to change the outcome of some clients' cases, because the client cannot perform essential tasks left undone by the lawyer. In such cases, the lawyer must find a way to make that clear not only to the client (this requirement is already embodied in the Model Rules), but also to the tribunal and the public (this requirement is not), while respecting client confidentiality.

Or:

Evidence-Based Access to Justice, U. PA. J. L. & SOC. CHANGE (2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1631942

An evidence-based approach is notably absent from the many efforts to expand access to the justice system for civil litigants, and there is no generally accepted metric for evaluating which access to justice tool works when. This article proposes the use of controlled, randomized experiments to evaluate whether a particular access to justice intervention leads to the same rate of wins and losses as full and competent attorney representation. It also describes a second metric for assessing the fairness of proceedings in which a particular access to justice intervention is used: whether the intervention provides litigants with the ability to adequately perform all tasks they would need to perform to enable the judge to reach a fair and accurate decision.

In writing the description, keep in mind that your primary reader is likely to be a harried member of the hiring committee who has hundreds of resumes to peruse. A useful heuristic is to imagine that you lose 50% of your readers every sentence. Avoid extended throat-clearing.

There are several different ways to structure an abstract. But try to avoid weak verbs: “The paper will analyze, examine, explore...” Better to say what you have discovered after analyzing, examining and exploring. One successful model is to begin with a bold, initial undefended conclusion (“The oil depletion allowance is unconstitutional.” Full stop). The idea here is to catch the reader’s attention, to metaphorically make the reader lean forward and ask “why should that be the case?” The next two or three sentences of the abstract can then explain why the central claim of your thesis is true.

It is not necessary to have a circulable draft for every work in progress that you include on your publication list (although you must have a circulable draft of your job talk by September). You must, however, be able to talk cogently for five minutes about any work in progress that you include on your resume. If you cannot write an interesting abstract about the idea, it should not be included.

For example:

Foreclosure Law and Mortgage Risk in the Subprime Era: An Empirical Examination (job market paper, main dissertation essay, working paper)

Foreclosure laws vary between states, and some states’ foreclosure procedures are considerably swifter and less costly for lenders than others. In light of the foreclosure crisis, an empirical understanding of the effect of foreclosure procedures on the mortgage market is critical. This study finds that lender-favoring foreclosure procedures are associated with more activity in the subprime arena.

Jury Sentencing as Democratic Practice, 89 VA. L. REV. 311 (2005), cited in Wright & Miller, 3 Fed. Prac. & Proc. Crim.2d 526 (West Supp. 2006)

Case Note, *Sovereignty on Our Terms*, 110 YALE L.J. 885 (2004)

Book Review, 26 YALE J. INT’L L. 529 (2003) (reviewing WILLIAM SCHABAS, GENOCIDE IN INTERNATIONAL LAW (2003))

You may have published different types of pieces in different venues. Keep in mind that law school faculty are most interested in legal publications in law reviews, or legal books. Legal publications in bar journals or more popular press are severely discounted, since they are perceived as not involving the same level of scholarly research, analysis, and writing. Non-legal publications, whether by topic or venue, are

typically also discounted. Your publications are the proof of your interest and aptitude in legal research and writing. A publication on medical research does not attest to either of those. That said, other publications do attest to your interest in publishing generally, may show similar research ability, and prove your work ethic. Related topics may also help validate your specialty interest.

4. Teaching and Research Interests

You will need a section on your teaching and research interests, even before you list your work experience, and possibly right after education and prior to publications and works-in-progress (but don't let publications and works-in-progress start after the first page). Flexibility as to teaching preferences is important in the search for a teaching position. Of course, you should be honest about your interests and abilities, and it is essential that you express an interest in particular subject areas, not simply in the concept of teaching generally. But with respect to qualifications in a particular field, prospective teachers often believe that they need more expertise and experience than most schools would require of them.

Keep in mind that some hiring committees start by running a query on the AALS database and limit their attention to candidates who have expressed a willingness to teach X, Y, or Z. By leaving a course off your teaching interest list, you may be arbitrarily excluding yourself from being considered at these schools. A useful thought experiment: imagine Stanford Law School was only willing to offer you a job if you were willing to teach X. Could you bring yourself to teach it?

Many people suggest identifying at least one basic first-year course that you would like to teach, since every school needs to offer these subjects to every student. It is a good idea to think expansively about what you would like to teach, and to consider what additional subjects you would be willing to teach, especially if those subjects make you a stronger candidate at a school that is attractive to you. Keep in mind that although one or two esoteric teaching interests may be okay to showcase your research interests, too many are unlikely to help you in landing a job. Schools rarely run affirmative searches for esoteric topics, but they routinely look for people to cover large, core, black letter courses.

Some candidates may feel that the absolutely ideal package would be to teach some clinical courses and some academic courses. Although this is perhaps an enticing mix, it presents significant challenges in the market. Clinicians and academic faculty have been historically perceived as two separate categories in law schools and in faculty hiring. Although the two camps are moving closer together as time goes by, and there are examples of individuals with a foot in both, setting your sights on a combined position will complicate your search significantly and should only be undertaken if your desire is strong. Talk with your faculty advisors, members of the Law Teaching Committee, and CDO counselors if you are considering this path.

5. Work Experience

For classroom teaching positions, your practice experience, unless relevant to your teaching and research interests, is of less importance. You do not have to provide extensive details about your practice areas or describe individual matters you have handled. Instead, highlight experience that particularly relates to your teaching interests.

For clinical teaching positions, practice experience assumes greater significance, but again, primarily as it reinforces your teaching interests. You need not describe all of your past jobs in exhaustive detail. Focus instead on particular cases or experiences that are directly relevant to the position you seek.

Teaching experience, in particular law teaching experience, is desirable. If you have been a teaching assistant, research assistant, adjunct, visitor, or guest lecturer make sure to include it in your CV. If you have more than one such experience you may want to create a separate section for "Teaching

Experience.” If you have no teaching experience, law or otherwise, think about other venues where your organization and presentation skills, as well as research and writing skills, have been developed and showcased. Make sure that your employment descriptions or other areas of your CV adequately describe this experience and that you are prepared to discuss it at interviews.

6. References

References should be your last section, or can be submitted as a separate sheet. Each entry should include the recommender’s full name, title, place of employment, telephone number, and email address. There are many acceptable formats for reference lists; however, it is helpful to keep all the references on one page, even if it means leaving some empty space on the last page of your CV. List your references in the order you would like them to be contacted, with those individuals who know you best and are your strongest references listed first.

B. The Scholarly Agenda

Your scholarly agenda is very important to potential law school employers. They need reassurance that you really are/will be a productive scholar throughout your professorial career. Your publication history and this document are your opportunity to give them that reassurance.

Although there is no set form, or length, for a scholarly agenda, its function and your individual situation will dictate the end product. A scholarly agenda may vary from one page to several, depending on the works you have completed, and those you have solid plans of pursuing. Your forthcoming article and any works-in-progress will form the basis of your agenda. Weave the story of your developing scholarly interests. If they hail back to law school classes, your SAW or Substantial paper, your undergraduate or joint degree, or your practice experience, tell them. Then describe your upcoming piece, laying out the thesis and its importance. Finally, give your thesis for any work-in-progress you may have. With regard to the amount of detail to give, the point is to show that you are ready to run with this. You have an idea and a plan.

It is not necessary to go further down the timeline, speculating about what you might be doing in five years (unless specifically asked to produce this), but if you really do have thoughts of future works, you should share them. There is a bit of a risk in projecting years out, or ambitious, paradigm-shifting pieces, since it may seem to be a reach. Schools would rather see a rational plan to pursue your interests and grow as a scholar in a particular field. A few sample scholarly agendas are included in Appendix D of this guide.

C. Direct Application

Although the AALS Conference is the principal method for entering the teaching market, you should also write directly to individual law schools in which you’re especially interested. Most candidates write letters to the hiring chairs or deans of specific schools in addition to participating in the AALS Conference. Others, most commonly applicants with a very limited geographic range, have written to schools in lieu of participating in the conference. If family or other personal reasons preclude you from leaving Chicago, for example, it might make sense to write to the nearby schools in August instead of registering for the conference and just seeing what happens. However, if you are committed to an academic career and willing to move, it is important for you both to register for the Conference and to send letters directly to schools; otherwise, appointments committees might question your commitment. Writing directly to schools lets you present your materials in a much less constrained manner. At many schools, it will prompt the hiring committee to open a file on your candidacy which becomes a repository as well for letters of recommendation from your advisors. Direct letters are especially warranted if you have a particular reason for contacting the school (a match with the subject matter they are looking to fill,

a tie to or interest in that rural area, a friend or mentor on the faculty, a school focus on your area of interest) that would not be well captured by the AALS application.

Your mailing should include a cover letter that speaks to your interest in that school and any other credentials you wish to highlight, your CV and list of references, and often a copy of your job talk or your most impressive, recent publication. Early in September, the Law Teaching Committee will circulate an Excel spreadsheet containing contact information for the hiring chairs at the top 50 law schools. But we can only share this file with you if you sign up for regular emails from the [YLS Law Teaching Committee](#) (more on this in Chapter 4).

D. The AALS Faculty Recruitment Conference

The vast majority of new law teachers are hired through the annual AALS Faculty Recruitment Conference. The conference, also known as the “meat market,” is a gigantic interview marathon held in Washington, DC. It is usually scheduled in late October or early November, beginning on a Thursday evening and running through Saturday. (For example, the fall 2018 AALS Faculty Recruitment Conference will be taking place from Thursday, October 11 through Saturday, October 13, 2018.)

The first step to the AALS Conference, however, should be taken in the immediately preceding summer. When you register for the AALS Conference, typically in early August, you must complete the Faculty Appointments Register (FAR) form online.

1. The Form

The FAR form summarizes your education, work experience, publications and works-in-progress, and teaching preferences. The form is available at on the AALS [website](#) under *Services, Faculty Recruitment Services* and can also be found in Appendix F. You also can, and should, attach your full CV to your FAR form.

The first submission deadline for the FAR typically falls at the beginning of August; the full submission and fee schedule is posted on the AALS website. Although you can submit your FAR form later, the AALS begins making the FAR forms available to law schools in mid-August. Because the FAR is the primary means by which law school appointments committees decide which candidates to interview at the Conference, it is highly advantageous to be included in the first distribution.

When completing your online form, keep in mind the search parameters that are offered to the participating law school employers. The search engine allows law schools to search for several factors over which you have no control, such as minority status or the law school you attended. One question that concerns many YLS graduates is the request for class rank. Schools can search for specific class rankings, but they can include (or not include) in this search “candidates who did not list a rank either because school does not rank, the candidate didn’t know their rank, or the candidate did not wish to disclose their rank.” Since YLS and several other top-rated schools do not rank their graduates, schools have a strong incentive to select non-ranked candidates.

A few search parameters are within your control somewhat. Employers can search for “candidates who have at least one major published writing.” This requirement is not limited to publications in legal journals and is probably one of the most critical factors in review of the forms. In addition to doing all you can to have a legal writing accepted for publication in a legal journal (allowed by the FAR form) or published, by the time you are filling out the FAR form, you will also want to consider any other writings you have published in other forums. This section is limited to three entries. If you are so fortunate as to have more than three publications, prioritize the most attractive three for this space and include the rest in the additional information area.

Employers can also search for areas of teaching interests. In completing the form you are allowed to enter ten such areas and we suggest you do so. Give thought to areas of need of the school, not just your own dream areas. Although it may be okay to indicate your burning desire to teach “Aviation and Space Law” make sure you do not use all ten of your areas on relatively esoteric areas. The AALS [website](#), lists statistical reports on the number of law teachers in various subject areas. This is one indication of the general market need/prevalence for that course offering.

The form also allows you to indicate a geographical restriction. Do so only if in good faith you must—if you are 100% certain that you would not consider any offer outside of your target area. The lack of geographical restrictions signals your seriousness about entering the law teaching profession, allows you a robust learning experience through the interview process, and adds to your marketability. There are substantial “bandwagon effects” in law hiring—as hiring committees look over their shoulder to see what peer institutions are doing. If you want to end up teaching in Michigan, you will increase the chance of a Michigan offer if you garner interest from New York and California schools of similar rank.

2. The AALS Interviews

After reviewing the FAR forms, schools begin calling candidates to set up interview appointments at the AALS Conference. This process typically begins in early September and continues until, and sometimes even during, the conference. The interviews at the AALS Conference last thirty minutes, and are usually conducted by all or most of the members of an appointments committee.

Sometimes schools will invite nearby candidates to campus for a preliminary interview before the AALS Conference. This allows them to preserve conference slots for candidates who are more geographically distant from the target school. In recent years this pre-conference interviewing has grown beyond the regional candidates as more schools try to move quickly on desirable candidates. You should be prepared for early action.

You should make sure that each school sends you a written (usually emailed) indication of when and where you are scheduled to be interviewed. Recently, one of our graduates appeared for her most valued interview only to be told that she had come at the wrong time. If you miss your opportunity to interview for thirty minutes at the AALS meeting, you may never have a second chance to meet with that school’s hiring committee.

To prepare for your AALS (or any preliminary) interview you should know yourself and your potential employer.

Know Yourself

- Be prepared to state the thesis of your job talk. You should be able to give a concise and provocative one-sentence description of your central claim. You should also be able to give a one-paragraph and a one-page description of your job talk. You should write these sound bites down and come back and edit them to make them more powerful. If possible, emphasize the normative implication or be able to answer the “so what?” question.
- Make sure to re-read your CV and be prepared to talk about any aspect of it. In particular, re-read all of the publications you have listed and be prepared to give a short and interesting synopsis of them, and to respond to questions about them.
- Be prepared to discuss your “scholarly agenda.” What are you working on now? What do you want to work on next? What idea or themes bind your work?
- Be prepared to discuss what courses you would like to (and are willing to) teach.
- You may be asked about teaching methodology. Are you a fan of the Socratic method? Lecture? Problems? Performance? You need not know the lingo of a PhD in Education, but it is important

to show that you have given the area some thought. If you are feeling at a loss here, talk to your faculty recommenders about pedagogy.

- You may be asked about what textbook or materials you would use; consider exploring your most desired course to see what is available or who is the current guru in the field.

Know Your Employer

- Visit the law school's website to understand how it views itself, its students, and its mission.
- Check the faculty bios of all of the people with whom you will be interviewing to learn their law schools, areas of interest, and tenure at the school. If some are in your field, consider reviewing their recent publications. The hiring committees will often volunteer the names of their AALS interviewing team. If a scheduled school doesn't volunteer this information, you should ask.
- Try to locate YLS alumni, or friends, on the faculty or in the administration of these schools so you can learn more about the school and its curricular needs. But don't be afraid to ask questions of the appointment committee chair, including with whom you'll be interviewing and what curricular needs they are seeking to fill.
- Be prepared with three or more questions about the school. The questions should showcase that you have spent time learning about the school ("I noticed on your website that the school is very involved in X. Could you tell me more about that program?"), your keen interest in scholarship ("Is funding for student research assistance available?"), and your sincere interest in the school or area ("I've only had the opportunity to visit Colorado a few times and loved it. Can you tell me what you enjoy most about living and working in Denver?").

3. Sample Interview Questions⁶

What is the thesis of your job talk? Tell us about your argument or thesis in (one of your recent publications)?

Be prepared to answer tough questions on anything you may have published. Appointments committees are not only interested in your prior work on its own merits, but also how you present it, how you defend your arguments, how aware you are of its limitations, and where it might lead to future work.

What are you working on now?

The same advice applies here, but talking about a work-in-progress poses a greater challenge since you have not completed your research, analysis, and writing. Just be clear about how far you've developed the piece, focusing on what you're confident about and being explicit about what aspects are still troubling you.

What is your scholarly agenda over the next 3-5 years?

This is a very difficult question for emerging scholars to answer, as you are often just getting started and trying to figure out where it might lead you. However, development of a plan shows members of the appointments committee that you are thinking ahead, helps them envision what kind of pieces they might expect, and gives them a clearer sense of whether you will be successful over time. Keep in mind that this agenda need not be defined by subject matter; just as effectively, you might define your agenda by reference to a methodology (e.g., empiricism) or the integration of a non-legal discipline (e.g., cognitive science, anthropology, or behavioral economics).

Why do you want to go into teaching?

Answers that draw on prior experience, with examples of the psychic rewards you have received, are far superior to answers that focus on lifestyle changes or negative motivations (e.g., the desire to leave practice).

⁶ Sample questions were provided in large part by Dean Hiram Chodosh, YLS '90, Currently President of Claremont McKenna College.

What do you hope to contribute to legal scholarship?

This question follows from the last and is even more challenging as it forces you to articulate your primary objectives: why this agenda (in contrast to another); what are some alternative results that might follow from this research; what are its broader implications?

What would your preferred teaching package be?

Many schools are driven in part by a form of “slot-hiring,” and you should gather information on curricular needs of that institution prior to your interview. Many schools prefer to have faculty who can teach a combination of first-year or large-section courses along with specialty courses of great interest to applicants and current students.

How would you teach a large first-year class, a special course, or a research seminar?

Even if you haven’t taught in a law school, it is very important for you to develop your own views on teaching pedagogy.

If you were to develop a full curriculum in your area of expertise, what would it look like?

This question may be more likely in an area of high growth (e.g., international, health law, intellectual property, etc.); however, you might encounter it in a wide array of curricular concentrations (e.g., tax, business, criminal law, or litigation). If you have a specific research interest (e.g., empiricism), you might also expect a question about how you might translate your research expertise into learning experiences for your students. Along those lines, you should give some consideration to the relationship between your teaching interests and scholarly agenda.

Why are you interested in a job at our school?

Committees often incorporate (whether explicitly or implicitly) your level of interest in their school in the calculation of their interest in you. Prepare your thoughts about what really interests you, and what, if any, exposure you’ve had to any aspect of the school (ranging from reading of a particular professor’s article, to special programs at the school that meet your interests, to a reputation for the environment you seek). Try to be specific in your answers, as it will show that you’ve given the school serious thought, and also be candid about what you don’t know about the school or its location.

What are you looking for in a law school?

Appointments committees are seeking alignment between your decision-making priorities and what they feel they have to offer. This will also help the committee get insight into your priorities and values and to assess the measure of “fit” between you and the particular opportunity.

4. Professor Jules Coleman on Interviewing

As a professor of both law and philosophy, I have had a great deal of experience in both hiring and placement. I like to think that I have been a keen observer of the process and over the years I have formulated some thoughts that I believe may be helpful to those seeking positions in the legal academy.

This is a multi-stage process and you control very little of it. The things you control are the quality of your work (not its reception) and the way you present yourself and your work to others.

The AALS process is daunting at best. Every appointments committee receives [hundreds of] single page applications. Every committee is therefore looking for ways to eliminate candidates. The fact that you come from Yale is a big help here. You very likely will make most of the initial cuts on those grounds alone. Whether you survive the final cuts will depend on the match between your interests and theirs, the quality of your references and your work. All you can do at this point is to fill out your form carefully, encourage your references to take an active role in pressing your case and to have done well—in your course work, your written work and your professional life. My experience is that the faculty is often too

passive at these early stages. I write letters in advance of the process beginning to twenty or so schools for those students with whom I have had the closest academic relationship. Don't be reluctant to encourage your references to take a more active role than they might otherwise. The world is changing and they need to be proactive.

If you make it to an interview at the AALS, you have done well. But this is the most crucial stage. You get somewhere between 15-30 minutes at most to make your case. The key thing here is realize that what you are trying to accomplish is to get yourself invited back to campus for further interviews and the like. That's harder than you think. The most important bit of advice I can give you has to do with this interview process. You should organize your approach around the following maxim: you want the people in the interview to leave it feeling good about THEMSELVES, but not at your expense. People will invite you back if they have enjoyed themselves intellectually in your presence. They need to feel engaged by you, not impressed with you. In order to achieve your aim, you need to bring others into your conversation. To do that you cannot lecture them or have a pat presentation.

Invariably someone will ask you what you are writing about or interested in teaching or researching. Do not begin by giving what would otherwise count as an abstract of a paper or a syllabus for a course.

Begin by recounting a puzzle or tension or idea that got you interested in the problem or the course. If you were writing on jurisprudence like I do, instead of saying 'I am interested in the relationship between law and morality' (who isn't, but so what?), why not note the following:

Whenever a judge decides a case she appeals to some rules, statements or acts as authoritative, as grounds for her decision. Other rules are not binding on her and still others are inappropriate for her. We don't need a theory to point out the obvious standards that are appropriate to her decision making and the obvious ones that are not. But that is never all that is involved in an interesting case. In such cases, it is always controversial what the sources of law are. But determining what are the sources or grounds of law is the fundamental question in jurisprudence. Are the sources of law grounded in facts about their acceptance, and acceptance by whom? But if the grounds of the grounds of law can be controversial or if we can disagree about them then they cannot be fixed by acceptance.

And away one goes. It's like that for any subject. The better you know a subject the more people you can explain it to at a level they can relate to. That's your burden. Engage others; bring them into your conversation; don't lecture and above all else don't report or describe what you do: do it!

The same holds true if you are invited to campus. Remember, no matter your research interest, you have to be able to contribute to the curriculum and you have to be able to evidence a passion for the subject. Anyone can teach any subject, but very few can bring a subject alive. So find issues in even the most basic courses that excite you. People want to feel your excitement. They can sense your anxiety without your help.

If you ever have questions about how to approach the interview process or questions about whether you really are committed to a life in the academy, please contact me. Good luck.

(Jules Coleman, retired, former Yale Law School Wesley Newcomb Hohfeld Professor of Jurisprudence and, most recently, Senior Vice Provost for Academic Planning at NYU.)

E. The Callback Interview

1. Timing and Content

If a school has begun interviewing before the AALS Conference, it may even conduct second interviews with a job talk before the conference. In some situations, offers (not uncommonly exploding) are issued before the Conference.

More commonly, after the Conference, schools' appointments committees will recommend candidates for on-campus interviews. These interviews usually last for one day (often with a dinner the night before). Candidates meet with faculty members individually or in groups, sometimes with students as well, and usually give a presentation on one of their works-in-progress or published articles (colloquially known as "the job talk"). As with your AALS interview, you should ask for a copy of your interview schedule before you travel, and you should research the backgrounds of the faculty with whom you will be meeting (looking especially for substantive overlaps in your interests). Many schools issue these interview invitations in November or December, while others wait until after the first of the year. Few schools interview after the end of February. Although a rolling process is possible, more typically once all the candidates have been interviewed, the hiring decision will be made by a full faculty vote.

2. The Job Talk

The major difference in preparing for the AALS interview and the callback interview is the job talk. Typically an hour will be set aside for a candidate to address a group of faculty, although sometimes students may be present as well. Candidates usually have twenty to thirty minutes to speak and then questions are taken. This format varies by school, with some allowing questions from the start, time slots ranging from forty-five to ninety minutes, attendance ranging from ten to sixty, and formality ranging from sitting around with sandwiches to a podium presentation. You should definitely ask about the audience and format. You may also want to know if PowerPoint is available, desirable, or typical, and whether the presentation will be videotaped.

Even if you are offered more time, you should plan on speaking no more than twenty minutes and then taking questions. Make sure that you clearly state your thesis within the first five minutes of the talk. You do not need to spin out your entire argument—especially all of your responses to potential criticism. Candidates often do well by saving some of these responses for the Q & A portion.

Prepare and practice your presentation so you will be comfortable and coherent, but not reciting. Practice in front of some friends, or even better, a few law professors (perhaps your recommenders?). Understand that there will be only highly accomplished people in your audience, but they may know very little about your area. Be coherent and courteous in setting up the issue, but engage them at the highest level of analysis or policy. The tone should be collegial. They are assessing your intelligence, your presentation skills, your scholarly potential, and your desirability as a colleague. Questions should be invited as an opportunity to elucidate your idea, and to gain insight and ideas from them. Defensiveness is not an attractive trait, so think of this as a conversation, not an interrogation.

Many candidates worry that they do not have a work-in-progress at the proper juncture for a job talk. They have heard it should be a polished piece that has not yet been published. Pieces that are unpublished but have been submitted and even accepted for publication are ideal—because they allow the faculty to indulge in the conceit that their comments may impact the final publication. But the faculty of your potential employer will happily hear a talk on your work in other stages of development, including pieces that have not yet been submitted or pieces that have already been published. The benefits of an "about to be sent" piece are twofold. First, it is highly polished. Do not be lured into sending a true "draft." No matter what assurances you get by the requesting faculty member, it is likely to be judged as your best

work by the remainder of the faculty as the process progresses. Second, you are still in a position in which you can consider the comments from this faculty as helpful suggestions to improve the piece. This sets up the collegial, non-defensive tone discussed above. Obviously both of these goals can be achieved with works in different stages of development (you can always happily take suggestions for your next piece or just because you are intellectually alive), but it takes a bit more scrambling and finesse.

F. The Offer

1. When Are Offers Received?

Despite the AALS attempting to put some structure to the entry-level law teaching market, offers are received from September through April. The earlier dates tend to be from schools hoping to get early commitments, before competitors are in the picture, and later dates are from schools that have had a shifting focus to their search, rejected offer, or last-minute losses of faculty due to visits or movement to other schools. *The Statement of Good Practices for the Recruitment of and Resignation by Full-Time Faculty Members* advises law schools to offer appointments to full-time faculty members for a full-time appointment by March 1 and for a visit by March 15. Prospective faculty members should accept the new job by March 15 and the visit by April 1. This sets up the late March and April searches for new talent to fill the ranks as the previously employed full-time faculty make shifts to other institutions.

2. How Long Can You Hold an Offer?

Schools vary enormously in how long they will hold an offer open for a candidate. Although the offering school may want to extend you the professional courtesy of time to think over a major move and career decision, it will not generally be willing to wait so long that its own chances of getting its second or third choice are ruined. In addition, offering schools recognize that your request for a significant delay in responding to the offer is likely due to your hopes for a better offer. A few weeks is typically fine, a few months may or may not be. Ask for what you need, but be ready to read the tone of the response. Consider offering to close down some of your opportunities, if the offering school will keep the offer open a bit longer. However, some schools today are playing hardball and you may be forced to decide between the bird in the hand and the one in the bush.

Concerns over offer deadlines prompted the AALS to promulgate the *Statement of Good Practices for Recruiting and Hiring of Entry-Level Faculty Members*, found [here](#). (Once members log in, it is found under Other Member Services section then click on AALS Statements). The Statement was revised in 2017 and currently states:

I. Offers of Employment to Individuals in the Faculty Appointments Register: *When a law school offers a teaching position to an individual listed in the Faculty Appointments Register, it is unfair to the prospective appointee and to other member schools to make an offer that expires sooner than four weeks from the conclusion of the Faculty Recruitment Conference. (This four-week timetable applies only to offers made to individuals who listed themselves in the Faculty Appointments Register.)*

II. Entry-Level Faculty Member Offers Not Covered by Part I: *In circumstances beyond those governed earlier in Part I, it is a normal and desirable practice that the candidate be given at least two weeks to respond to an offer. Only in rare circumstances should a law school give a candidate less than one week to respond to an offer of employment.*

These good practices are not binding rules, but they do offer some guidance on reasonable requests.

3. Can You Negotiate?

Many candidates wonder if negotiation of salary or terms of employment is acceptable, and likely to be successful. It is fine to politely negotiate your terms of employment after you have an offer in hand. Many candidates are successful in negotiating which courses they will teach, a lighter course load for the first year, a research stipend for one or more years, more generous moving expense coverage, and other issues. Fewer tackle salary. For those who venture into this area, the success of salary negotiations can depend heavily on whether you have competing offers and the circumstances of the particular school. State schools may have a more rigid structure, and tighter budget, which leaves little room for salary negotiations. As with all employment negotiations, remember that the ultimate goal is for you to begin your academic career with both you and your employer feeling pleased that you have joined the team. Always keep the tone of negotiations positive, and know when to fold.

CHAPTER 4 RESOURCES

A. Resources for Those Entering the Market

F. Books and Other Written Resources

- *The Academic's Handbook*, 3rd Edition (2007).
- *The Academic Job Search Handbook*, 4th Edition (2008).
- *Academic Legal Writing*, 4th Edition (2010).
- *Becoming a Law Professor: A Candidate's Guide* (2010).
- *Best Practices for Legal Education* (2007).
- *The Chicago Guide to Your Academic Career* (2001).
- *Sourcebook on Legal Writing Programs*, 2nd Edition (2006).

G. Online Resources

If you want more general information:

- If you are particularly interested in clinical education, check out the Clinical Legal Education Association [web site](#). It includes recent clinical scholarship, links to other sites and organizations of interest to clinicians, and some employment opportunities. Finally, there is a directory of clinicians that is searchable by type of clinic practice, law school, or name.
- [Path to Law Teaching page](#) on the University of Chicago website, you will find *Information and Advice for Persons Interested in Teaching Law* by Professor Brian Leiter of the University of Chicago Law School. One section does focus on Chicago alumni in academia, but it generally provides a nice explanation of the paths to becoming a law professor, and the process.
- The [PrawfsBlog](#) has a fairly sizable archive of advice and observations for those entering the law teaching market, including an annual call for posts from appointments committee chairs.
- To get more information about individual law schools and their faculty members, you can use the [AALS website](#), under *Member Schools*. The [American Bar Association website](#), under *Resources*, will provide links to all ABA approved law schools. Consult the Faculty Recruitment Services section of the [AALS web site](#) under, *Services*. In addition to registration information for the Conference and the FAR, the site has a useful article about the faculty hiring process which first appeared in the *Journal of Legal Education*.
- Columbia Law School hosts a [website](#) on this topic. The site includes several helpful pieces such as *What You Need to Know about Law School Teaching*, and answers to frequently asked questions addressing adjunct and legal research and writing positions, timing your entry into the market, publishing, and advanced degrees.

CHAPTER 5

ALUMNI PERSPECTIVES

B. Clinical Teaching

PROF. ROBERT D. DINERSTEIN, J.D. '77

Associate Dean for Experiential Education,

Director of the Clinical Program,

Director of the Disability Rights Law Clinic, and Professor of Law

American University - Washington College of Law

Clinical Teaching: My Odyssey

I came to Yale Law School in the Fall term of 1974, thinking that I might like to teach law, but I soon decided that I wanted to be more involved in the action of practice. Yale's offering of clinical education in the second semester of the first year then and now, one of very few law schools in the country that permits students to represent real clients during their first year of law school, undoubtedly had something to do with my thirst for practice, as did my experience working for Yale Legal Services Organization during the summer between my first and second years. I worked in what at that time was the Connecticut Valley Hospital (CVH) Project, representing clients with mental illness who were in danger of being civilly committed to the hospital. After my first year, I was a student co-director of the CVH Clinic and spent part of every semester thereafter (except for Fall 1976 when I did a full-semester externship at the Center for Law and Social Policy in Washington, DC) working on clinic cases. During my third year, I was able to argue a case before the Connecticut Supreme Court. Working with Denny Curtis, then director of LSO, and especially with Steve Wizner and then-supervising attorneys Michael Churgin and Mary Keller, was an unparalleled experience (and quite a lot of fun as well).

After graduation, I took a position with the Civil Rights Division of the Department of Justice, where I worked from 1977-1982 as a trial attorney in the Special Litigation Section, representing the United States in institutional reform litigation against state mental hospitals, institutions for people with intellectual disabilities, and juvenile delinquency institutions. It was a fabulous job with a great deal of responsibility (I was lead attorney on three multi-week trials) but the political changes wrought by Ronald Reagan's election, and my own desire for new challenges, made me eager to look for new employment. In late 1982, I saw an advertisement in *Legal Times*. The Criminal Justice Clinic at American University's (AU) Washington College of Law was looking for a supervising attorney (then a non-tenure track position), and there were three requirements: experience as a criminal defense attorney (I had none); Maryland bar (I was admitted in New York); and prior clinical teaching experience (I had none, though I had student teaching and supervisory experience in the clinic at Yale). Of course, I applied for the position. The then-director of the AU Clinic, Elliott Milstein, received my resume, and, since he knew Steve Wizner from when he, Milstein, was at Yale, where he received an LLM degree, he called up Steve to inquire about me. Steve said some nice things (I assume), Elliott had me in for an interview with the clinic faculty, I interviewed with the Faculty Appointments Committee (but not the faculty as a whole), and AU offered me the position of supervising attorney. The rest is (my) history.

I taught in the Criminal Justice Clinic from 1983 until 1996, when I left the clinic to become Associate Dean for Academic Affairs. I held that position until July 2004. After a sabbatical, I returned to full-time clinical teaching in Fall 2005, when I started the law school's new Disability Rights Law Clinic. But during this period, my position and status changed substantially from that of supervising attorney. The Law School put its clinical faculty on the clinical tenure track in 1988, which was also the year I took over as director of the clinical program (until 1996; I have now returned to directing the overall program since August 2008). Because I had several academic publications under my belt, I entered onto the clinical tenure track as an associate professor with two years' credit toward tenure. Several articles, and many clinic classes later (as well as one or two non-clinical courses each year), I received tenure (in 1990). In the mid-1990s, the Law School abolished the separate clinical tenure track, and now the clinical faculty are tenure-track or tenured on the same track as non-clinical faculty, with the same rights and obligations (including scholarship) as non-clinical faculty.

Obtaining a Clinical Teaching Position Today—It's a Whole New World Out There

The process for obtaining a clinical teaching position in today's law school world could not be more different from my own experience. Almost all of these changes have been for the better, but there are potential pitfalls in the process that any candidate should know about.

At many law schools, the recruitment process for clinical teachers now looks nearly (or exactly) like that for non-clinical faculty. Many clinical candidates file applications with the Association of American Law Schools Faculty Appointments Register. Clinical candidates are expected to give a job talk on an area of research (which can include clinical pedagogy, as well as substantive topics). The entire faculty, not just the clinical faculty or the appointments committee, typically is involved in the selection process. For an increasing number of clinical positions, clinical candidates must have post-law school published scholarship, which does not include briefs or practitioner-oriented publications. Credentials, as in all law school hiring, are important, though graduation from Yale Law School (even without journal experience), perhaps coupled with a federal court (or highest state court) clerkship is usually sufficient. A law school might look askance at a clinical teaching candidate who did not take a clinical program while in law school, though, if there is a good explanation, that flaw may not be fatal.

Of course, there is one thing you need that your colleagues interested in non-clinical positions may not—actual practice experience as a lawyer. While my own program continues to be interested in potential clinical teachers with good lawyering experience irrespective of whether that experience is in the precise area of law in which the clinic operates, many law schools are not quite so willing to experiment with a candidate whose legal experience is outside the clinic practice area.

Because clinical jobs require some kind of practice experience, the candidate needs to figure out how not only to get that experience but also to find the time to do the kinds of academic things (especially academic writing) that make one an attractive hire. This challenge can be particularly difficult in a fast-paced legal services or public interest setting, the historical sources for many clinical teachers. Unlike some of the large law firms that can afford to permit an associate to spend some of his or her time on legal scholarship, legal services and public interest organizations (and I would add government agencies as well) rarely have that luxury. Ten years ago, I would have written that it would be enough to have some good ideas regarding what one would write about even if those ideas were not yet reduced to paper (the question I always used to ask was: what are the two or three really interesting things that you would have wanted to write about had you had the time to do so?), but the market has changed and good ideas alone are no longer enough. Thus, the candidate must make time for writing in those small spaces of time (early morning, weekends and evenings) that one tries desperately to find.

Implicit in the above discussion is that not only does one need prior lawyering experience but that that experience should be litigation-oriented. But while it is still true that clinical programs (like law schools in general) are heavily focused on litigation, there are an increasing number of transactional clinics (especially in the areas of community economic development and intellectual property) and mediation clinics so that the required experience base is broader than it was in the past.

One way that a candidate can find some time to write, as well as get a leg up on the tenure-track clinical hiring market, is to get accepted into one of the increasing number of post-graduate clinical programs. When I graduated from law school, the only really serious clinical fellowship program was at Georgetown, especially the Prettyman program for criminal defense lawyers. There are many more of these (including Yale's Cover Fellowship and my own school's Practitioner-in-Residence program). These programs differ greatly and are worth exploring individually in depth, but they not only potentially provide the candidate with some time to write (our program has been especially successful in this regard) but also give her or him the opportunity to learn how to be a good clinical teacher by working with, and learning from, more experienced clinicians. These programs usually last from one to three years, and may or may not offer an LLM degree, but their key contribution is in introducing the complexity of clinical

teaching to the candidate, and helping the candidate determine if clinical teaching is right for her or him. If you seek to take advantage of one of these fellowship/practitioner programs and are interested in transitioning from it to a clinical tenure-track or equivalent position elsewhere, be sure to inquire about the program's record in placing its participants. AU's program has been especially successful in this regard, with over 25 individuals obtaining tenure-track or equivalent clinical positions over the last 20 years.

There are other important characteristics of the clinical teaching market that are notable. First, not all law schools, especially a number of elite law schools, are looking for clinical scholars. These schools are less focused on prior scholarship and more on academic background and solid lawyering experience. At schools that de-emphasize scholarship, it is more likely that the clinicians are not on the academic tenure track but rather are on a separate clinical tenure track, where their rights may or may not be equal to those of the non-clinical faculty, or on long-term contracts. If status matters to you, and if you are interested in writing about legal issues, including clinical pedagogy, you need to ask a lot of tough questions about whether these more lawyer-oriented positions are right for you (and whether you'll receive support for scholarship, such as research assistance, summers off, and research leaves).

Second, for many clinical faculty at law schools, status matters. A helpful resource in assessing the status of clinical faculty at a law school you might be considering is the American Bar Association Standards for Approval of Law Schools (available in hard cover from the ABA Section of Legal Education and Admissions to the Bar, or on the [web](#)). Standard 405 (c) provides in part that "A law school shall afford to full-time clinical faculty members a form of job security of position reasonably similar to tenure, and non-compensatory perquisites reasonably similar to those provided other full-time faculty members." Various Interpretations of this Standard flesh out some, though not all, of the ambiguities involved in terms such as "reasonably similar." At this writing, the ABA is considering potential changes to the Standards and Interpretations that might undercut the accreditation standards' protections for tenure and tenure-equivalent positions in clinical programs (and, for that matter, throughout the law school). The situation is quite fluid and is worth educating yourself about. Suffice it to say that many law schools struggle with what rights to provide to clinical faculty (involvement in faculty governance, especially the faculty hiring and promotion process, is often a bone of contention), and a clinical candidate needs to ask hard questions in the recruitment process to determine just what a school does and doesn't provide to its clinicians.

Third, because almost all law schools in the country have existing clinical programs, the candidate seeks to join not only a faculty but a clinical program as well. In the past, clinical programs had a great deal more influence on whom the law school would hire for the clinic. As the positions have increased in status, the faculty is more involved, and non-clinical faculty may not be sufficiently savvy about what to look for in a clinical candidate, especially when it comes to the needed lawyering background or the persons interpersonal skills (critical in clinics). While there are few schools where a clinical faculty member would be hired over the objection of the clinical faculty, it is not always the case that the clinical program is able to hire the person the program most wants to hire, assuming that the school's existing clinicians are of one mind on hiring, which they may not be. Moreover, when you are applying to a law school for a clinical position, you need to learn something about the program and those who teach in it. Are they collegial? Do they work collaboratively? Do they have a discernible philosophy of clinical teaching? When you apply for a position teaching Torts or Contracts, you do not have the same need to get along with your colleagues in those subjects.

Fourth, while clinical candidates, as noted above, can and do take part in the AALS hiring process (or else write to schools directly), there are some clinic-specific job search options that one must know about. There are two very active clinical organizations with overlapping membership—the Association of American Law Schools Section on Clinical Legal Education and the Clinical Legal Education Association (CLEA). Both of these organizations publish newsletters (on an approximately quarterly basis) with job listings. In addition, there is a very active listserv for clinical educators, lawclinic@lists.washlaw.edu, on

which jobs are often posted. Clinical teachers in large numbers congregate at least twice per year, at the AALS Annual Meeting in January and at the annual AALS Conference (or Workshop) on Clinical Legal Education in May or June, and while one must be in clinical education to participate at these meetings, connecting with friends and colleagues already in the business who can network for you at these meetings can be very useful. Clinical hiring is not always as regular as non-clinical hiring (sometimes because it is dependent on the law school's receipt of a grant, or on budget allocation issues), which means that one has to be on the lookout for positions that come open much later in the year than January or February, when most non-clinical hiring is conducted.

Fifth, at a number of law schools, the line between clinical and non-clinical teaching (and between the faculty who teach in these parts of the curriculum) has become much less bright than it was formerly. If you have other teaching interests and background besides clinical education, you may be able to pursue a hybrid position, that is, one that is one-half clinic and one-half non-clinic. Even if that is not possible, it is often possible (and many times required) that the clinical professor will teach at least one course outside of the clinic, which can be a traditional course (including first-year courses), a substantive seminar (perhaps in the area of law in which ones clinic will operate), or a simulation skills course (such as interviewing and counseling, or negotiation).

Sixth, recent changes in the above-mentioned ABA Standards require that all law students receive at least credit hours in experiential education courses, defined as in-house clinics, externships, or simulation courses. Many schools will have to staff up considerably to meet this requirement, and while not all of these teaching positions will be tenure track, presumably some of them will. This demand may serve to ameliorate somewhat the hiring limitations that many law schools are experiencing because of reductions in institutional size.

Finally, a word about why one should consider clinical teaching as a career. As the demands on clinical teachers have increased (we want you to do everything non-clinicians do, and be a great lawyer and supervisor to boot), while some of the professional status issues persist (clinical faculty are not real faculty), the question of whether the position is appealing must be addressed. For me, and for many clinical teachers, the ability to have one foot in law practice and one foot in academia is a major part of the attraction of clinical teaching. I still retain the sense I had during the first year of law school that I wanted to be close to the action of practice. But being a clinical teacher allows you to put that practice experience into perspective and to train young people who are just beginning to figure out what it means to be a lawyer. As one non-clinical colleague once said to me after I was complaining about some aspect of my workload, you are lucky to be teaching in the clinic: you have the opportunity to teach creativity and to connect with students. Clinical education has a powerful, transformative message to convey to students, faculty, and law schools, and I can think of no finer academic enterprise of which to be a part.
Spring 2017

PROF. KRISTIN HENNING, J.D. '95

*Professor of Law and the Director of the Juvenile Justice Clinic
Georgetown University Law Center*

I am a Professor of Law and the Co-Director of the Juvenile Justice Clinic at the Georgetown University Law Center. At heart, I am both a teacher and a public defender.

There are few areas of law that I find as rewarding as criminal defense. Criminal defense satisfies my intellect, my sense of justice and my commitment to indigent communities. For me, criminal defense is in many ways a modern extension of the civil rights movement. Prosecution in the criminal and juvenile justice systems is the means by which people of color are most often segregated and excluded from the rest of society. It is the means by which people of color are stripped of civil rights and public benefits such as the right to vote, the right to public assistance, access to public housing and the right to attend

public schools. Without the basics of education and housing, our clients have no hope for rehabilitation and a productive future. When we represent kids charged with crime, we fight for more than physical liberty, we fight to avoid marginalization and to ensure full citizenship for all.

Before coming to Georgetown, I was an attorney with the Public Defender Service (PDS) for the District of Columbia. While at PDS I became a supervisor in the juvenile unit, training and supervising young PDS lawyers, training private juvenile defense attorneys and developing an organizational structure for the collaborative, multi-disciplinary representation of children in the areas of special education, social work, delinquency and public benefits. I loved the work and I loved PDS, but I was especially drawn to the training of young lawyers who were committed to representing the poor. Now in the clinic, I teach a year-long clinical program and supervise law students who represent juveniles charged with crime in the District of Columbia.

My students keep me laughing and energized with their flair for drama in the courtroom and with the humor and antics that are bound to arise while investigating crimes in the streets of Washington, DC. Students are eager to learn, able to laugh at themselves and willing to put in the long hours it takes to do the clinic work. Our students are smart and committed to their clients, even when they intend to pursue long-term careers in corporate America. Teaching also gives me an opportunity to expose students to neighborhoods and people they might not otherwise meet, and sometimes I am even able to convince students to devote their lives to a career on behalf of indigent children and families.

As a clinical law professor, I teach in the classroom, I strategize with students in the office and I supervise students in court. In the courtroom, the students talk and I listen. While I am always available for consultation and can step in if there is an emergency, the goal is to teach students to think for themselves and to give them the independence to represent clients the way *they* would, not necessarily the way *I* would. This is definitely not a job for anyone who has ever been called a “control freak.” After working at PDS where I did all the work on my cases, my new role as a professor was challenging. As a professor, I had to learn to prepare the students well and then let them do the work with and without mistakes. Good student preparation starts early and takes time. In the classroom, I facilitate case rounds and teach trial skills and substantive law related to juvenile and criminal justice. In the office, I strategize with students as they develop trial theories, plan investigation and moot various legal arguments and segments of the trial.

The flexibility of a teaching schedule and freedom in the summers also give me time to step back and reflect on the courtroom work and think about how to make the justice system better. As a Georgetown professor, I have a voice in city council, on local court committees and in regional and national juvenile justice associations. I am often invited to speak and train on issues pertinent to juvenile justice.

The flexibility of a teaching schedule also gives me time to write about broad policy issues that affect my clients. There was a time when litigators and public interest lawyers could gravitate toward clinical legal education without having to write and publish. Now the phrase “publish or perish” is not only true for classroom faculty, but is becoming increasingly true in clinical legal education. Now, anyone interested in legal education—either as a clinical professor or a classroom professor—should be willing and interested in writing. I actually find it both fun and useful to write as a clinician, especially when I am able to write about issues that directly arise out of our work in the clinic. In juvenile justice, I have written about eroding confidentiality in delinquency cases and about the inherent difficulties in the attorney-client relationship in juvenile cases. While I enjoy every aspect of my job, including the writing and reflecting, I will admit that it is often very difficult to find time to do it all: to teach, represent clients, supervise students, train new lawyers and to produce scholarship.

Entering the teaching market is a challenge, but well worth the work. The Faculty Recruitment Section of the American Association of Law Schools’ (AALS) website www.aals.org, provides the best “how to” or

“nuts and bolts” guide for obtaining a job as a law professor. But before you get to the “how to” phase, there are several things you can and should be doing if you are already thinking about the possibility of a career in academia while you are a law student: 1) work on a journal, 2) try to write a note (or get your SAW published), 3) be a research assistant and/or a teaching assistant, and 4) explore post-graduate teaching fellowships. If you want to teach a clinical law course, let me state the obvious—take all the clinic courses you can and look into clinical teaching fellowships. After graduating from Yale in 1995, I completed a two-year clinical fellowship, the Prettyman-Stiller fellowship, at Georgetown. In the fellowship, I learned clinical pedagogy, developed litigation skills and actually got experience teaching in

the classroom and supervising students in court. There are similar programs at Yale (with the Cover Fellowship) and American University (with the Practitioners in Residence Program).

I am very happy in academia, and clinical teaching is the perfect fit for me. It allows me to represent poor people, shape young minds, and speak out on issues of race, class and social justice. I would be happy to talk more about my experiences, challenges and suggestions for entry into the career.

Spring 2016

C. Non- Clinical Teaching

PROF. MARK C. ALEXANDER, J.D. '92

Currently Arthur J. Kania Dean and Professor of Law

Villanova University

Formerly Associate Dean for Academic Success and Professor of Law

Seton Hall Law School

Law school life is cyclical, but within cycles of a semester and an academic year, any given day can bring a wide variety of tasks and challenges. Perhaps the most sensible way to briefly describe the life of a law professor is to break it down into the three main components of the job: teaching, scholarship and service.

Teaching. In one respect, saying that you are a law professor is just a fancy way of saying you are a teacher. That is the simplest conception, and honestly (if you either already have or don't care about getting tenure), it is the only thing you have to do. The teaching life of a law professor can be deceptive, in its apparent ease and simplicity. For example, any given semester, I am likely to teach two courses, and I will be in the classroom for five or six hours per week, and on top of that, the semester is only 14 weeks, and there are only two semesters in a year. So, 28 weeks, five to six hours per week sounds pretty good, right? Well it is, but there's much more to it than that. What you will find is that class preparation in your first years takes all of your time, and then it takes the time you did not even know you had. A new professor typically spends at least eight to 10 hours prepping for class for every hour spent in the classroom. That number drops steadily every year, until you pick up a new prep or there is a new edition of the casebook you use. I try to think of the classroom experience like going to court to argue: I would never go to court unable to address a point or case raised in my brief. Your assigned reading is a brief: be prepared to discuss it. To prepare for class (particularly in the first couple of years) I would, quite simply, bring everything I could to the table, then read it and try to pull it together in some sort of coherent order.

Typically, following the basic outline of the casebook, the teacher's manual, or a colleague's syllabus is a great way to prep for the first time. (After you have some years under your belt, you will find your own way.) Once you have some sense of what you are covering, then gather your materials and work through it all page-by-page, case-by-case. To me, the handiest things to have (in addition to the case book) are: full texts of the opinions that are excerpted in the casebook; other case books; treatises (not commercial outlines, but scholarly summaries of the area of law); and law review articles. Read them and prepare what you want to say. Some people write out long, elaborate scripts. Some detail Q&A. Do what suits you, for it is your classroom.

Once you have prepared for class, then you have to teach it. That's the best part of it—it's the reward for all those hours engaged in class prep. So, enjoy it. Remember, you are being paid to talk about the law. What could be better? (Yes, I am a nerd, and from the fact that you are reading this with an eye toward becoming a law professor, chances are that you are too. Embrace that fact.) You should go into the classroom ready to make your points about the law, and again, think of a court argument. Yes, you should be responsive to their questions, but always remember that you have an agenda, and keep your focus on that. Last point about teaching: be yourself. Some of us are silly, some are serious; some are quiet, others are loud. If you try to be someone else, you won't make it. If you are yourself, your students will see right away that you are simply trying to help them through a very daunting three (or four) years.

Scholarship. Well, the teaching is great, but law schools don't pay as well as they do just to get course coverage. The heart and soul of an academic enterprise is the scholarly pursuit. And it is no less challenging, fun or rewarding than the teaching component. Because of the large amount of time devoted to teaching in the first year or two, it is hard to be very productive as a scholar, but you can make a good start. After a couple of years, you can really hit a good academic stride. The hardest thing about scholarship is that there are so many interesting legal questions out there, and you have to find a way to make a serious inquiry about a limited number. So at some point find your focus. (By the way, for me, the hardest part of my academic life has been finding and sticking with one academic research agenda. But now, I am particularly satisfied, because I know what I am doing, and the hardest part is just deciding which of many specific projects to pursue.)

In terms of the daily life, you must distinguish between term-time and summer. Starting with the summer, apparently anything is possible, with wide-open days free of any specific calendared meetings or classes. But you need to establish your own goals and expectations early, because the time can easily waste away. Get a good research assistant or two, set a schedule and start researching and writing. Every day, and every week, define your goals and make some progress. Maybe it's ten pages written for the week, or finish reading a certain series of cases or articles. Get your research assistants going—they need to be kept busy finding material for you, so that you can keep plowing through the reading material. I also find it very helpful to have a partner (or two or three) on the faculty who will work with me on my progress, reading a draft or a section, or just providing general inspiration. In other words, find a rhythm, make some sort of realistic plan and do it—don't let the entire summer pass by. During the semester, you must be realistic with your expectations. You will only accomplish a fraction of what you did during the summer, and that is OK. But it is important that you keep working and never give up when the going seems slow. The progress you make will keep you on track for consistent, quality scholarship. Overall with your research and writing, set an agenda, keep one eye on your topic, and the other on your specific thesis, and execute.

Service. You also will be expected to provide some service to the community in which you find yourself—that could be the law school, the entire university, the local town or city where you live, your state, etc. The school will expect you to serve on various committees, to advise students, and to make appearances and presentations at a variety of events. But beyond that, you should ask yourself if there are ways in which you affirmatively can help, perhaps by serving on the local town planning council, serving on a state-wide commission, or volunteering at your local house of worship. You have an opportunity and a responsibility to help, and that can also consume your time, but it also, like the other two components, inures both to your personal benefit and to that of your home institution.

Cycles. Now that I have described the major components of the job, let me briefly tie that initial point about cycles back in. The academic cycle is very intense, and it repeats itself every 12 months. It starts in the fall semester: for 13-14 weeks, you work your way through the commerce clause, separation of

powers, individual rights, equal protection, etc. Then you write an exam, the students take it and you go through the frenzy of grading (the only part of the job for which I must get paid). Then, the semester is over and you look back and can't believe it all happened. But don't look back for too long, because the second semester is starting. Then the race is on again, and another blur. With all this happening, you try to squeeze out some hours or days for scholarship, all the while trying to get to a committee meeting, help a panicked student and do the favor that the Dean asked of you. But the best part of the academic year is that you get more or less three months to devote to scholarship, uninterrupted by the daily pressures of the teaching calendar (plus some nice time to spend with your loved ones). So you enjoy the summer and make some progress, but you realize that it, too, is short, and before you know it, the new academic year begins, and...

Getting There. So far, I have mainly described the job. And at this point, I expect that just having some greater perspective on that will help you 1) decide whether you want to become a law professor; 2) devise an effective strategy for getting a good job in academia; and 3) become a better professor overall. But just a couple of particular points about getting the job. First, while you are in law school (if you still are), get involved in activities that will help prepare you for the job. Don't do anything you don't like, but remember that things like journal experience, being a teaching assistant, or work as research assistant can be of great benefit to you. Other activities, like moot court, clinics and the like can also be helpful. Just be sure to find some way to develop some of the skills needed to do the job. Of course, it also matters what the appointments committees want. In that context, keep the following in mind: the typical committee (if such exists) will have a few short weeks to screen hundreds of resumes in the AALS process. They will look at the following credentials: school, academic performance (not particularly quantifiable with Yale grads), journal experience, publication history, clerkships. In my experience, without a strong showing in many of these areas, you will have trouble. And of course, the overlay is need and geography. You may be the best criminal procedure candidate in the book, but if the school you most adore is looking for someone focusing on property, you are out of luck. Also, there are schools all over the country, and that makes a difference: if you want to be in the southwest, Mid-Atlantic State U. Law School is not going to work out for you. Start thinking about this now, but only do what you want—a poor performance in a “required” area won't be much help. One final note: utilize the YLS resources—they are invaluable in this process. Good luck, have patience, and enjoy yourself.

Spring 2016

PROF. HIRAM E. CHODOSH, J.D. '90

Currently President, Claremont McKenna College

Formerly Dean, University of Utah, S.J. Quinney College of Law

and Associate Dean for Academic Affairs

Joseph C. Hostetler—Baker & Hostetler Professor of Law

Case School of Law, Case Western Reserve University

I recall a Friday in early October 2002. I have a short break between meetings with students enrolled in my new reform lab in comparative judicial systems. I walk down to get a cup of coffee at *Schticks*, our Middle Eastern café, and on my way I see the Dean speaking with one of my new colleagues, Dale Nance, one of the country's leading experts in evidence. I feel so elated by my first few student meetings and a week (fairly typical) of deeply interesting work that I go straight up to the Dean, shake his hand, and blurt: “I love this job!” “Did anything happen?” he blushes. “No,” I reply, “I just really love this job. I am having a blast.” And it's true.

Actually, at the time of this interaction, I had four “half-time” jobs: scholar in global justice reform, classroom teacher in comparative and international legal studies, director of the international law center with prior stints as chair of our curriculum and appointments committees, and consultant to foreign court systems engaged in civil and criminal justice reform initiatives. I would be happy with any one of these four roles as a full-time endeavor (were it not for my more or less equal pleasure in each of the others.)

As I reflect on the great variety of work that particular week, from scholarship to teaching, from administration to active reform initiatives, I can barely imagine having a better job. I proofed edits on a new article on reform methodology, spoke to a conference organizer about a paper I am writing on mediation systems in *advance* of armed conflict, and received an invitation to contribute to a new series on the Middle East. I taught a class on the problem of delay in India and the limits of current reform proposals and conducted a workshop for the journal of international law second-year students who are writing their notes about sovereign insolvency, trafficking in child prostitution, Chinese patent law, NAFTA review of US jury awards, and many other important issues. I hosted a lecture on financial regulation of terrorist organizations, helped plan a new symposium entitled *Peace through Justice*, wrote a Fulbright recommendation for a student who just received a clerkship on the South African Constitutional Court, spoke with prospective applicants and faculty candidates, and wrote to a prominent alumna who was a pioneer of international aviation law after WWII. I drafted a grant for the continuation of an anti-corruption project in the Tanzanian courts, learned more about an upcoming meeting with members of Indian Supreme Court in San Francisco, and made plans for hosting a delegation of Indonesian Supreme Court Justices engaged in a comparative study of judicial education, administration, and discipline.

It wasn't always this way. When I started here at Case, I never imagined that my work would be this stimulating or rewarding. The publication opportunities, the unique pedagogies, the new programs, the reform initiatives: these had to be developed from scratch and often at the risk of offending the conventional wisdom for what generates or counts as success. I may have underestimated the challenge of being in active command of my own calendar (in contrast to the fire fighting one does in practice); there is no boss or client to blame for all the hard work or over-commitments. I also may have underestimated the importance of satisfying my own standards, cultivating my own expertise, and pursuing my own interests.

Yet now as I reflect on my experience on appointments committees over the years and as I've taken on new responsibilities as Associate Dean for Academic Affairs, I have grown also to appreciate what's really important to me in mentoring and evaluating aspiring law professors. No one is immune from the many proxies academics use for evaluating prospective or junior faculty (the journals in which articles are published, the topics of expertise, the advanced degrees, the references, the prior teaching experience). The question is not where scholarship is published but what it says; not the issues it pursues, but the contributions made; not which non-law degrees are obtained, but how they shed light on the law; not who serves as a reference but what they have to reflect about the special qualities of the candidate; not whether a candidate has taught but what they've contributed to the emotional and intellectual development of their students. In essence, our collective focus should not emphasize the accumulation of "gold stars," but the intensity of our *passion* for ideas and learning and the force of our personality to be true to it (in our writing, the classroom, and service roles). That's what makes one accomplished candidate stand out from the others because that's what makes all the difference.

Spring 2017

PROF. DAVID M. DRIESEN, J.D. '89

University Professor

Syracuse University College of Law

As a professor, I'm involved in daily reflection aimed at helping my students learn and at developing ideas about how to better shape the law. I used to spend all summer and a couple of days a week during the academic year writing, a few hours a week in committee meetings (mostly discussing possible change in policies and curriculum), and several hours a week preparing for each class (after having spent much time choosing a book, collecting materials, and developing a syllabus). Before each class I read what I assigned my students and some additional materials as well (e.g., a law review article or a new case). I then spent hours thinking about which questions to ask my students and how to handle various possible

answers (and non-answers). My promotion to University Professor, however, has allowed me to shift most of my emphasis from teaching to research, and I participate in campus wide strategic planning and write amicus briefs from time to time (mostly for Supreme Court cases).

The process of thinking an idea through gives me great satisfaction, so I like writing and preparing for class. Research sometimes feels like a thrilling treasure hunt, but the process of satisfying demands for endless footnotes documenting what I already know sometimes bores me. The joy in teaching comes when a student asks a good question, tells you that something you said helped in some way, or answers a question in a way that indicates that you've made a difference.

The wide range of student abilities here poses a challenge for teaching. I tried to craft questions that will help students who aren't thinking through legal problems to do so without embarrassing them, while also trying to lead the class to understand some of the deeper issues below the surface of the reading. I feel calm and happy almost all of the time because I work with students and ideas instead of facing the frustrating and constant evasion of legal obligations to protect the environment on a daily basis. I write about concepts that shape thinking about environmental protection on a wide variety of matters, instead of working intensively on a number of these matters directly. My work also seeks to reshape law and economics and reflects on issues in constitutional law that capture my attention. I like to think that my writing and teaching will help reshape ideas in ways that may make a difference. Over time, my work has become more widely known and respected among environmental law professors. Time will tell if my ideas reach and influence a wider audience. I seem to have a following in Europe and recently travelled to China to lecture on my latest book. In general, law professors have great opportunities to travel and work with colleagues in other countries.

Law schools are coming under pressures that may make them more bureaucratic and less of a haven for creativity than they have been in the past. The Bar Association and many accrediting bodies have recently demanded that law schools define their learning objectives and assessment methods. I'm concerned that these seemingly innocuous demands over time will become a catalyst for greater oversight of teaching and put pressure on professors to short change objectives that don't lend themselves to measurement, as happened in the public schools when assessment took off. They also require law schools to offer mandatory skills training. The challenge will be to offer this in a thoughtful strategic way that will not shortchange more important objectives, like learning to think like a lawyer and seriously considering issues of justice that constitute our most important challenge as a profession. I'm also concerned that tenure track hiring seems to be falling out of fashion, precisely at the time when tenure has become more important than it has been in years, because of threats to academic freedom from governments and potentially from a polarized student body. At the moment, it remains a fantastic opportunity, but the academy faces unprecedented challenges.

Spring 2018

PROF. DAVID L. GREGORY, LL.M. '82; J.S.D. '87

*The Dorothy Day Professor of Law
St. John's University School of Law*

I entered the LL.M. program of Yale Law School resolved to pursue teaching opportunities in legal academia. I am very happy to say that Yale Law School was indispensably important as the vehicle for successfully realizing my aspirations. I began teaching as a full-time, entry-level assistant professor on a six-year tenure track at St. John's University School of Law in Jamaica, Queens, New York City in 1982, a law school with a strong classroom teaching tradition and a deliberate mission toward first-generation law students from immigrant and lower economic class communities. I was born and raised in Detroit, Michigan, and received my JD degree in 1980 as an evening program student, concurrently employed full-time in corporate labor relations while attending law school, at the University of Detroit School of Law, an urban metropolitan law school quite similar to St. John's in its mission. Following one year of

law firm practice, I entered the YLS LLM program in September 1981, received the LLM in May 1982, and began teaching at St. John's in September of that year. Within my first three years, I also proposed, implemented and taught two new seminar courses, and became faculty advisor to the law students' Labor Relations and Employment Law Society. Shortly thereafter, I also became faculty advisor, by students' invitation, to our Irish, Pro-Life, and Federalist Society chapters. (This is a mentoring and facilitating role that I continue to find one of my most gratifying today. I must be doing something correctly; in 2003, the student government gave me an inaugural award as "faculty advisor of the year.")

Although the entry-level market for prospective tenure track assistant law professors was tight in the early eighties, it has become significantly more difficult to enter successfully in the last decade. If one can secure the initial position on the tenure track, however, the day-to-day activities of the law professor are not dramatically different now than a few decades ago.

Tenure standards are rising throughout legal academia; most tenure track faculty now must write more and publish at higher levels in the law review hierarchy, than was the case even a decade ago. Realistically, therefore, entry-level tenure track faculty probably must concentrate sooner within the tenure track period upon the production of high quality scholarship. This pressure may have several counterproductive consequences, resulting in work that is not as thoughtful and that is more hurried than ought to be the case, with additional time constraints unfortunately militating against significant empirical survey research projects within the tenure track period. Nevertheless, rising productivity standards, in both qualitative and quantitative terms, are the reality that must be successfully negotiated within the tenure track period. Interdisciplinary PhD training seems to be the latest "hot ticket" for entry into teaching, along with all of the obvious JD merit badges.

The law schools continue to compete for the best prospective teaching talent in even the tightest entry-level markets. Therefore, many schools continue to offer liberal summer grant research supports, modest class sizes and sections, ranges of choice of preferred courses, reduced teaching loads, research leaves, and opportunities to teach seminar and/or small sections within the tenure track period.

There continue to be wonderful opportunities for intellectual exchange with gifted students and colleagues. The tension, in fact, lies in the necessity to decline occasionally and prudently some of the many invitations to conferences, colloquia, and related co-curricular and social intellectual events in order to devote sufficient and necessary time to reflection, research, and writing, beyond the enormous time and energy required to prepare classes, the latter demands of which are potentially staggering within the first four years or so of teaching.

Every entry-level tenure track professor in each of the first three years of teaching should block out at least three uninterrupted six-hour periods once each week for reflection, reading, research, and writing toward production of manuscripts for academic publication. There is a wealth of advice within the law reviews and within the law professors' network as to the practical tips as to how to begin the scholarly process, but the most important ingredient for success will be the self-discipline to impose almost monastic rigor internally upon oneself sufficient to dedicate the uninterrupted time necessary for scholarship, completely separate and apart from similar uninterrupted time necessary for class preparation, formal and informal office hours for meeting with students, and the equally important time throughout the week necessary to interact fluidly and often spontaneously with other faculty for lunch, dinner, and other social events.

So, in one fell swoop, almost one-half of the mythological 40-hour work week must be dedicated to the largely solitary work of scholarship. Some multiple of that time must be devoted to class preparation, and to the often exhausting and exhilarating time of actual classroom teaching, and the related decompression period immediately after the class session concluded. Thus, we have already reached the 60- to 70-hour workweek. Add time for office hours, conversational interactions with students and faculty, and

attendance at co-curricular academic and social events, and we approach the 100-hour work week. Unlike most lawyers outside the academy, however, the academic lawyer has the luxury of considerable discretion in how one chooses to array, change, and block one's working hours.

Presuming that one enters legal academia because of the unquenchable burning intellectual curiosity that propels most to attend YLS in the first instance, the work of the law professor soon becomes, in most instances, the transforming labor of love of doing what the aspiring prospective law professor imagined in the most ideal vision: contemplation and reflection, translated into teaching, scholarship, and service.

After tenure, one has more opportunity to work with students in their career planning, to plan and implement, as well as to attend and participate in, academic conferences, and to engage in empirical and other scholarship on a longer time frame than is usually possible during the tenure track period. But, again, post-tenure, the essential rewards and gratifications of the life of the law professor remain much as they have always been.

I can think of nothing more intellectually gratifying and personally and professionally fulfilling than the life of the law professor. I would be happy to speak at any time with anyone contemplating entering the teaching ranks of legal academia.

Spring 2016

PROF. TANYA HERNANDEZ, J.D. '90

Professor of Law and Associate Director & Head of Global and Comparative Law Programs and Initiatives Fordham University School of Law, Center on Race, Law and Justice

I have been working as a law professor for the past 22 years and have never regretted entering the academic profession. A typical day will find me either preparing for class, meeting with students individually, and attending faculty committee meetings or ensconced in the library researching and writing. While my work schedule is inherently flexible (other than the hours I am assigned to teach), a commitment to excellence makes this a full time job with periodic spurts of overtime to meet publication deadlines, and conference presentations, and legal consultations.

When I first started teaching it could sometimes take me an entire day to properly prepare for a classroom presentation of information and student questions and problems. Teaching and being in front of the classroom is like the charge of litigating and having an entire room of hot-bench judges firing questions and expecting expertise on many related issues. It also takes a while to structure a method for presenting the material and reaching the most students. Now that I am re-reading the casebook rather than thinking through the material for the first time, I generally spend three to four hours preparing before each class. And I usually teach anywhere from two to three days per week. Accordingly, other than the time I am teaching and counseling students or attending faculty committee meetings, I work in solitude preparing for class and in research and writing.

Solitude is both the joy and challenge of the job. It feels like a great luxury and honor to be able to choose my own research topics, and set my own writing agenda for those topics. Yet this is work that most people must do alone in order to do it well. Thus the ability to spend large periods of time alone is something that a prospective law professor must not only endure but relish as well. Other helpful skills are being disciplined, self-motivated, and organized because the only non-negotiable deadline you will ever operate under is the tenure vote that may seem too many years away to feel like concrete pressure on a daily basis. It is for that reason that academia can be lethal to those who can't help being procrastinators in search of a high-pressure deadline. By the time the high-pressure deadline of the tenure vote arrives it is much too late to produce the three or so law review articles you may need to be successful.

After becoming tenured the skills of being disciplined, self-motivated, and organized remain central to the ability to maintain a scholarly reputation and have access to the academic sources and projects that interest you. Post-tenure the only motivating force (other than your institution's pay structure) is the sheer joy of being enraptured by some legal issue and researching all aspects of the problem like a detective looking for clues. It is also great fun to present those ideas and theories before your colleagues informally over coffee, more formally in faculty writing workshops, and before national conventions of professionals with your same interests. A particular advantage of life after tenure, is the ability to be more involved as a public intellectual disseminating your research ideas for the larger public in a way you hope will help influence public policy for the better. This can include distilling your ideas into op-ed essays, speaking in radio and television interviews, lawyering with nonprofit organizations, testifying before congress, blogging, and more. It's a fantastic job!

Additional demands for time are also often made of professors who have an interest or background as an underrepresented group member in the law school. For instance as an Afro-Latina law professor I am sought out by many students whom I have never been assigned to teach, in addition to being sought out by the faculty to consult on racially sensitive issues and serve on committees where those issues arise. But like most every other aspect of being a law professor this is another way in which you can feel like you are truly helping someone.

Spring 2018

PROF. HENRY E. SMITH, J.D. '96 – On Succeeding as a Junior Faculty Member

Fessenden Professor of Law

Director, Project on the Foundations of Private Law

Harvard Law School

There are many paths to a career in law teaching, but these share some striking features. I started law school after having done a PhD in Linguistics and teaching briefly at Indiana University. After law school I clerked for Judge Ralph K. Winter and then started as an Assistant Professor at the Northwestern University School of Law. Once you have started teaching, you will be surrounded by people who have gone through the same process you are going through now. Talk to them and learn from their achievements and mistakes. You will get a lot of advice that sounds trite and obvious. This squib will probably be no exception. But during my time as a junior faculty member, I found that one thing to say in favor of the challenges to be faced was that they were on the whole easily described.

A major difference between teaching in law and a field like linguistics is that there is no dissertation in a JD program. Without a dissertation, there is no deep reservoir of material to mine for papers as you are starting out. Being a junior faculty member is very unlike being a graduate student. Junior faculty are pulled in many different directions. They have to write, teach, serve on committees, and often their family lives are more complicated as well. All this makes demands on one's time and energy as a junior faculty member. Graduate students, by contrast, may have to teach but they are focused on one overriding goal—writing a good dissertation. Junior faculty do not have the “luxury” of this kind of single-mindedness.

This might sound like a recommendation that one should get a PhD before teaching law. It isn't. Instead, I simply want to point out that junior law professors often face challenges for which a period of focused reflection on certain problems is helpful. You can arrange things so that you can do this reflection after beginning to teach, but it probably will not happen by itself. For one thing, there is a lot of pressure to start getting things in print right from the beginning (or before). And it is true that what you produce during your first years will help define your voice. But this does not mean that one should refrain from publishing until one has written the perfect article. There is nothing wrong with starting out with a few pilot projects. Delay can raise expectations—not least one's own internal standards—to the point of serious writer's block.

How does one get this running start? Here papers from law school can serve as the basis for one's first couple of articles. I took this approach, since my dissertation had little to do with law. Extending a few law school papers allowed me some breathing room to get started on the projects I planned to spend more time on. It also got me in the habit of writing during the term, which is not easy to force oneself to do. If your school puts a heavy emphasis on publishing, the summers, while essential, are not enough time for writing. Having these papers to finish also allowed me to take the risk on larger projects without needing immediate results. But the larger point is that you may need to do a couple of smaller projects before finding your niche.

Finding some larger project is an art. As a junior faculty member you have a great freedom in what to pursue, but few guideposts either. One professor once said that you are not doing research unless you are so absorbed in it that crossing the street can be dangerous. While safety comes first, allowing problems to bother you is, for me, the first step in a research project. With luck, the things that bother you will form a cluster and a focus will emerge. I find it best to formulate an argument first and then go look for evidence for—and against—it. This can often be a very bottom-up process. For example, as a junior faculty member, problems like why the law does not allow full customization by parties in property transactions or why certain property rights were divided the way they were in medieval rural England led on to bigger problems and arguments. Absorbing lots of material first and refining an argument out of it has never worked for me.

Regardless of the method, the goal is to find what you can add. It may be an exaggeration to say that each article should contain one and only one argument, but there are dangers in both directions. It may sound obvious that an article should contain an argument, but this is not as easy as it sounds. At the other end of the spectrum, it is sometimes tempting to put all the arguments and material one has developed into the article one is working on now. I have found that one of the most difficult and painful things to do is to split an article but that afterwards one rarely regrets it.

If being alert to puzzles or being easily bothered by problems is your way to find topics, it is especially important to try to teach in an area in which you plan to write. Synergies between teaching and research do exist, and teaching a subject will throw up all sorts of unexpected details that may or may not fit with one's arguments. Students' questions, too, are a constant test not just of one's knowledge but one's current thinking as well. Another major benefit of teaching for me has been that it reminds me that in our own way we are all doing law. It keeps one grounded in the law, and the realization that one's students are taking their first steps into a life in the law keeps us connected to that life as well. In this respect, listening to former students and alumni as they come back to your school for various events is also time well spent. You can learn something to which you may not have ready access otherwise.

Pitfalls in one's first few years include teaching too few law courses or too many. Again, teaching at least one or two major law classes helps keep one's sights on the world of law. Those who try to avoid as much as possible teaching law-related classes are missing something. But one can go to the other extreme as well. Law professors vary widely in terms of how many courses they cover. Some people teach the same courses every year, and others teach almost everything in the curriculum. That is a personal choice, but one best left for later. The demands of adjusting to a new job and of starting up writing projects are heavy enough without taking on more new course preparations. Teaching a course the first time is extremely time-consuming, no matter how experienced a teacher one is. But the second time is astoundingly easier and more comfortable than the first.

As is usual in life, for a junior professor time and energy are scarce resources and require careful allocation. More than with most careers, law teaching combines variety of activities with intensity on one's chosen problems.

Spring 2016

Appendix A

Sample CVs

SAMPLE CV

JOAN ARC

The University of Chicago Law School
1111 60th St. • Chicago, IL 60637
(773) 834-4444 • jarc@law.uchicago.edu

EDUCATION

YALE LAW SCHOOL • New Haven, CT • J.D., 2018

- *Yale Law Journal*, Articles Editor
- *Yale Journal of International Law*, Articles Editor
- ACLU Immigrants' Rights Project
- Immigration Clinic

GOUCHER COLLEGE • Baltimore, MD • B.A. in International Relations, with honors, 2012

- *Honors*: Phi Beta Kappa, Phi Beta Kappa Award for Outstanding Paper, Dean's Scholarship, Munce Scholarship for International Relations, Class of 1906 Fellowship, German Embassy Language Award
- Amnesty International Goucher Group, Co-President
- Research Assistant, Professor Jane Bennett, Political Theory
- Senior Thesis: *Dilemmas of Transitional Justice and the Indeterminacy of Law: The Trial of the Former Bulgarian Communist Leader, Todor Zhivkov*

CAMBRIDGE UNIVERSITY • Cambridge, UK • Kaplan Scholar, 2010-2011

TEACHING AND RESEARCH INTERESTS

- *Primary interests*: International Law, International Criminal Law, Comparative Law, Comparative Criminal Law, Criminal Law, Criminal Procedure
- *Additional interests*: Civil Procedure, Evidence, International Commercial Arbitration, International Organizations, Immigration Law, Human Rights Law, Criminal Justice

PUBLICATIONS AND WORKS IN PROGRESS

- *Jury Sentencing as Democratic Practice*, 89 VA. L. REV. 311 (2016), cited in Wright & Miller, 3 Fed. Prac. & Proc. Crim.2d 526 (West Supp. 2016)
- Case Note, *Sovereignty on Our Terms*, 110 YALE L.J. 885 (2015), cited in *In re Vitamins Litigation*, No. 99-1978FH, 2005 WL 1049433 (D.D.C. June 20, 2015)
- Book Review, 26 YALE J. INT'L L. 529 (2011) (reviewing WILLIAM SCHABAS, *GENOCIDE IN INTERNATIONAL LAW* (2012))
- *Update of Current Legal Proceedings at the ICTY*, 13 LEIDEN J. INT'L L. 597 (2012)
- Empowering Local Justice: The International Criminal Court as an Aid to National Courts (in progress)
- Diversity and Deliberation: A Comparative Study of Criminal Jury Selection (in progress)

SAMPLE CV

TEACHING EXPERIENCE

UNIVERSITY OF CHICAGO LAW SCHOOL • Chicago, IL • Fall 2014-Present

Bigelow Fellow and Lecturer in Law

Design and teach Legal Research and Writing (full-year class for first-year students) and Comparative Criminal Procedure (upper-level seminar to be taught in Spring 2015); coordinate Academic Counseling program.

PROF. JUDITH RESNIK, YALE LAW SCHOOL • New Haven, CT • Fall 2014

Teaching assistant, Civil Procedure

Prepared and reviewed assignments; mentored students in civil procedure.

PROF. IAN SHAPIRO, YALE UNIVERSITY • New Haven, CT • Spring 2013

Research and teaching assistant for a class on “Democracy and Its Critics”

Led discussion sections; prepared and reviewed student assignments.

LEGAL AND OTHER WORK EXPERIENCE

OFFICE OF THE FEDERAL PUBLIC DEFENDER • Houston, TX • Summer 2014

Legal intern

Researched and wrote memos on various issues of criminal law and procedure, met and interviewed clients, observed court proceedings.

DEBEVOISE & PLIMPTON • New York, NY, and Paris, France • Summer 2013

Summer associate

Researched and wrote memos on various litigation and international arbitration topics; worked on pro bono projects, including an expropriation case brought by Eritrean refugees in the U.S. against the Ethiopian government and a political asylum application.

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

The Hague, Netherlands • Summer 2013

Intern, Appeals Chamber

Researched and edited portions of judgments; assisted Judge Mohamed Shahabuddeen with research projects; summarized weekly proceedings of the Tribunal.

CIVIL SOCIETY DEVELOPMENT FOUNDATION • Sofia, Bulgaria • Summer 2012

Intern

Edited publications and the Foundation’s Annual Report.

OFFICE OF CAROLE TONGUE, EUROPEAN PARLIAMENT • Brussels, Belgium • Summer 2011

Project assistant

Researched and wrote a paper on EU Cultural and Media Policy; attended policy meetings; responded to constituents’ questions.

BAR ADMISSION/LANGUAGES

Texas, 2015

Fluent English and Bulgarian; proficient French and German; intermediate Russian and Spanish.

SAMPLE CV

REFERENCES

Professor Kate Stith
Yale Law School
(203) 432-1111; k.stith@yale.edu

Professor W. Michael Reisman
Yale Law School
(203) 432-2222; w.reisman@yale.edu

Professor Owen M. Fiss
Yale Law School
(203) 432-3333; o.fiss@yale.edu

Professor Judith Resnik
Yale Law School
(203) 432-4444; j.resnik@yale.edu

Professor Cass R. Sunstein
University of Chicago Law School
(773) 702-5555; cassun@midway.uchicago.edu

Professor Tracey L. Meares
University of Chicago Law School
(773) 702-6666; meares@midway.uchicago.edu

SAMPLE CV

NATHAN H. CLASP
666 West 8th Street
Brooklyn, NY 11218
718 972-7777 nathan.clasp@aya.yale.edu

EDUCATION

Yale Law School, J.D. 2013

Edgar M. Cullen Prize (best paper by a first year student)
Prison Clinic, Director

Graduate Faculty of Political and Social Science, Ph.D. (Philosophy) 2010

New School for Social Research, M.A. (Philosophy) 2007

Hans Jonas Dissertation Prize (best philosophy dissertation)
Sugihara Dissertation Fellowship, 2006-2008
New School Prize Fellowship, 2002-2005
Graduate Conference in Eastern European Democratization and Political Theory,
Institut für die Wissenschaften vom Menschen, Vienna, July 2003

Carleton College, B.A. (Philosophy) *magna cum laude* 2001

Distinction, Department of Philosophy
London School of Economics, Visiting Student 1998-1999

TEACHING AND RESEARCH INTERESTS

Primary interests: Contracts, Federal Courts, First Amendment, Legal Philosophy
Additional interests: Commercial Law, Remedies, Civil Procedure, Campaign Finance Regulation and
 Election Law

PUBLICATIONS AND PRESENTATIONS

Insincere Promises: The Law of Misrepresented Intent (Yale University Press, forthcoming 2017) (with Ian Ayres).

The Very Idea of a First Amendment Right against Compelled Subsidization, 38 U.C. DAVIS L. REV. (forthcoming 2017) (draft available on SSRN).

Promissory Fraud without Breach, 2013 WISC. L. REV. (forthcoming) (with Ian Ayres) (draft available on SSRN).

Presentation: *Promissory Fraud without Breach*, at Freedom from Contract Conference, University of Wisconsin Law School, February 2015.

A Framework for Reading Kant on Apperception: Seven Interpretive Questions, 94 KANT-STUDIEN 80 (2014).

Interpretation, Appreciation and Judgment: An Inquiry Into Kant and Contemporary Philosophy of Mind (2009) (unpublished Ph.D. dissertation, Graduate Faculty of Political and Social Science of the New School for Social Research (New York)).

Manuscript in progress, *Promise and Contract*.

SAMPLE CV

EXPERIENCE

Office of the New York State Attorney General 2014-Present
New York, New York
Assistant Solicitor General. Briefs to the U.S. Supreme Court (Twenty-First Amendment and dormant Commerce Clause) and New York Court of Appeals (enforceability of break-up fees in not-for-profit real property contracts); briefs to and oral argument before the Second Circuit and New York Appellate Division; criminal investigation of public authority's sale of exclusive development rights; Attorney General opinions on matters of state law.

Hon. Guido Calabresi, U.S. Court of Appeals for the Second Circuit 2013-2014
New Haven, Connecticut
Law Clerk.

Center for Studies in Law, Economics and Public Policy Summer 2012
New Haven, Connecticut
Olin Research Fellow. Researched and drafted analysis of promissory fraud.

Brennan Center For Justice At New York University Summer 2011
New York, New York
Summer Intern. Researched First Amendment compelled speech doctrine, Tax Injunction Act, pay-to-play campaign finance regulation, and legislative history of the Federal Elections Campaign Act with respect to then applicable soft money rules.

Marcus Attorneys 2010
Brooklyn, New York
Project Manager & Legal Associate. Researched CERCLA requirements and compliance regimes and New York City Loft Law and Rent Stabilization codes; drafted condominium offering plans; community liaison for cineplex-retail project.

Technische Universität Dresden 2007-2009
Dresden, Germany
Assistant Professor of Philosophy. Courses in German on philosophy, social contract theory, Kant and Hume; academic advisor; served on departmental committee drafting new M.A. requirements and faculty-wide committee instituting teaching review by students.

Lang College 2004-2005
New York, New York
Teaching Fellow. Courses in philosophy; undergraduate academic advisor.

BAR ADMISSIONS

New York
Southern District of New York
U.S. Court of Appeals for the Second Circuit

SAMPLE CV

REFERENCES

Hon. Guido Calabresi
U.S. Court of Appeals for the Second Circuit
203-773-2222
guido@yale.edu

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Attorney General
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Prof. Richard Bernstein
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Prof. Bruce Ackerman
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Prof. Jules Coleman
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203-432-4444
jules@yale.edu

Prof. Brett Dignam
Jerome N. Frank Legal Services
Organization, Yale Law School
203-432-8888
brett@yale.edu

Prof. Gerhard Schönrich
Institut für Philosophie, Technische
Universität Dresden
+49 351 463 300 00
thp@rcs.urz.tu-dresden.de

SAMPLE CV

CAROL R. CURTAIN

122 Boston Street, Hartford, CT 06105
860-222-1111 CCurtain@hotmail.com

EDUCATION

Yale Law School, New Haven, CT. J.D., 2012

Yale Journal of Law & the Humanities, Co-Editor-in-Chief; Articles Editor
Street Law Program, teacher in New Haven high school

Brown University, Providence, RI. Ph.D., English Literature, 2008

Dissertation entitled “Ungovernable Selves: The Psychoanalytic in
Legal Culture” (Director Ellen Rooney)

University Fellowship, 2003-2004; Dissertation Fellowship, 2007

Princeton University, Princeton, NJ. A.B., 2002

Honors: Phi Beta Kappa, Departmental Honors, Italian National Honor Society

AREAS OF TEACHING AND RESEARCH INTERESTS

Criminal Law

Family Law

Mental Health Law

Contracts

Antidiscrimination Law

Gender, Sexuality and Law

Law and Literature

Feminist Legal Theory

PUBLICATIONS AND WORKS IN PROGRESS

“Forces of Consent,” *Studies in Law, Politics & Society* (forthcoming 2017; also
forthcoming on the Legal Scholarship Network in Law & Humanities)

“Ungovernable Passions: Medico-Legal in Mid-Twentieth-Century America”
(article submitted August 2016, analyzing the fraught collusion between law and
psychiatry around the enactment of “sexual psychopath” legislation)

“Adversarial Situations” (work in progress examining analogies between legal and
psychoanalytic processes from Freud to repressed memory cases)

“Acting Guilty” (work in progress analyzing jurisprudential and theoretical
approaches to guilty behavior and the desire for punishment)

SCHOLARLY PRESENTATIONS

American Society of Criminology Annual Meeting, 2013. “Irresistible Impulses:
Conflating Homosexuality and Criminality”

Columbia, Georgetown, UCLA & USC Law and Humanities Junior Scholar
Workshop, 2016. (Paper competition.) “Forces of Consent”

Law & Society Association Annual Meeting, 2016. “Diagnosis Ungovernable:
Medico-Legal Reasoning and Its Discontents”

SAMPLE CV

EXPERIENCE

The University of Connecticut School of Law, Hartford, CT, 2016-Present
Visiting Associate Professor. Courses in Criminal Law, Mental Health Law, and Family Law.

Shea & Gardner, Washington DC, 2013-2016
Associate. Diverse practice focusing on commercial litigation. Researched and wrote legal memoranda, conducted witness interviews, drafted pleadings, and participated in all stages of discovery.

The Honorable Colleen Kollar-Kotelly, United States District Court for the District of Columbia, Washington, DC, 2012-2013
Judicial Law Clerk.

Women's Studies Program, Yale University, Spring 2011
Teaching Assistant. Taught section for introductory Women's Studies course.

Professor Peter Brooks, Yale University, Fall 2011
Research Assistant. Prepared course materials for Narrative and Rhetoric in the Law; researched criminal confessions and interrogation techniques.

Professor Vicki Schultz, Yale Law School, 2010-2011
Teaching Assistant. Prepared materials, arranged speakers, and reviewed student papers for Feminist Theory Workshop.
Research Assistant. Assisted in research and preparation of article on sexual harassment law under Title VII.

Weil, Gotshal & Manges, New York, NY, Summer 2010
Summer Associate. Researched topics in copyright law, civil procedure, and real estate law. Assisted partner in preparation of article on jury nullification for the *New York Law Journal*.

Mental Hygiene Legal Services, Metropolitan Hospital, New York, NY, Summer 2010
Intern. Represented psychiatric patient in involuntary commitment hearing.

Department of English, Brown University, 2004-2006
Teaching Assistant and Advanced Teaching Fellow. Designed and taught five English seminars for undergraduates. Assisted professors with three advanced undergraduates.

SAMPLE CV

REFERENCES

Professor Vicki Schultz
Yale Law School
P.O. Box 208215
New Haven, CT 06520
203-111-1111
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Professor William Eskridge, Jr.
Yale Law School
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New Haven, CT 06520
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Eskridge@yale.edu

Dean Nell Jessup Newton
University of Connecticut School of Law
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860-333-3333
Newton@law.uconn.edu

Professor Peter Brooks
Departments of Comparative Literature and French
Yale University
P.O. Box 208299
New Haven, CT 06520
434-555-5555
Brooks@yale.edu

Professor Ellen Rooney
Department of English
Brown University
Box 1957
Providence, RI 02912
401-666-6666
Rooney@brown.edu

Henry J. Darrow

5147 N. Winning Ave., Los Angeles, California, 90025; 310.714.1111; henry.darrow@aya.yale.edu

EDUCATION

Yale Law School, New Haven, CT, J.D., 2014

Honors: Banner Bearer, Class of 2013 (for service to the law school)

Activities: Yale Law & Policy Review

Yale Journal on Regulation

Yale Journal of Law & the Humanities

Arthur Liman Public Interest Program

Loyola Marymount University, Los Angeles, CA, B.A., *magna cum laude*, 2010

Honors: Presidential Citation for Excellence in Scholarship and Service

Sr. Raymunde McKay Award for Service and Leadership

Henry I. Dockweiler Award for Outstanding Graduate in History

Full Academic Scholarship, 2006-2010

Activities: Student Body President

National President, J.U.S.T.I.C.E.

Oxford University, Oxford, England, Summer 2010

Honors: Oxford Young Scholar's Program Scholarship Recipient

PUBLICATIONS

Publicly Financed Sports Facilities: Are They Economically Justifiable?, 10 U. MIAMI BUS. L. REV. 483 (2016).

Richard Riordan and Los Angeles Charter Reform, 2009 CTR. STUDY L.A. LOY. MARY. U. (2016) (with Tim T. Smith).

Revisiting Gay Rights v. Georgetown University a Decade Later: Free Exercise Challenges and the Nondiscrimination Laws Protecting Homosexuals, 9 TEX. J. WOMEN & L. 219 (2014).

Living Wage Ordinances: A Socio-Economic Movement and Its Legal and Policy Implications (manuscript in progress).

TEACHING & RESEARCH INTERESTS

Local and State Government Law

Property

Civil Procedure

Administrative Law

Land Use

Contracts

Constitutional Law

Ethics in Government

PROFESSIONAL EXPERIENCE

U.S. Court of Appeals for the Ninth Circuit, Pasadena, CA, 2015-Present

Law Clerk to Judge Pamela Ann Rymer

SAMPLE CV

Manatt, Phelps, & Phillips, LLP, Los Angeles, CA, 2014-2016

Associate

- Represented public and private entities in land use and government contracting matters.
- Researched and drafted legislative analyses for clients regarding various policy issues.
- Advocated for clients before government entities in legislative and administrative matters.
- Drafted acquisition, leasing, financing, and development documents for real estate clients.
- Analyzed procurement and administrative policies for government entity clients.
- Advised elected officials, political candidates, and corporations on election law issues.

Office of the Legal Counsel, The White House, Washington, D.C., Summer 2013

Legal Intern

- Wrote opinion pieces on presidential powers questions regarding executive authority.
- Researched and drafted portions of civil rights legislation considered by Congress.
- Drafted position papers on separation of church and state and charitable choice issues.

Jerome N. Frank Legal Services Organization, New Haven, CT, 2012-2014

Student Director, Community Legal Services Clinic

- Supervised students with their casework and community outreach.
- Represented clients from local soup kitchen in administrative hearings.
- Drafted briefs and legal memoranda for federal and state court cases.

Office of Mayor Richard J. Riordan, Los Angeles, CA, 2010-2011

Press Deputy; Policy Analyst

- Drafted speeches, press releases and media advisories for the Mayor.
- Researched, proposed and promoted a new city ordinance for aggressive panhandling.
- Developed and wrote reports on strategies and recommendations for public safety issues.

TEACHING AND OTHER SCHOLARLY EXPERIENCE

Loyola Marymount University, Los Angeles CA

Adjunct Professor, Departments of Urban Studies and Political Science, Fall 2016

- Taught an undergraduate course entitled "Municipal Policy."
- Created curriculum on transportation and affordable housing policies.

Fellow, Center for the Study of Los Angeles, Summer 2015

- Completed manuscript on living wage ordinances.
- Conducted research on the new Charter of the City of Los Angeles.

Yale University, New Haven, CT

Visiting Professor, Yale College, Spring 2014

- Taught an undergraduate seminar entitled "Reinventing Municipal Policy in the 1990's."
- Developed syllabus on economic development and public safety policies.

Teaching Assistant, Department of Political Science, Spring 2014

- Taught a course section for "Introduction to Political Science."
- Assisted professor with course entitled "Campaigns, Elections, and the Media."

SAMPLE CV

BAR ADMISSION

California (2014)

REFERENCES

Professor William N. Eskridge, Jr.
Yale Law School
(203) 432-1111
w.eskridge@yale.edu

Professor Carol M. Rose
Yale Law School
(203) 432-6666
c.rose@yale.edu

Keith Allen-Niesen, Esq.
Partner
Manatt, Phelps & Phillips, LLP
(310) 312-2222
allen-niesen@manatt.com

For additional references, please contact:

Professor Anthony T. Kronman
Yale Law School
(203) 432-3333
a.kronman@yale.edu

Professor Erwin Chemerinsky
USC Law School
(213) 740-7777
chemeri@law.usc.edu

Professor Daniel Hays Lowenstein
UCLA Law School
(310) 825-4444
lowens@law.ucla.edu

Paul Irving, Esq.
Managing Partner
Manatt, Phelps & Phillips, LLP
(310) 312-8888
irving@manatt.com

SAMPLE CV

JAMES DEAN

242 Rockin Avenue, Bloomfield, IL 06666 James.Dean@aya.yale.edu (505) 111-2222

EDUCATION

Yale Law School, JD, 2016

Honors in all graded classes

Michael Egger Prize (best student article on current social problems, *Yale Law Journal*)
Yale Law Journal

LawMeme.org (technology law weblog), Editor-in-Chief

Harvard College, A.B., *summa cum laude* in Computer Science, 2009

Phi Beta Kappa

Barry M. Goldwater Scholar (national science fellowship)

Senior thesis: *Quantum Computation: An Introduction*

TEACHING INTERESTS

Primary: Intellectual Property (all areas), Internet Law, E-Commerce, Communications Law

Additional: Property, Payment Systems, Commercial Transactions

PUBLICATIONS

A Unified Theory of Search Engine Law (in progress)

CYBERCRIME: DIGITAL COPS IN A NETWORKED ENVIRONMENT (Jack M. Balkin, James Dean et al. eds., N.Y.U. Press forthcoming 2018)

Virtual Power Politics, in THE STATE OF PLAY: LAW, GAMES, AND VIRTUAL WORLDS (Jack M. Balkin & Beth S. Noveck eds., N.Y.U. Press Nov. 2016)

Note: *Regulation by Software*, 114 YALE L.J. 1719 (2016)

SCHOLARLY AND TEACHING EXPERIENCE

Information Society Project, Yale Law School (2015–16)

Resident Fellow. Will conduct scholarly research and writing, participate in colloquia, and help organize conferences and other projects.

New York Law School (Fall 2017)

Adjunct Professor of Law. Will co-teach survey course in cyberlaw.

Harvard College (Fall 2006–2008)

Course Assistant. Taught weekly section for computer science theory course.

SAMPLE CV

PROFESSIONAL EXPERIENCE

Hon. Maryanne Trump Barry, U.S. Court of Appeals for the Third Circuit (2016–17)

Law Clerk.

Creative Commons (Summer 2015)

Legal Intern. Researched issues in intellectual property licensing; assessed needs of potential clients; wrote educational materials on copyright.

Electronic Frontier Foundation (Summer 2014)

Legal Intern. Researched issues in intellectual property litigation, free speech, and administrative law; wrote educational materials on digital rights.

Harvard College (2012–13)

Special Assistant to the Dean. Wrote reports on study abroad and campus planning.

Microsoft Corporation (2009–11)

Software Design Engineer. Programmed large research and commercial software systems.

CONFERENCES

Regulating Search, Yale Law School (Dec. 2015)

Program Committee Co-Chair; Opening Speaker

ABA IP Section Annual IP Law Conference, Washington, D.C. (Feb. 2015)

Panelist, “Virtual Worlds and Law”

The Global Flow of Information, Yale Law School (Jan. 2015)

Program Committee

Cybercrime and Digital Law Enforcement, Yale Law School (Jan. 2014)

Program Committee

BAR ADMISSIONS

State of New Jersey

United States District Court for the District of New Jersey

SAMPLE CV

REFERENCES

Jack M. Balkin
Knight Professor of Constitutional Law
Yale Law School
balkin@yale.edu
(203) 444-1111

Yochai Benkler
Professor of Law
Yale Law School
benkler@yale.edu
(203) 444-1111

Henry E. Smith
Professor of Law
Yale Law School
smith@yale.edu
(203) 444-1111

Hon. Guido Calabresi
Sterling Professor Emeritus of Law
Yale Law School
calabresi@yale.edu
(203) 444-1111

Anne L. Alstott
Jacquin D. Bierman Professor of Taxation
Yale Law School
alstott@yale.edu
(203) 444-1111

Hon. Maryanne Trump Barry
United States Circuit Judge
Court of Appeals for the Third Circuit
(973) 444-1111

SAMPLE CV

ATTICUS FINCH

Post Office Box 8994
Los Angeles, CA 90026
213-999-9999 atticus94@aya.yale.edu

EDUCATION

YALE LAW SCHOOL, J.D., 2007

Yale Law Journal
Yale Journal of Law & the Humanities
Director, Disability Clinic
Coker Teaching Fellow, Contracts I, Professor Lea Brilmayer
Research Assistant, Professor Jerry Mashaw

HARVARD UNIVERSITY, A.B., 2002

Summa Cum Laude
Phi Beta Kappa
Supervisor, University Lutheran Homeless Shelter
Big Brother Program, Phillips Brooks House

PUBLICATIONS

First Amendment Equal Protection: On Discretion, Inequality and Participation, 100 MICHIGAN LAW REVIEW (to be published in August 2016).

Political Equality After Bush v. Gore: A First Amendment Approach to Voting Rights, in FINAL ARBITER: THE CONSEQUENCES OF *BUSH V. GORE* FOR LAW AND POLITICS (SUNY Press, forthcoming).

Healing the Blind Goddess: Race and Criminal Justice, 98 MICHIGAN LAW REVIEW 1941 (2013) (book review of David Cole's *No Equal Justice*, with Mark D. Rosenbaum).

Promoting Equality by Protecting Local Power: A Neo-Federalist Challenge to State Affirmative Action Bans, 10 STANFORD LAW & POLICY REVIEW 129 (2012) (with Mark D. Rosenbaum).

The Club: Asian Americans and Affirmative Action, 1 NEXUS LAW JOURNAL, No. 2, at 47 (2009).

Note, *The Persistence of Prejudice: Process-Based Theory and the Retroactivity of the Civil Rights Act of 1992*, 103 YALE LAW JOURNAL 567 (2006).

TEACHING AND RESEARCH INTERESTS

Primary interests: Constitutional Law, Civil Procedure, Federal Courts, First Amendment, Voting Rights

Other interests: Professional Responsibility, Criminal Procedure, Disability Rights, Evidence, Remedies

EXPERIENCE

COMMON CAUSE, 2010 - present

Chair, California Common Cause (2012 - present)

Vice-Chair, California Common Cause (2012)

Board of Directors, California Common Cause (2009 - present)

National Governing Board, Common Cause (2011 - present)

Supervise activities of Common Cause at state and national levels, including advocacy on campaign finance reform, open government, ethics, public accountability, and civil rights issues. Chair state board meetings.

ACLU FOUNDATION OF SOUTHERN CALIFORNIA, 2009 - present

Staff Attorney (2009 - present).

George Staff First Amendment Fellow (2008 -2009)

Litigate civil rights and civil liberties cases in the areas of free speech, race and gender equity, voting rights, disability rights, police practices, poverty and welfare, immigrants' rights, employment, and open government.

JUDGE STEPHEN REINHARDT, NINTH CIRCUIT COURT OF APPEALS, 2007 - 2008

Law Clerk

Drafted bench memoranda and opinions on federal issues including First Amendment, Fourth Amendment, employment, due process, immigration, and disability benefits. Prepared judge for oral argument.

SIMPSON, THACHER & BARTLETT, Summer 2006

Summer Associate

Researched and wrote memoranda and briefs on environmental, insurance and legal malpractice issues.

NAACP LEGAL DEFENSE & EDUCATIONAL FUND, Summer 2005

Summer Intern

Researched and wrote memoranda and briefs on educational equity, school desegregation, employment discrimination, and fair housing issues.

GREATER BOSTON LEGAL SERVICES, 2002- 2004

Disability Advocate

Represented people with mental and physical disabilities seeking Social Security benefits. Gathered evidence, wrote legal briefs, and represented clients at administrative hearings.

LITIGATION (partial list)

Freedom of Speech

- *SEIU Local 660 v. Los Angeles*. Successfully challenged restrictions on political protests surrounding 2003 Democratic National Convention, and secured opinion striking down city ordinance regulating parades and regulations concerning access to parks (with Carol Sobel, Bob Myers and Professor Karl Manheim).
- *Hamilton v. San Bernardino*. Successfully challenged California defamation law specially targeting citizen complaints of police misconduct, resulting in published opinion.

Voting and Democracy

- *Common Cause v. Jones*. Successfully challenged California's use of pre-scored punch card voting machines under Equal Protection Clause and Voting Rights Act. Obtained opinion applying *Bush v. Gore* to disparities in voting equipment (with Munger, Tolles & Olson and others).
- *Voting Rights Coalition v. Wilson*. Required California to implement "Motor Voter" law and defended law against constitutional challenge (with Mark Rosenbaum and Lawyers' Committee for Civil Rights).

SAMPLE CV

Disability Rights

- *Beauchamp v. Los Angeles County Metropolitan Transportation Authority*. Class action under Americans with Disabilities Act, successfully challenging failure to accommodate mobility-impaired bus riders (with Stanley Fleishman, David A. Warshaw, and Peter J. Eliasberg).
- *Flores v. Los Angeles County Metropolitan Transportation Authority*. Americans with Disabilities Act class action on behalf of people with severe disabilities who rely on complementary paratransit service (with Western Law Center for Disability Rights, and Protection & Advocacy, Inc.).

Race and Gender Equity

- *Coalition for Economic Equity v. Wilson*. Challenged California's Proposition 209, which prohibited race- and sex-conscious affirmative action (with Mark Rosenbaum, Professor Evan Caminker, Professor Vik Amar, Professor Laurence Tribe, Professor Kathleen M. Sullivan, and others).
- *Regents of the University of California v. Superior Court/Molloy*. Argued open meeting act case before California Supreme Court, seeking to hold Governor and Regents liable for pre-meeting agreement to abolish affirmative action (with Lawyers' Committee for Civil Rights and First Amendment Project).

Poverty and Welfare

- *Saenz v. Roe*. Co-wrote brief to United States Supreme Court, resulting in opinion striking down California law reducing welfare benefits for newly arrived California residents (with Mark Rosenbaum, Professor Evan Caminker, Professor Laurence Tribe, and NOW Legal Defense and Education Fund).

Immigrants' Rights

- *Gregorio T. v. Wilson*. Successfully challenged California's Proposition 187, which would have denied public education and benefits to undocumented immigrants (with Mark Rosenbaum, MALDEF, and others).

BAR ADMISSIONS

State courts: California (2008); Massachusetts (2008).

Federal courts: United States Supreme Court (2011); United States Court of Appeals for the Ninth Circuit (2009); United States District Court for the Central, Northern, and Eastern Districts of California (2009).

REFERENCES

Associate Dean Evan Caminker
University of Michigan Law School
734-000-0000

Professor Erwin Chemerinsky
USC Law School
213-000-0000

Professor Jerry Mashaw
Yale Law School
203-000-0000

Hon. Stephen Reinhardt
U.S. Court of Appeals for the Ninth Circuit
213-000-0000

Mark D. Rosenbaum
Legal Director, ACLU of Southern California
Adjunct Professor, UCLA and
Michigan Law Schools
213-000-0000 ext. 000

Professor Reva Siegel
Yale Law School
203-000-0000

SAMPLE CV

MICHAEL T. MEYER

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Education

Yale Law School, J.D., 2006

Yale Law and Policy Review, Business Editor
Yale Journal on Regulation, Editor
John M. Olin Fellow in Law and Economics
The Initiative for Public Interest Law at Yale, Inc., Treasurer
Yale Law School Christian Fellowship, President

Stanford University, A.B., Economics and Public Policy, 2001

Graduated with Distinction, Economics and Public Policy
Graduated with Honors, Economics
Sobieski Prize for Creative Thinking in Economics
Ram's Head Theatrical Society, Executive Producer

Teaching and Research Interests

Primary interests: Taxation, Nonprofit Organizations, Election Law, Law and Religion

Additional interests: Law and Economics, Professional Responsibility, Constitutional Law,
Business Associations

Selected Publications and Works in Progress

Private Foundations chapter for tax-exempt organizations law book (in progress) (with Douglas A. Varley)

Legal Rules chapter for FOUNDATION GUIDE TO PUBLIC POLICY AND CIVIC ENGAGEMENT (in progress; to be published by the Amherst H. Wilder Foundation in late 2016 or early 2018) (with David Arons)

Political Activities of Tax-Exempt Organizations: Useful Guidance in Revenue Ruling 2008-10, 100 J. TAX'N 181 (2016)

The Effect of the Bipartisan Campaign Reform Act on Exempt Organizations, 41 EXEMPT ORG. TAX REV. 23 (2015)

Donor Intent: Preserving the Mission of Charitable Foundations, WASH. LEGAL FOUND., CONTEMP. LEGAL NOTES SERIES No. 43 (2015)

Tax Court Decides the Opening Skirmish in Intermediate Sanctions Litigation, 14 TAX'N OF EXEMPTS 99 (2014)

SAMPLE CV

Teaching Taxation: Following the Money in the 2000 Election, 30 EXEMPT ORG. TAX REV. 275 (2012) (with Douglas Varley)

Minimizing Risk and Maximizing Benefits under the Final Disclosure Regulations for Exempt Organizations, 91 J. TAX'N 45 (2011)

How the IRS Plans to Restructure Its Exempt Organization Operations, 10 J. TAX'N OF EXEMPT ORG. 195 (2011) (with Robert A. Boisture and Julie W. Davis)

Numerous articles ("Letter Ruling Alerts") analyzing IRS rulings involving tax, business association, investment and intellectual property issues, 2011-2014 (published in EXEMPT ORG. TAX REV.)

Experience

Georgetown University, Washington, DC, Spring 2014-Present
Public Policy Institute, Center for the Study of Voluntary Organizations & Service
Instructor, Nonprofit Management Executive Certificate Program

Caplin & Drysdale, Chartered, Washington, DC
Member, 2013-Present; *Associate*, 2008-2014
Represent a diverse group of tax-exempt nonprofit organizations and related taxable organizations, including advocacy organizations, churches, major hospitals and universities, private foundations and non-church religious organizations. Research and draft legal memoranda, opinion letters, regulatory comments, other government submissions and federal court pleadings and briefs on tax law, election law, constitutional law and other legal issues affecting both tax-exempt and taxable organizations. Advocate for clients before government entities in tax controversies, administrative proceedings and legislative matters.

Judge Lowell A. Reed, Jr., United States District Court for the Eastern District of Pennsylvania, Philadelphia, PA, 2006-2008
Judicial Law Clerk

O'Melveny & Myers, Washington, DC, Summer 2005
Summer Associate. Researched and wrote memoranda on variety of civil law topics, including insurance coverage, personal injury and product liability. Assisted at client consultations.

Garrison & Arterton, New Haven, CT, Summer 2004
Summer Associate. Researched and wrote memoranda on employment and contract law issues. Assisted at client consultations and mediation sessions.

SAMPLE CV

Judge A. Leon Higginbotham, Jr., Third Circuit Court of Appeals, Philadelphia, PA,
Summer 2000

Summer Intern. Performed legal research. Proofread opinions. Wrote a memo on an upcoming case, reviewing the issues and recommending a decision.

NASA Ames Research Center, Mountain View, CA, March 2000

Economic Consultant. Worked with a team of Stanford graduate students to develop an Economic Impact Report for a proposed Air & Space Center.

Presentations

Law and Faith: Legal Issues Facing Today's Religious Organizations Conference,

Washington College of Law, Washington, DC, 2016

Co-Chair; Moderator for panels on tax, constitutional, and election law issues

University of Maryland Smith School of Business, Spring 2014

Guest Lecturer, Social Entrepreneurship Class

Dozens of presentations for national and state organizations on tax, election law and professional responsibility issues, 2013-Present

Professional Affiliations/Bar Admissions

Taxation of Exempts, 2016-Present, Co-Editor-in-Chief

American Bar Association, 2015-16, Member, Task Force on Section 501(c)(4) and Politics

Urban Institute, 2014-15, Member, BCRA-Nonprofit Research Group

Bar Admissions: Pennsylvania, District of Columbia, U.S. Tax Court, U.S. District Court for the Eastern District of Pennsylvania, U.S. District Court for the District of Columbia, U.S. Court of Appeals for the District of Columbia, Supreme Court of the United States

References

Professor John Simon
Yale Law School
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203-432-2222, j.simon@yale.edu

Mortimer M. Caplin
Caplin & Drysdale, Chartered
Thomas Circle, NW
Washington, DC 20005
202-862-5555, mc@captain.com

Judge Lowell A. Reed
U.S. District Court-EDPA
4000 U.S. Courthouse, 600 Market St.
Philadelphia, PA 19106
215-597-0000, Judge@paod.uscourts.gov

Professor Roger G. Noll
Economics Bldg 333
Stanford, CA 94305
650-723-2222, rogernoll@stanford.edu

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JEFF A. NEWTON

University of Chicago Law School
111 East 90th Street
Chicago, IL 60615
Work: (773) 702-1111 Home: (773) 363-2222

EDUCATION

Yale Law School, J.D., 2011

Submissions Editor, *Yale Journal of International Law*
President, Yale Society for Law and Religion
Vice President, Yale Federalist Society
Black Law Students Association

Princeton University, M.P.A., 2008 (Specialization in International Relations)

Editor, *Journal of Public and International Affairs*
Awarded Pre-doctoral Fellowship by the Ford Foundation
Awarded Fellowship by the Woodrow Wilson Foundation

St. John's College, B.A., 2006

Chair, Political Forum
Awarded Carl T. Rowan Project Excellence Scholarship
Awarded Fellowship by the Center for the Study of the Presidency
Awarded Fellowship by the Center for the Study of Public Choice

PUBLICATIONS

The Uniqueness of Foreign Affairs, IOWA L. REV. (forthcoming 2017).

Free Movement: A Federalist Reinterpretation, 49 AMER. UNIV. L. REV. 433 (2011).

RESEARCH AND TEACHING INTERESTS

International Trade; International Business Transactions; Public and Private International Law; Contracts; Corporations; Legislation; Conflict of Laws; Civil Procedure; Law and Development.

PROFESSIONAL EXPERIENCE

The University of Chicago Law School, Chicago, IL

Bigelow Teaching Fellow & Lecturer in Law. 2016-Present. Currently teach first year course in legal research and writing and will teach seminar on foreign relations law in Spring 2017.

Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., Washington, DC

Associate. 2011-2016. Researched and drafted motions and briefs on telecommunications and antitrust issues before the FCC and federal courts; represented a client in police brutality case in MD state court.

The Honorable Stephen F. Williams

United States Court of Appeals for the DC Circuit. 2011-2012.

SAMPLE CV

United States Attorney's Office, New Haven, CT

Legal Intern. 2010-2011. Drafted brief on first amendment defense in internet solicitation case; drafted memoranda on a variety of criminal procedure issues.

Nigerian Civil Liberties Organization, Lagos, Nigeria

Intern. Summer 2010. Drafted report on freedom of association in Nigeria on behalf of Lawyers Committee for Human Rights.

Executive Office of Management and Budget, Washington, DC

Intern. Summer 2009. Researched and drafted policy memoranda on privatization of OPIC; examined budget accounts of agencies under the International Economic Section.

Professor Alan Ryan, Politics Department, Princeton University, Princeton, NJ

Teaching Assistant. 2007-2008. Taught small seminar group in undergraduate political theory course.

United States Embassy, Windhoek, Namibia

Intern. Summer 2007. Prepared State Department Annual Budget Report on host country; acted as temporary commercial liaison; wrote cables analyzing economic trends and developments; represented the United States in Southern Africa Conference on Peace, Security and Conflict Resolution.

PROFESSIONAL AND COMMUNITY ACTIVITIES

Board of Directors, Center for Law Enforcement Education of Nigeria.

Member, American Society of International Law.

Member, Maryland Bar, 2011.

Member, District of Columbia Bar, 2013.

REFERENCES

Professor Susan Rose-Ackerman
Yale Law School
(203) 432-1111

Professor Anne Alstott
Yale Law School
(203) 432-4444

Professor Jack Goldsmith
University of Virginia Law School
(703) 979-2222

Judge Stephen F. Williams
United States Court of Appeals for the
DC Circuit
(202) 216-5555

Professor Richard Epstein
University of Chicago Law School
(773) 702-3333

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SALLY SIERRA

600 Hape Street ♦ Stamford, CT 06907 ♦ (203) 605-4444 ♦ sally.sierra@yahoo.com

EDUCATION

Yale Law School, J.D., 2013

Yale Law Journal: Senior Editor; Admissions Committee

Yale Journal of Law and the Humanities: Articles Editor; Executive Editor

Legal History Fellow and Legal History Forum Coordinator

Yale University, Department of History, Ph.D. expected, 2017

Distinction in Qualifying Examinations

University Dissertation Fellowship

Richard J. Franke Fellow in the Humanities

Dissertation in progress: "Reasoning from Race: The Civil Rights Paradigm and American Legal Feminism, 1961-1983"

Harvard College, A.B., *summa cum laude*, in Social Studies, 2009

Phi Beta Kappa

Detur Prize; Thomas T. Hoopes Prize for honors thesis: "The Difference Discrimination Makes: Substantive Equal Protection and the VMI Case."

Harvard Political Review: Assistant Managing Editor

Institute of Politics Journalism Award

PUBLICATIONS AND PRESENTATIONS

Constitutional Choices: Legal Feminism and the Historical Dynamics of Change, 92 CAL. L. REV. 755 (2016).

Note, '*A Common Fate of Discrimination*': *Race-Gender Analogies in Legal and Historical Perspective*, 110 YALE L.J. 1045 (2013).

Recipient of the *Journal's* Michael Eggers Prize for Best Student Note on a Current Social Problem.

Presented at Association for the Study of Law, Culture & the Humanities Conference, 2012.

The Invisible Woman: Gender, Family, and Race in the Affirmative Action Debate (work in progress)

Will present at American Society for Legal History Annual Meeting, 2017

Presented at Association for the Study of Law, Culture & the Humanities Conference, 2015

'Separate Can Never Be Equal': Sex Segregation, Racial Desegregation, and the Transformation of Anti-Discrimination Discourse (work in progress)

Selected for Law & Humanities Interdisciplinary Junior Scholar Workshop, 2015.

Presented at American Society for Legal History annual meeting, 2014.

SAMPLE CV

TEACHING AND RESEARCH INTERESTS

Legal and Constitutional History, Antidiscrimination Law, Family Law, Employment and Labor Law, Constitutional Law, Contracts

EXPERIENCE

New York University School of Law, New York, NY 2016 - 2017
Samuel I. Golieb Fellow in Legal History. Will participate in law school colloquia and workshops while completing research and writing projects for publication.

Hon. Guido Calabresi, U.S. Court of Appeals, Second Circuit, New Haven, CT 2015 - 2016
Law Clerk.

Yale University, New Haven, CT 2012 - 2013
Teaching Fellow in U.S. Intellectual History and in Twentieth-Century U.S. Social and Political History. Led weekly discussion sections, prepared and graded exams and research paper assignments.

Yale Law School, New Haven, CT 2011 - 2013
Research Assistant in constitutional law and legal history to Prof. Reva Siegel.
Coker Teaching Fellow. Prepared and reviewed assignments for constitutional law small-group section taught by Prof. Jed Rubenfeld; assisted first-term law students with legal research and writing.

Lawyers' Committee for Civil Rights Under Law, Washington, DC Summer 2012
Law Clerk, Employment Discrimination Project. Researched, wrote memoranda, and participated in the drafting of briefs in pending employment discrimination and educational desegregation cases.

NOW Legal Defense and Education Fund, New York, NY Summer 2011
Legal Intern. Researched and wrote memoranda on topics including the Violence Against Women Act's criminal and civil provisions, state Equal Rights Amendments, welfare policy, and child care.

National Urban League, New York, NY 2011 - 2015
Contributing Editor for *Opportunity Journal* and *The State of Black America*. Conceived and edited articles on legal and political topics for national publications.

Radcliffe Public Policy Institute, Cambridge, MA 2006 - 2008
Research Assistant in gender, politics, and media to Institute Fellow and journalist Florence Graves.

National Bureau of Economic Research, Cambridge, MA Summer 2008
Research Assistant in economic history to Prof. Claudia Goldin, Harvard University.

MEMBERSHIPS

American Association of University Women (AAUW)
American Historical Association (AHA)
American Society for Legal History (ASLH)
Association for the Study of Law, Culture & the Humanities (ASLCH)
National Iranian American Council (NIAC)

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REFERENCES

Judge Guido Calabresi
United States Court of Appeals for the
Second Circuit
Professor Emeritus, Yale Law School
(203) 773-2222
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Professor Reva Siegel
Yale Law School
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reva@yale.edu

Professor Robert W. Gordon
Yale Law School
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robert@yale.edu

Professor Laura Kalman
University of California, Santa Barbara
(Visiting Professor, Yale Law School, 2002)
(805) 893-3333
laura@history.ucsb.edu

Professor Jed Rubenfeld
Yale Law School
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Professor Glenda Gilmore
Department of History, Yale University
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glenda@yale.edu

WAYLON SMITHERS

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EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER, LL.M., 2015

Appellate Litigation Program, Teaching Fellow & Supervising Attorney, 2012–Present

YALE LAW SCHOOL, J.D., 2011

Lowenstein International Human Rights Law Project, General Director

Yale Journal of International Law, Editor

Dean's Advisor

Temporary Restraining Order Project

YALE COLLEGE, B.A. cum laude, 2008

Thesis: *An Agenda For Peace: Conflict Resolution in the Post-Cold War Era*

Yale International Relations Association, President

Bergin Fellowship, attended 2005 U.N. International Conference on Population and Development in Vienna, Austria

Yale Symphony Orchestra, First Chair Oboe

PUBLICATIONS

Article, *Reconceptualizing the Third Amendment: What Would Habermas Do?*, 2014 Conn. L. Rev. 2345

Manuscript in Progress, *Taming the Wild Beast: Chapter S Corporations and the Amortization of Bulk Sales Losses*

TEACHING & RESEARCH INTERESTS

Federal Courts

Criminal Procedure

International Law

Contracts

Criminal Law

Administrative Law

Appellate Practice

Civil Procedure

EXPERIENCE

Georgetown University Law Center, Washington, DC, 2013–Present

Appellate Litigation Program

Teaching Fellow & Supervising Attorney. Co-teach course on appellate litigation. Brief and argue cases in the U.S. Courts of Appeals for the D.C. Circuit and Fourth Circuit involving

SAMPLE CV

appellate procedure, civil procedure, constitutional law, criminal law and procedure, employment discrimination, employee benefits, and habeas corpus.

Judge Anthony Soprano, Newark, NJ, 2012-2013

U.S. Court of Appeals for the Third Circuit

Law Clerk

Judge Kenneth McCormick, Denver, CO, 2011-2012

U.S. District Court for the District of Colorado

Law Clerk

Yale Law School, New Haven, CT, 2009-2011

Lowenstein International Human Rights Clinic

Student Attorney. Litigation in federal courts on behalf of victims of human rights violations.

Latham & Watkins, Washington, DC, Summer 2009 & 2010

Florida Rural Legal Services, Belle Glade, FL, Summer 2008

Legal Intern

BAR ADMISSIONS

State: New York
 District of Columbia

Federal: U.S. Court of Appeals for the D.C. Circuit
 U.S. Court of Appeals for the Fourth Circuit

REPORTED CASES

Briefs & oral argument:

Hibbert v. Quimby, ___ F.3d ___ (D.C. Cir. 2014): Family and Medical Leave Act; Americans with Disabilities Act.

United States v. McClure, ___ F.3d ___ (4th Cir. 2014): Timeliness of appeal under Fed. R. App. P. 4 and Fed. R. Civ. P. 58.

Szyslak v. Wiggum, ___ F.3d ___ (4th Cir. 2013): Habeas corpus; Ex Post Facto Clause; parole revocation; calculation of good time credits.

Briefs:

United States v. Bouvier, ___ F.3d ___ (4th Cir. 2014): Application of Fed. R. Civ. P. 58 to federal prisoner's § 2255 motion; certificate of appealability.

United States v. Lovejoy, ___ F.3d ___ (D.C. Cir. 2014): Retroactive application of *Apprendi v. New Jersey* to federal drug conviction; procedural default; AEDPA's statute of limitations.

Smithers

SAMPLE CV

United States v. Van Houten, ___ F.3d ___ (4th Cir. 2013): Ineffective assistance of counsel; entitlement to an evidentiary hearing to support collateral attack on criminal sentence.

United States v. Flanders, ___ F.3d ___ (Table), No. 99-1234 (D.C. Cir. May 22, 2013): Ineffective assistance of counsel; plea agreement waiver provision; admissibility of statements elicited by government informant; federal sentencing guidelines.

Mulder v. CIA, ___ F.3d ___ (D.C. Cir. 2010): Subpoena of Central Intelligence Agency documents regarding human rights violations in Sri Lanka.

REFERENCES

Professor C. Montgomery Burns
Yale Law School
M.Burns@yale.edu
203-432-0000

Professor Eric T. Cartman
Yale Law School
E.Cartman@yale.edu
203-432-1111

Professor Dana K. Scully
Yale Law School
D.Scully@yale.edu
203-432-9999

Judge Anthony Soprano
U.S. Court of Appeals for the Third Circuit
973-555-2222

Judge Kenneth McCormick
U.S. District Court for District of Colorado
303-555-4444

SAMANTHA STONE

111 Separatist St., Queens, NY 11111
(111) 222-3333 (h) / (444) 555-6666 (w) / (777) 888-9999 (cell)
sstone@law.fordham.edu

EDUCATION

Yale Law School, New Haven, CT

J.D., 2008

Honors: John Fletcher Caskey Prize (best performance in mock trial tournament final)

Clinics: *Immigration Legal Services Clinic.*

Community Legal Services Clinic.

Brown University, Providence, RI

B.A. with Honors in Public Policy, 2004

Honors: *Magna cum laude*

Phi Beta Kappa (junior year)

Truman Scholarship (federal award for outstanding committed to public service)

RESEARCH AND TEACHING INTERESTS

Doctrinal

Family Law

Civil Procedure

Professional Responsibility

Evidence

Federal Courts

Children & the Law

Social Welfare Law & Policy

Criminal Law

Clinical

Child and Family Advocacy

Criminal Defense

Public Benefits/Community Legal Services

Federal Litigation

Immigration

Domestic Violence

Trial Advocacy

PUBLICATIONS

Children's Constitutional Right to Counsel in Dependency Cases, 32 TEMPLE POL. & CIV. RTS. L. REV. ____ (forthcoming 2018) (available at <http://ssrn.com/abstract=999999>).

Buzz in the Brain and Humility in the Heart: Doing It All, Without Doing Too Much, on Behalf of Children, 18 NEV. L.J. ____ (forthcoming 2018) (available at <http://ssrn.com/abstract=999999>).

What Every Public Defender Needs to Know About Foster Care, 22 ABA CHILDREN'S RTS. LIT. CMTE. NEWSLETTER 3 (Spring 2016).

Family Values: How Children's Lawyers Can Help Their Clients by Advocating for Parents, 66 NAT'L ASS'N. OF COUNSEL FOR CHILDREN CHILDREN'S L. MANUAL 317 (2015) (with Chris Gaines).

Insider Tips for Effective Federal Motions Practice, N.Y. L.J., October 12, 2010, at 1.

JUDICIAL CLERKSHIP

Judge Robert Patterson, Jr., U.S. District Court, S.D.N.Y.

2008-2009

LEGAL AND TEACHING EXPERIENCE

Hofstra Law School, New York, NY

2015-present

Director, Interdisciplinary Center for Family and Child Advocacy and Adjunct Professor of Law.

Teaching: Family Law (Spring 2014); Children and the Law (Fall 2013); Interdisciplinary Approaches to Child Abuse and Neglect (supervise simulation exercises) (Spring 2013). Direct and manage all aspects of university-based advocacy and research institute dedicated to improving child welfare policy and practice; build and manage interdisciplinary coalitions of advocates, community groups, and faculty; plan and coordinate conferences and symposia.

National Institute for Trial Advocacy, Hofstra Law School

2016

Instructor, "Representing the Whole Child" (five day trial advocacy course).

Children's Rights, New York, NY

2012-2015

Staff Attorney. Conducted class action litigation on behalf of foster children in multiple jurisdictions. Established children's constitutional right to counsel in dependency cases (*Kenny A. v. Perdue*, 356 F.Supp.2d 1353 (N.D. Ga. 2009)). Wrote briefs in various areas of federal law, including *Younger* abstention, private right of action under federal statutes and § 1983; modification of consent decrees; and scope of remedial powers of the federal courts.

The Legal Aid Society, Juvenile Rights Division, Brooklyn, NY

2009-2012

Staff Attorney. Represented children in Family Court in dependency, delinquency, and status offense cases. Designed and conducted training sessions for new attorneys, paralegals, and summer interns.

Democratic Recount Committee, Miami, Florida

November 2010

Volunteer Attorney. Researched and wrote portions of complaints, briefs, memoranda, and affidavits as part of Vice President Gore's protest and contest of the Presidential election results in Florida.

New Hampshire Public Defender, Stratham, NH

Summer 2007

Intern. Under supervision of attorney, prepared and tried juvenile case. Wrote, argued, and won motion to dismiss felony charge in superior court. Researched and wrote motions to dismiss and motions to suppress evidence. Argued on behalf of clients at bail and sentencing hearings.

PRESENTATIONS—ACADEMIC

"Children's Constitutional Right to Counsel: Balancing Children's Rights and Parents' Rights," National Center for Adoption Law and Policy Annual Symposium, Capital University Law School, Columbus, OH, October 6, 2016.

"Children's Constitutional Right to Counsel," Sparer Symposium on Civil *Gideon*, University of Pennsylvania School of Law, March 28, 2016.

"Foster Care Reform Litigation: Legal Theories and Factual Proof," NYU School of Law, Family Defense Clinic, March 21, 2016.

SAMPLE CV

“Representing Children in Families: 10 Years After Fordham,” University of Nevada-Las Vegas Law School, invited working conference participant, January 11-14, 2015.

“Reforming the Foster Care System Through Class Action Litigation,” Brown University, Taubman Center for Public Policy, Brown Bag Seminar Series, November 11, 2014.

“Litigation, Democratic Theory, and the Rights of Children,” Brown University, Children and Public Policy (PS 109), guest presentation, November 11, 2014.

“Ethical Issues in the Legal Representation of Children,” Yale Law School, Ethics in the Practice of Law, guest presentation, October 19, 2014.

“The 2005 Presidential Election: the Voting Rights Act and Electoral College Reform,” Brown University, Class of 1994 Seminar, May 30, 2014.

“Competing Values in Child Protection Policy: Family Preservation vs. Child Removal,” University of Southern California School of Public Administration, Public Policy and Planning Analysis (PPD 473) guest lecturer, February 5, 2014.

PRESENTATIONS—PROFESSIONAL ASSOCIATIONS

“Using Multidisciplinary Initiatives to Resolve Child Welfare System Problems,” (moderator), National Association of Counsel for Children Annual Conference, Louisville, KY, October 14, 2016.

“Caseloads: Defining the Problem, Finding the Solution,” with H. Davidson, National Association of Counsel for Children Annual Conference, Louisville, KY, October 13, 2016.

“Representation of Georgia’s Deprived Children: The Impact of *Kenny A.*,” with I. Lustbader, Georgia Office of the Child Advocate’s 2006 Guardian ad Litem Training Conference, Savannah, GA, July 21, 2016.

“Emerging Issues in the Institutionalization of Children in Foster Care,” with M. Freundlich and C. Kendrick, National Association of Counsel for Children Annual Conference, Los Angeles, August 26, 2015.

“Using the Courts for Systemic Reform: Class Action Litigation,” with M. Rosenbaum and A. Adams, National Association of Counsel for Children Annual Conference, Los Angeles, August 27, 2015.

“Contested Meanings in the Novels of Barbara Kingsolver and the Indian Child Welfare Act,” with D. Downum, College English Association conference, Indianapolis, April 1, 2015.

“What Every Public Defender Needs to Know about Foster Care,” with M. Freundlich, National Legal Aid and Defender Association Annual Conference, Washington, DC, December 2, 2014.

“Family Values: How Children’s Attorneys Can Help Their Clients by Advocating for Parents,” with C. Gottlieb, National Association of Counsel for Children Annual Conference, Las Vegas, NV, September 10, 2014.

“Time Running Out: Teens in Congregate Care,” National Association of Counsel for Children Annual Conference, Las Vegas, NV, September 9, 2014.

SAMPLE CV

“Children with Emotional Disabilities: How the Child Welfare and Juvenile Justice Systems Overmedicate, Undermedicate, and Make Things Worse,” Association of the Bar of the City of New York, joint meeting of Committee on Disabilities and Committee on Children and the Law, January 15, 2012.

COMMUNITY SERVICE

Civil Court of the City of New York , Brooklyn, NY <i>Small Claims Court Arbitrator.</i>	2014-present
National Association of Counsel for Children , Denver, CO <i>Member, Annual Conference Planning Committee.</i>	2016
ABA Children’s Rights Litigation Committee , Washington, DC <i>Member, Children’s Unmet Legal Needs Research Subcommittee.</i>	2016
Association of the Bar of the City of New York , NY, NY <i>Member, Committee on Family Court and Family Law (2005-2008; 2011-2014.)</i> <i>Member, Committee on Juvenile Justice (2009-2012)</i>	2011-present
Truman Scholarship Foundation , Washington, DC <i>Senior Scholar, Truman Scholars’ Leadership Week (2011-12).</i> <i>Fellow, Public Service Law Conference (2010-11).</i>	2010-present
Child Welfare Moot Court Competition , Capital University Law School <i>Judge (Brief Reader).</i>	2016

PROFESSIONAL AWARD AND BAR MEMBERSHIP

Child Advocate of the Year, American Bar Association Young Lawyers’ Division, 2015.

Admitted to practice:

State: New York; Massachusetts (inactive); Federal: Southern District of New York

BUFFY S. SUMMERS

432 Garland Street, Sunnydale, CA 87605 (505) 995-0704 buffy.summers@usa.net

EDUCATION

Yale Law School, New Haven, CT, J.D., 2012

Honors in all graded classes

Yale Journal of Law & Feminism, Editor

Teaching Assistant, Workplace Policy Seminar taught by Professor Vicki Schultz

Cornell University, Ithaca, NY, M.A. (Science and Technology Studies), 2009

National Science Foundation Graduate Research Fellow

Master's thesis: "Can We Change Sex? Transsexual Surgery in Court"

Cornell University, Ithaca, NY, A.B. *summa cum laude* (Gender, Politics), 2007

Class Banner Bearer, College of Arts & Sciences (one of top five graduating seniors)

Merrill Presidential Scholar

Telluride Scholar

Phi Beta Kappa

Honors thesis: "Re-working Motherhood: Surrogacy, Labor, and the Family"

TEACHING AND RESEARCH INTERESTS

Primary interests: Labor & Employment Law, Social Welfare Law & Policy, Contracts

Additional interests: Antidiscrimination Law, Administrative Law, Family Law, Civil Procedure, Constitutional Law, Torts, and topics in Law, Science, and Technology, such as Bioethics and Cyberlaw

PUBLICATIONS

Beyond the Zero-Sum Game: Toward Title VII Protection for Intergroup Solidarity, 77 INDIANA LAW JOURNAL 63 (2015)

A Practical Legal Services Approach to Addressing Racial Discrimination in Employment, 36 CLEARINGHOUSE REVIEW 39 (2014) (co-author with Darla M. Smith)

Note, *Sidewalks in Cyberspace: Making Space for Public Forums in the Electronic Environment*, 12 HARVARD JOURNAL OF LAW & TECHNOLOGY 149 (2010)

Sex Work/Sex Act: Law, Labor, and Desire in Constructions of Prostitution, 22 SIGNS: JOURNAL OF WOMEN IN CULTURE AND SOCIETY 277 (2009)

WORKS IN PROGRESS

Beyond Employment: Work Requirements, Caretaking, and Liberal Justice (manuscript)
“Work” is routinely equated with employment in debates over welfare work requirements and related policies like employment subsidies. Yet wage labor holds no monopoly on the virtues typically attributed to work: an income source, a valuable experience, or a form of community participation. Drawing on social science research on work, liberal theories of distributive justice, and feminist accounts of familial caretaking, I argue that linking redistributive programs to work is justified only where “work” means producing benefits for others, regardless of pay or other benefit to the worker.

From “Barriers to Employment” to Justified Non-work (work in progress)
How should work requirements apply to someone willing but not able to work? This question usually is approached empirically: how limiting are problems of health, child care, or low skills, and what programs make it easier to get a job? I will show how sound policies addressing such “barriers to employment” also require a normative account of when work, though literally possible, is nonetheless so onerous as to justify refusing it.

EXPERIENCE

University of New Mexico School of Law, Albuquerque, NM, 2016-2017
Visiting Fellow

National Employment Law Project, New York, NY, 2014-2016
Skadden Fellow and Staff Attorney. Represented individuals in unemployment insurance and welfare proceedings. Litigated implementation and legality of municipal subsidized jobs program. Advised community-based organizations on local, state, and federal welfare-to-work policy. Drafted *amicus curiae* brief of the AFL-CIO, *et al.*, in Second Circuit appeal considering whether workfare workers are “employees” under Title VII.

Hon. Guido Calabresi, Second Circuit Court of Appeals, New Haven, CT, 2013-2014
Law clerk

Hon. Kimba M. Wood, U.S. District Court, S.D.N.Y., New York, NY, 2012-2013
Law clerk

Eisner and Hubbard, P.C., New York, NY, Summer 2011
Law intern. Drafted memoranda and briefs on labor and employment matters, including ERISA fund governance, covenants not to compete, and union successorship.

Urban Justice Center, New York, NY, Summer & Fall 2010
Law intern. Researched human rights, welfare reform, and workfare in New York City.

BAR ADMISSION: New York

PROFESSIONAL & COMMUNITY ACTIVITIES

Legal Support Unit of Legal Services of New York, Continuing Legal Education instructor in Employment Discrimination and in Unemployment Insurance, 2015

Social Welfare Law Committee of the Association of the Bar of the City of New York, Member, 2014-2016.

Lower East Side Community-Labor Coalition, Steering Committee Member, 2010-2012.

Telluride Association, Member, 2004-present.

REFERENCES

The Honorable Guido Calabresi	(203) 773-0000
United States Court of Appeals for the Second Circuit	g.calabresi@yale.edu
Sterling Professor Emeritus of Law, Yale Law School	

The Honorable Kimba M. Wood	(212) 805-1111
United States District Court, Southern District of New York	

Vicki Schultz	(203) 432-2222
Ford Foundation Professor of Law and the Social Sciences,	(610) 821-3333
Yale Law School	

Kathryn Abrams	(510) 643-6666
Herma Hill Kay Distinguished Professor of Law,	abrams@law.berkeley.edu
University of California-Berkeley School of Law	

Jack M. Balkin	(203) 432-7777
Knight Professor of Constitutional Law and the	j.balkin@yale.edu
First Amendment, Yale Law School	

Susan Rose-Ackerman	(203) 432-8888
Henry R. Luce Professor of Jurisprudence,	susan.rose@yale.edu
Yale Law School and Department of Political Science	

Jim Williams	(212) 285-9999 ext. 207
Executive Director, National Employment Law Project	jwilliams@nelp.org

Appendix B

Academic Fellowships

Appendix B

Academic Fellowships at Top Ranked Law Schools

University of Chicago Law School

Harry A. Bigelow Teaching Fellowships

Description of Fellowship

Each year the University awards six Bigelow Fellowships. The fellows' primary responsibilities are to design and carry out a program of tutorial instruction for first-year students in legal research, writing, and analysis. Fellowship appointments are for one year and can be renewed for a second year; most Bigelow Fellows serve for two years. Fellows pursue scholarly interests, interact with the faculty, and audit courses.

Contact: Professor Laura Weinrib at weinrib@uchicago.edu or Professor Adam Chilton at adamchilton@uchicago.edu.

Columbia University School of Law

Academic Fellows Program

Description of Fellowship

Columbia Law School Academic Fellows have the opportunity to spend one to two years in residence at Columbia Law School to pursue their scholarly agendas and participate in the Law School's intellectual life. Academic Fellows are expected to produce a serious work of scholarship that will position them to enter the job market for a full-time academic appointment.

Contact: Kara Kohn-Gardner at kk2682@columbia.edu

Associates in Law Program

Description of Fellowship

The Associates program is designed for individuals seriously considering a career in legal academia. Absent special circumstances, Associates serve for two years. Half of the Associates teach the first-year legal research and writing course while the other half teaches the LL.M. course, all under the supervision of the program director. The Law School hires four to six new associates each year. Applications are considered on a rolling basis starting in mid-September.

Contact: Dean Sylvia T. Polo, Dean of Graduate Legal Studies at gls@law.columbia.edu

Human Rights Institute Clinical Teaching Fellowship

The Fellow will work in the Columbia Human Rights Clinic and in the Human Rights Institute, and with its directors and staff, on clinical projects, syllabus development, teaching, scholarly research and writing, and human rights programming. The Fellow will be an integral part of the Columbia human rights community, and over the two years, will undertake increasing responsibility for designing and teaching clinic seminars; building and leading clinic projects in partnership with civil society organizations and affected communities; providing close supervision, guidance, and feedback to teams of students working on those projects; and conducting scholarly research and writing. The Fellow will be provided extensive professional, teaching, practice, and scholarship mentoring.

Contact: hri@law.columbia.edu

Cornell Law School

Visiting Assistant Professorship

Description of Fellowship

VAPs spend two to four semesters in residence at the law school, gaining both teaching experience and the opportunity to devote substantial time to research, writing, and other scholarly pursuits. In most respects, VAPs are treated as regular tenure-track faculty, although with a reduced teaching load and without administrative obligations. VAPs are given the opportunity to present work in progress to the law school faculty and, more generally, to receive feedback and mentoring from faculty members in preparation for the academic job market. Course loads and teaching schedules are devised with sensitivity to the timing of the job market process. The number of VAP positions available will vary from year to year, and VAP positions may be awarded in any legal subject matter area or methodological approach.

Contact: Professor Stewart J. Schwab at sjs15@cornell.edu

Duke Law School

Visiting Assistant Professor Program

Description of Fellowship

The Visiting Assistant Professor Program at Duke Law School supports aspiring law faculty. Visiting assistant professors are in residence at the Law School for two academic years, with the expectation that they will enter the law school teaching market in the fall of their second year. A visiting assistant professor is provided with a regular faculty office and receives administrative and secretarial support. He or she teaches one course per academic year (or two courses if he or she prefers two) and has no administrative responsibilities. Each visiting assistant professor is invited to participate in all faculty activities open to visiting professors, including faculty workshops and conferences. In addition, each visiting assistant professor will have at least one opportunity to present a paper in the faculty workshop series.

Contact: vaprogram@law.duke.edu

Georgetown University School of Law

Clinical Graduate Teaching Fellowships

Description of Fellowship

Typically, fellows enroll in a two-year program during which they are in residence at a specific Georgetown clinic. In at least one of their years in residence, fellows directly supervise JD students enrolled in the clinics, assist in teaching clinical seminars, and perform work on their own cases or other legal matters in representing their clinic's clients. Fellowships usually begin in the late summer with an intensive orientation designed to introduce fellows to clinical teaching methods. The orientation is part of a year-long teacher training course entitled Elements of Clinical Pedagogy. Upon completing the requirements for graduation, a fellow is awarded the degree of Masters of Law (Advocacy). Each year 12-14 teaching fellows are selected. Appellate Litigation Clinic, Center for Applied Legal Studies, The Community Justice Project, Criminal Defense & Prisoner Advocacy Clinic, Criminal Justice Clinic, DC Street Law Clinic, Domestic Violence Clinic, Federal Legislation and Administrative Clinic, Harrison Institute for Housing and Community Development, Harrison Institute for Public Law, International Women's Human Rights Clinic, Juvenile Justice Clinic, and Social Enterprise and Nonprofit Law Clinic.

Contact: Varies by clinic, contact clinics@law.georgetown.edu or call 202-662-9862 for more information

E. Barrett Prettyman and Stuart Siller Post-Graduate Fellowships

Description of Fellowship

The E. Barrett Prettyman and Stuart Siller Fellowship Program combines instruction in the Law Center's graduate school with representation of indigent clients in the local courts of the District of Columbia. It trains recent law graduates in both the academic and practical aspects of courtroom advocacy. At the same time, the program contributes to the improvement of defense advocacy in the criminal justice system by providing able, devoted counsel under mature supervision for indigent defendants. **Contact:** Teruko Richardson at lawprettymanfellowship@law.georgetown.edu or 202-662-9575

International Women's Human Rights Clinic

Description of Fellowship

The IWHRC Clinic offers one two-year graduate fellowship annually for individuals interested in developing their skills as advocates and future law professors. Fellows supervise J.D. students and develop test case litigation, human rights reports and legislation for use in African and sometimes other countries and international and regional bodies. The projects are usually co-designed with in-country women's rights lawyers and seek to advance women's international rights to equality and freedom from violence at the domestic level or, failing that, before a human rights treaty body. Fellows and students travel during spring break to conduct an in-country fact-finding mission. Successful completion of the fellowship results in the award of an L.L.M. in Advocacy from Georgetown University Law Center.

Contact: IWHRC@law.georgetown.edu

Law Research Fellowship

Description of Fellowship

Research Fellows are in residence at Georgetown for a two-year period. The fellowship permits fellows to complete a year of research and writing before they apply to teaching positions. During a fellow's tenure at Georgetown, he or she will be expected to produce at least one major academic piece of scholarship. There is no teaching requirement, although those who choose to may teach one seminar or course of his or her design or pursue co-teaching opportunities with a Georgetown Law Faculty member. Each fellow will work with a primary mentor, and an advisory committee. In addition, Georgetown also provides Research Fellows the opportunity to attend scholarly symposia, lectures, and brown bag seminars for Georgetown Law faculty, to audit any courses they wish, and to participate in the many activities of the Georgetown Fellows Collaborative. Updated information and contacts are on the website.

Contact: lawresearchfellows@georgetown.edu

National Security and the Law Fellowship

Description of Fellowship

This two-year National Security Law Fellowship is designed for a highly-qualified academic law graduate specializing in national security law who intends to pursue a law teaching career. The Fellow's time is spent producing significant scholarship for publication. The Fellow also will contribute to the intellectual life of the Center, by regularly contributing commentary to the Security Law Brief blog run by the Center, and will have the opportunity to take part in the Georgetown Law Fellows' Collaborative in preparation for the academic job market. The position is designed for individuals intending to go onto the legal academic job market within two years. The Fellowship will permit the Fellow to complete a year of research and writing before applying to teaching positions. During the Fellow's tenure at Georgetown, he or she will be expected to produce at least one major academic piece of scholarship on a national security-related topic. The Fellow will be mentored by the faculty associated with the Center, and will work closely with his or her mentors in the development of the major writing project. The Fellow will have the opportunity to attend scholarly symposia, lectures, and brown bag seminars with Georgetown Law faculty, and to participate in the Georgetown Fellows' Collaborative. The next Fellowship opening will be from September 2018 to August 2020. The application cycle will open in the fall of 2018.

Contact: Nadia Asanchev (Executive Director) at na76@law.georgetown.edu or (202) 662-4072

O'Neill Institute Law Fellow

Description of Fellowship

The O'Neill Institute is a leading research institute for health law. Law Fellows are based at the O'Neill Institute and report to the O'Neill Executive Director and Faculty Director. Fellows work on academic legal research and scholarly projects. Duties include working closely with faculty to produce scholarly works for publication, in some cases leading to joint publication. Allocation of time is primarily determined by O'Neill Institute faculty needs; additionally, limited time may be allocated to independent research and O'Neill Institute projects. Candidates must have a J.D. degree (or the equivalent), exceptional academic credentials including publications, and health law-related research interests in areas like public health law, global health law, domestic health care law, empirical studies, regulatory impacts on health, health and human rights. Fellowship may not be available every year.

Contact: oneillinstute@law.georgetown.edu

Street Law Graduate Teaching Fellowship

Description of Fellowship

The Georgetown Street Law Fellowship fellowship includes study and implementation of interactive educational methodology, experiential legal education, substantive legal topics, and supervisory techniques. The fellowship is an ideal position for someone interested in developing teaching, supervisory and research abilities in a setting that combines public education, teaching, and public interest work. The fellows and the faculty jointly teach the weekly seminar, exploring many aspects of teaching, learning and law.

Contact: Professor Roe at streetlaw@law.georgetown.edu.

Women's Law and Public Policy Fellowships

Description of Fellowship

The Women's Law and Public Policy Fellowship Program provides fellowships for US law graduates and practicing attorneys interested in spending one year working on women's rights issues with a public interest organization or governmental agency, or as a clinical teaching fellow at Georgetown Law. These fellowships are one-year positions, except in the case of the Georgetown Law Center for Domestic Violence Teaching Fellowship, which is a two-year position. The fellow's responsibilities will vary according to the activities performed by the placement organization, but the fellow's focus will be on handling legal and policy issues relating to the advancement of women's rights.

Contact: wlpfp@law.georgetown.edu

Harvard Law School

Climenko Fellowships

Description of Fellowship

Climenko Fellows are promising legal scholars with high academic achievements and a strong interest in teaching. It is assumed that on a yearly basis, a substantial amount of a Fellow's time will be available for work on scholarship. The Fellows will teach first-year research and writing and devote themselves to scholarship in preparation for entry into the teaching market. The emphasis of the program is on writing workshops and one-on-one critique of student work. Each fellow will be assigned three student assistants to assist in the workshops, and will work individually with students.

Contact: Susannah Barton Tobin, Director, Legal Research & Writing Program at LRW@law.harvard.edu

Raoul Berger-Mark DeWolfe Howe Legal History Fellowship

Description of Fellowship

The purpose of the fellowship is to enable fellows to complete a major piece of writing in the field of legal history, broadly defined. There are no limitations as to geographical area or time period. Fellows are expected to spend the majority of their time on their own research. They are also asked to help to coordinate the Legal History Colloquium, which meets five or six times during the year. The Fellows are invited to present their own work.

Contact: Professor Bruce H. Mann at mann@law.harvard.edu

University of Michigan Law School

Research and Teaching Fellow in Law

Description of Fellowship

Each Fellow has a three-year appointment as Assistant Professor in an affiliated department of the University and a three-year appointment as a Postdoctoral Scholar in the Society of Fellows. This appointment is not tenure-track. The current annual stipend is \$55,000. Fellows are eligible for participation in the University health, dental, and life insurance programs. Each fellow is expected to teach the equivalent of one academic year, i.e., a total of two terms during the period of the fellowship. Any subsequent appointment of a Fellow to a position at the University of Michigan would be subject to the rules governing new appointments.

Contact: society.of.fellows@umich.edu.

New York University Law School

Law and Economics Fellowship

Description of Fellowship

The NYU Center for Law, Economics and Organization has a post-graduate fellowship for students who have obtained a JD or have nearly obtained PhD in Economics. Candidates must have the strongest academic credentials and show substantial promise of becoming outstanding law and economics scholars. Fellows are required to be in residence at the law school and to attend the NYU Law and Economics Faculty Workshop, as well as the Colloquium in Law, Economics and Politics (fall) and Colloquium in Law and Economics (spring). Fellows are expected to produce a serious work of scholarship and to engage with faculty. Applications are accepted annually after January 1. The deadline for applications for the fellowship is January 16th of the year before the fellowship will start.

Contact: jennifer.arlen@nyu.edu or millerj@exchange.law.nyu.edu

Samuel I. Golieb Fellowships in Legal History

Description of Fellowship

The Samuel I. Golieb Fellowship provides young legal historians with research support and a forum to present their work. Fellows attend the Legal History Colloquium each week during the academic year and present their own work in the colloquium at least once. Fellows are also encouraged to participate in the intellectual life of the law school.

Contact: Mr. Peter Freedberger at peter.freedberger@nyu.edu

Northwestern University Law School

Visiting Assistant Professor (VAP)

Description of Fellowship

Candidates must show promise that, after participation in the VAP program, he or she will attain a tenure-track position at a prominent research-focused university. The number of available positions varies from year to year. Consideration of candidates usually occurs in the spring and early summer. Functioning similarly to a post-doctoral program, the VAP Programs permit scholars to make progress on research and teaching prior to entering a tenure-track position. VAPs join the Northwestern Law faculty on a full-time basis for at least one semester and typically teach one course per semester while receiving research support. Each VAP is expected to present one or more research papers to the faculty in a workshop series.

Contact: This fellowship is on hold for the current year. Students should check the website for updated information.

University of Pennsylvania Law School

Quattrone Center Research Fellowship

Description of Fellowship

Designed for scholars interested in pursuing academic careers in areas related to the Quattrone Center's work, fellows enjoy faculty access to Penn Law services and full participation in all Quattrone Center events. Fellows receive a full year of funding and are eligible for renewal for an additional year. Fellows are expected to produce at least one original academic work during each year of funding. Additionally, part of each fellow's responsibilities include support for the Quattrone Center's programs, including the development of reports and proposals. Now accepting applications for the academic year 2018-2019.

Contact: quattronecenter@law.upenn.edu

The George Sharswood Fellowship

Description of Fellowship

Each year the School awards two fellowships that each fund two years of research, writing, and teaching. Sharswood Fellows enjoy faculty access to Penn Law services and events, holding academic standing comparable to that of visiting assistant professors. The Sharswood Fellow will be expected to produce at least one legal academic work of publishable quality during each year of funding.

Contact: sharswoodapp@law.upenn.edu

The Regulation Fellowship

Description of Fellowship

Designed for scholars interested in pursuing academic careers related to regulation or administrative law, the Regulation Fellow will enjoy faculty access to Penn Law services and full participation in all events of the Penn Program on Regulation. The Fellowship will provide a full year of funding and will be eligible for renewal for an additional year. Regulation Fellows must have earned a law degree or be pursuing a PhD or equivalent in a related field and should not yet have held a full-time tenure track legal academic appointment. The Regulation Fellows program provides an excellent opportunity for doctoral or postdoctoral research. The Fellow will be expected to produce at least one original academic work during each year of funding, and part of the Fellow's time will include support of the Penn Program on Regulation, including the development of PPR reports and proposals. Students should check the website for updated information.

Contact: regulation@law.upenn.edu

Yale Law School

Cover Fellowships

Description of Fellowship

Yale Law School's Robert M. Cover Fellowships offer experienced attorneys interested in clinical law teaching an opportunity to gain experience in designing and teaching a classroom seminar and supervising law students in a dynamic practice setting. Fellows also receive support in developing their own scholarship. Fellows typically concentrate their work in one of the eleven clinics within Yale Law School's Jerome N. Frank Legal Services Organization. The Cover Fellowship Program seeks to attract lawyers with two or more years of practice who are interested in a long-term career in law school clinical teaching. Fellowships are for a period of two years.

Contact: Osikhena Awudu at osikhena.awudu@yale.edu

Appendix D

Sample Cover Letters, Parlay Letter, and Scholarly Agendas

SAMPLE COVER LETTER

**FRANCES
PERKINS**

333 Rose Walk ♦ New Haven, CT 06510 ♦ (203) 333-3333 ♦ fperkins@wk.edu

August 30, 2017

Prof. Eleanor Roosevelt
Presidential University School of Law
P.O. Box 1933
Anytown, NY 20000

Dear Professor Roosevelt:

I am writing to express my strong interest in an entry-level faculty position at Presidential University School of Law. My principle fields of research include American legal history, employment discrimination, family law, and constitutional law. I also have research and teaching interests in property, trusts and estates, employment and labor law, and disability law, among other fields.

Since graduating from Yale Law School in 20--, I have clerked for Judge Marge Simpson of the U.S. Court of Appeals for the Sixth Circuit and served as a fellow in legal history at both Big School of Law and Bigger Law School. I am currently a Ph.D. candidate in the Department of History at Wellknown University and expect to complete my doctoral degree this year. Beyond my research, I have derived tremendous satisfaction from my experiences as a teaching assistant for an introductory constitutional law course and two undergraduate courses in American history.

My dissertation describes the sea change in the relationship between motherhood and women's labor market participation in the United States, during the late twentieth century. I argue that legal feminists in the 1960s, 1970s, and 1980s never laid claim to strictly formal equality as the dominant scholarly narrative suggests. Instead, legal feminists pursued anti-discrimination laws and jurisprudence that would accommodate women's biological difference and social-welfare entitlements that would transform childrearing structures. The politics of both women's employment and motherhood generated a split among conservatives over the legal feminist agenda. While activists on the religious right advocated for social protection for motherhood, economic conservatives opposed regulation that would increase businesses' labor costs and states' fiscal burdens. Law and policy evolved in the crucible of heated debates in courts, legislatures, administrative agencies, and popular culture. In the workplace, legal feminists achieved considerable success in realizing women's right to formal equal treatment and to a minimal standard of accommodation for pregnancy. The power of economic and social opposition, however, foreclosed more profound changes for which feminists advocated: a more equitable division of childrearing labor between men and women within the home and the sharing of the costs of reproduction between the family and society. I plan to publish my research in book form.

I am particularly interested in the law school's Center for the Interdisciplinary Study of This and That. I would be thrilled to have the opportunity to contribute to the Center's research on gender and society and the boundaries between paid work and home life.

SAMPLE COVER LETTER

Enclosed please find my *curriculum vitae*, a research agenda, my recent published work which appears in the August 20-- issue of *Law & History Review*, and an article forthcoming in the *Yale Journal of Law & Feminism*. I can also provide a work in progress that will serve as the basis for my job talk paper, titled "The Anti-Stereotyping Principle and the Costs of Reproduction," upon request.

Sincerely
Frances Perkins

SAMPLE COVER LETTER

August 10, 2017

Professor Chloe Olgavie
Chair, Hiring Committee
South King School of Law
500 King Boulevard
Rockville, California 95000

Dear Professor Olgavie,

I am writing to express my interest in a position on the faculty of the South King School of Law. My areas of teaching interest include civil procedure, legislation, federal courts, conflicts, and other courses related to legal process and institutions.

I am currently a Law Fellow at ABC Law School. Since graduating from Yale Law School in 2012 I have spent two years as a judicial clerk, two years as a practicing litigator at Rogers & Hammerstein LLP in New Haven, Connecticut, and just over a year at ABC, where I pursue my research agenda and teach the legal research and writing course.

Although I have submitted a Faculty Appointment Register form and will be participating in the AALS Faculty Recruitment Conference, I write to you directly because I am especially interested in Rockville. My family and I have extensively visited the area and are now looking to settle there permanently.

I have enclosed a *curriculum vitae*, list of references, research agenda, and a working draft of my forthcoming publication, *Making the Grade: Publication Practices of International Courts*. I would welcome an opportunity to meet with you at the Faculty Recruitment Conference, or at the school, to further discuss my candidacy.

Sincerely,

Tom Muchmore

Enclosures

SAMPLE COVER LETTER

DAVID D. ABACUS

6800 Earth Street ♦ Washington, DC 22222 ♦ 703-697-8888(w) ♦ 703-697-3333(h)
david.abacus@gmail.com

August 27, 2017

Professor James Jingle
Chair, Appointments Committee
The University of Arkansas School of Law
Box 888888
Tulamazoo, Arkansas 33333

Dear Professor Jingle:

I would like to be considered for a position on the faculty at The University of Arkansas School of Law. Since serving as an Associate Professor of Law at the Judge Advocate General's School in Charlottesville, Virginia, I have developed a keen desire to help shape the future of the legal profession by teaching, training, and mentoring law students to seek professional excellence, scholarly achievement, and public service. I would be thrilled to fulfill my long-term career goal of becoming a law professor by pursuing my teaching and research interests at Arkansas.

Since graduating from the Yale Law School in 2010, I have served as an Army lawyer in many capacities worldwide. I am currently working as a Legislative Counsel in the Office of the Chief of Legislative Liaison in Washington, D.C. Previously, while serving in the Criminal Law Department at the Judge Advocate General's School, I taught all substantive criminal law courses, published a number of scholarly articles, and provided extensive trial advocacy seminars and skills training for the LL.M. program and all other resident and nonresident continuing legal education courses. My primary teaching and scholarly interests include criminal law, evidence, trial advocacy, criminal procedure, and professional responsibility. I am also willing to teach international law, military law, legislation, or any first-year courses as needed.

Enclosed please find my *curriculum vitae* and a list of references. I have registered with the AALS for the Faculty Recruitment Conference and would welcome an opportunity to meet with you there, or at the school, to further discuss my candidacy.

Sincerely,

David D. Abacus

Enclosure

SAMPLE COVER LETTER

PENELOPE CRUZ
95 Looper St. 9A
Los Angeles, CA 10000
(646) 333-9999
Penelope.cruz@yahoo.com

August 7, 2017

Allen D. Tweed
Dean, Hollywood University School of Law
121 Hollywood University Drive
Hollywood, CA 11111

Dear Dean Tweed:

I would like to be considered for a position on the faculty at Hollywood University School of Law. My experience, course of study, and research are focused on legislative and regulatory processes, with an emphasis in the environmental area. Since graduating from the Yale Law School in 2013 I have spent two years as a judicial clerk, and two years practicing environmental law and litigation at Arnold & Palmer, LLP. Prior to attending law school I worked in the United States Senate as an advisor on natural resource policy, and during law school I studied and taught environmental law.

In light of the nationally recognized strength of the environmental programs at Hollywood it would be a wonderful fit for my research and teaching interests. In addition, the possibility of partnership with the Hollywood University Environmental Engineering program is of particular interest to me.

Enclosed please find a *curriculum vitae*, list of references, and recent published work, *Harnessing the Treaty Power in Support of Environmental Regulation: Recognizing the Realities of the New Federalism*, 22 GA. ENVTL. L. J. 167 (2013), for your review. I also submitted a Faculty Appointments Register form with 2011 Distribution 1, which is available through the AALS website.

Sincerely,

Penelope Cruz

Enclosures

SAMPLE COVER LETTER

September 9, 2017

Prof. Peter L. Parker
Chair, Appointments Committee
University of Arkansas—Little Rock
William H. Bowen School of Law
Holiday 307, 65 Elizabeth St.
Little Rock, AR 09105-0000

Dear Prof. Parker:

I would like to be considered for an assistant professor position at the UALR William H. Bowen School of Law. I am currently a Robert M. Cover Fellow at the Yale Law School. My areas of teaching interest include criminal law clinics as well as procedure, civil rights, prisoners' rights, and professional ethics. This year, I am helping to co-teach the Supreme Court Advocacy Clinic, and to co-teach an ethics course.

My most recent scholarly writing has been in the area of criminal procedure. A former colleague and I have co-authored an article entitled *Manson v. Brathwaite Revisited: Towards a New Rule of Decision for Due Process Challenges to Eyewitness Identification Procedures*, which is forthcoming in Villanova University Law Review in October 2017. Our article seeks to spark debate about replacing the outdated *Manson* test with a new standard for judging the admissibility of out-of-court identifications—one based on current social science research.

I am particularly interested in how procedural rules mediate access to court for incarcerated people and criminal defendants, especially the implications of those rules for broader issues of federalism, separation of powers, and fundamental liberties. My scholarly work in progress focuses on a series of recent Supreme Court cases about the Prison Litigation Reform Act (PLRA). I am looking at how these decisions alter the nature of the Section 1983 vehicle for civil rights suits by incarcerated people.

With the help of YLS students, I authored an amicus brief in one of these PLRA cases, *Woodford v. Ngo*, which surveyed inmate grievance policies nationwide, and which is available at www.law.yale.edu/woodford. In a second set of consolidated PLRA exhaustion cases to be argued in October—*Jones v. Bock* and *Williams v. Overton*—Yale students and I contributed research to an amicus authored primarily by the ACLU National Prison Project. Through the Supreme Court Advocacy Clinic, we are also organizing a moot for the prisoner's attorney.

I have registered with the AALS for the Faculty Recruitment Conference and would welcome an opportunity to meet with you there, or at the school, to further discuss my candidacy. I enclose my CV and a copy of my forthcoming article for your review.

Sincerely,

Joseph Shaw
415 Chapel Ct.
Chester, CT 06666
Day (203) 444-1111
Evening (203) 444-1111
Joseph.Shaw@gmail.com

SAMPLE CLINICAL COVER LETTER

William Jackson

444 T Street, NW, Suite 306, Washington, DC 20001
(202) 666-999 / abc@gmail.com

September 1, 2017

Professor Teresa Risel
Chair, Clinical Faculty Appointments Committee
Queens University School of Law
275 Mountain Avenue
South Harsoot, CT 06555

Dear Professor Risel:

I write to apply for a Clinical Faculty position in the Civil Clinic at Queens University School of Law. I am currently a Teaching Fellow and Supervising Attorney in the Appellate Litigation Clinic at the Georgetown University Law Center. In this position, I co-teach an appellate litigation seminar and supervise students pursuing appeals in the U.S. Courts of Appeals for the D.C. Circuit, Fourth Circuit, and Ninth Circuit, and in the Board of Immigration Appeals. As teaching and supervising in a general appellate clinic has exposed me to a wide variety of subject matters, I am excited by the broad range of clinical opportunities that the Queens University School of Law offers. I would be thrilled to join Queens' clinical program.

I have been interested in clinical teaching since my days as a clinical student at Yale Law School. Under the supervision of Robert Solomon in Yale's Community Legal Services clinic, I successfully represented two individuals challenging the denial of child care benefits. I later served as a student director in the clinic, in which I helped supervise other students with their cases. The mentorship I received from my supervisors gave me confidence to advocate effectively for my clients and showed me how much law students can accomplish and learn when given the opportunity. At Georgetown, I have relished the opportunity to provide similar guidance to law students in helping them develop both the skills and values that will benefit them in their legal careers.

Both my teaching and prior practice experience sharpened my scholarly interest in exploring the effectiveness of the civil justice system in vindicating the rights of individuals. My current research examines why private entities that perform state functions should not be exempt from vicarious liability for constitutional torts committed by their employees, despite several judicial decisions to the contrary. My focus on these questions came after litigating cutting-edge civil rights and consumer protection cases at Trial Lawyers for Public Justice, and clerking on the U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the Ninth Circuit.

Enclosed please find my CV, which provides more information about my background and qualifications. I have registered with the AALS for the Faculty Recruitment Conference and would welcome an opportunity to meet with you then, or at your convenience, to further discuss my candidacy.

Sincerely,

William Jackson

SAMPLE CLINICAL COVER LETTER

SAMANTHA STONE

111 Separatist St., Queens, NY 11111
(111) 222-3333 (h) / (444) 555-6666 (w) / sstone@law.hofstra.edu

Prof. Bruce Berger
Co-Chair Clinical Programs Committee
Boston University School of Law
120 Treefaire Street
Boston, MA 02108

August 14, 2017

Dear Prof. Berger:

I write to apply for a Clinical Professor of Law position at Boston University School of Law. I am currently the Director of the Hofstra Interdisciplinary Center for Family and Child Advocacy and Adjunct Associate Professor of Law at Hofstra Law School. In this position I teach classroom courses, supervise students on policy projects, and manage the operations of a research and advocacy institute. I would be thrilled to join the clinical program at Boston University.

I have been teaching and supervising law students since I was one myself. As a third year student at Yale Law School, I was a student director of the Community Legal Services Clinic helping Kathleen Sullivan supervise two second year students and helping the faculty chart the overall direction of the Clinic. In the Immigration Legal Services Clinic, under the supervision of Jean Koh Peters, I represented two (successful) applicants for asylum. That is when I decided that my long-term career goal was to become a law teacher.

Since completing a clerkship in the Southern District of New York, my legal career has been focused exclusively on public service in general and on vindicating the rights of poor and disadvantaged children and families in particular. At the Legal Aid Society, I represented over 500 children in dependency, delinquency, and status offense cases while designing and developing training sessions for law students and paralegals. At Children's Rights, I represented foster children in federal class action lawsuits around the country while running the student internship program. At Hofstra I am leading a number of policy initiatives while restructuring and developing an interdisciplinary university department and teaching Children and the Law (this semester) and Family Law (in the spring).

In each of my positions, my most enjoyable days have been those in which I worked closely with students and was able to take a step back from practice to think deeply about the issues in my cases. I am proud of the work student interns have done under my supervision—from testifying at trial, to writing significant portions of important briefs, to coordinating complicated research projects. It gives me great pleasure to include scholarly articles authored by four of my former students on my current syllabus for Children and the Law.

My own scholarship has focused on issues of direct relevance to the practice of representing children in juvenile court proceedings. Most recently, I have made the case for children's constitutional right to counsel in dependency cases. The article is forthcoming in the Temple Political and Civil Rights Law Review.

SAMPLE CLINICAL COVER LETTER

Attached please find my CV, the manuscript for the Temple article, and another article I have coming out in the Nevada Law Journal this fall. I will be interviewing at the AALS conference and would very much welcome the opportunity to speak to you then, or at your convenience.

Sincerely,

Samantha Stone

SAMPLE PARLAY LETTER

41 Ash Drive
Guilford, CT 06444
Buffy.Summers@gmail.com

November 20, 2017

Professor Ian Smith
Chair, Appointments Committee
University of Wichita School of Law
433 Wichita Avenue
Wichita, KS 07777

Dear Professor Smith:

I am grateful for the opportunity to present myself at the AALS conference as a candidate for a tenure track position at the University of Wichita School of Law. I really enjoyed discussing (issue) with you and your colleagues. I have started to schedule on-campus interviews with a number of schools and am interested in whether your committee has determined a timeline for potential interviews. I would welcome the opportunity to meet with you again at the law school.

Thank you for your consideration.

Sincerely,

Buffy Summers

SAMPLE SCHOLARLY AGENDA

RESEARCH AND TEACHING AGENDA

Horatio Caine

My major scholarly interests lie at the intersection of civil rights and criminal defense. In my work, I have returned numerous times to questions about how procedural rules affect access to justice—the dividing line between habeas and civil rights actions, the limits of habeas jurisdiction, and procedural barriers to civil rights suits for incarcerated people. As my scholarship matures, I hope to connect these doctrinal themes to broader issues of federalism, separation of powers, and fundamental liberties, and to situate them in the context of historical trends, such as mass incarceration and the war on terror. I also hope to continue to incorporate social science research into my scholarship, as I did in my forthcoming article on challenges to the admission of out-of-court identifications.

In my current project, I am looking at the effects of a series of Supreme Court decisions regarding procedural aspects of the Prison Litigation Reform Act (PLRA) on the nature of the civil rights vehicle 42 U.S.C. § 1983 for incarcerated people. My working thesis is that the procedural rules being engrafted onto the PLRA fundamentally alter the nature of § 1983 in the prison and jail context. While § 1983 was enacted during Reconstruction to provide a vehicle to vindicate federal rights when state officials would not, courts are interpreting the PLRA in such a way as to leave the availability of relief in local corrections officials' hands. For example, in *Woodford v. Ngo*, in which I authored an amicus brief filed by our clinic, the Supreme Court interpreted the PLRA exhaustion requirement to include a procedural default component. As a result, if a prisoner misses a corrections grievance deadline (as short as 2-5 days in some jurisdictions), he is forever barred from bringing his claim in federal court—potentially even if his suit alleges constitutional violations by the officials administering the grievance system. This fall, a number of consolidated cases are being argued at the Supreme Court that will decide three additional PLRA procedural issues (our clinic also has joined an amicus in those cases). In my paper, I am looking at the broader implications of these cases: how engrafting habeas or administrative law doctrines on § 1983 eviscerates its role in our federal system. I also want to situate the PLRA cases within the context of historically high incarceration rates; prisoners' access to courts is being unduly restricted even as more people are behind bars.

Pedagogically, I hope to continue to enrich my classroom teaching with real-world experience and case studies. I plan to design a seminar in which students study criminal defendants' or prisoners' cases currently in the courts of appeals, and do mock briefs and moots as exercises. Such cases can provide a window onto the criminal justice system, civil and habeas procedure, and appellate litigation. If appropriate, in a companion clinic, students could litigate a small number of prisoners' appeals.

SAMPLE SCHOLARLY AGENDA

RESEARCH AGENDA

Susan O. Smith

My research focuses on the institutional processes of litigation and how legal doctrine, court structure, and procedural rules interact to shape the substance of the law. I focus primarily on lower courts because they have often been overlooked by legal scholars, even though they do far more practical lawmaking than do higher courts. In particular, I aim to augment scholarly understanding of lower courts and institutions of civil justice as they interact with other actors in lawmaking process, including other courts, legislatures, administrative agencies, and legal scholars.

I became interested in these areas as a result of my own experience as a litigator in Connecticut, where my work focused on complex civil litigation, including in the areas of municipal law, products liability, and insurance law, and as a law clerk, first in the District of Connecticut and then at the Second Circuit. Unlike my experience as an appellate clerk, as a district court clerk I quickly learned that the law in action bears little relationship with the law that I learned in law school. My time as a civil litigator only strengthened this impression and convinced me that the role and design of lower courts and related institutions is an area that is under examined in American legal scholarship and that presents excellent research opportunities.

I have begun to explore these themes with my publications to date. My first article, *Is There a Bias Against Education in the Jury Selection Process?*, 38 Conn. L. Rev. 325 (2009) (coauthored with John W. Emerson), was inspired by my work as a clerk in the district court. Sitting through jury selection one day, I wondered how the selection process and the rules and guidelines that govern it shape the composition of the jury, arguably the central institution in American litigation (at least in the public perception). I focused on juror education levels, a central issue for jury reformers, and my research revealed that the scholarly debate was wholly uninformed by empirical evidence. I began to design a study to track the selection process, but recognized the value of an interdisciplinary approach and the need for expertise in statistics methodologies. Thus was born my partnership with John Emerson, a statistics professor at Yale University.

Together we designed a study to determine whether the jury selection process in Connecticut federal court yields juries that are undereducated relative to the pools from which they are drawn. Surprisingly, we found no evidence to support the conventional wisdom among scholars, reformers, and the general public that the jury selection process yields relatively undereducated juries, and we concluded that this was partially a result of the design of jury selection procedures in the district of Connecticut. We also found that legal scholarship on this issue had lost touch with the practice of law. Key to this conclusion was our discovery that legal scholarship on jury selection did not appear to be aware of, or engaged with, the extensive literature written by and for legal practitioners on the subject. Indeed, in some cases, the practical literature challenged some of the baseline assumptions that scholars relied upon in developing the theory of the relatively undereducated jury.

My second publication, a book review forthcoming in the *Stanford Law Review*, continues to explore the design of procedural rules and their effect on substantive outcomes and the litigation experience. I first encountered the issue of choice of law in a case I worked on as a practicing litigator. The question for the court was what law should apply to a products liability lawsuit in Connecticut regarding a helicopter crash in Canada. Fifty, or even twenty years ago, the answer to this question would have been simple: the law of the site of the accident applies. Today, however, as a result of the revolution in choice of law doctrine and the introduction of

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various “modern approaches” to choice of law, the answer, if there is one, is incredibly complex—and costly to litigate, as I learned.

In my book review, I argue that legal practice and legal scholarship no longer speak to one another in the choice of law field. The changes to the law in this obscure procedural field—changes that were the direct result of academic critiques of the traditional doctrine—have wreaked havoc on the litigation process, a fact that has gone almost unnoticed by scholars in the field. Indeed, even the best empirical scholarship in the field neither can, nor attempts to, address and assess the practical role of choice of law in shaping litigation. As a result, we cannot meaningfully evaluate the field or make normative assessments of the proper direction for future developments. I conclude the piece by suggesting that because of limitations on available data, quantitative studies may not be the most effective way to fill this gap. Instead, I suggest that scholars should reestablish contact with practitioners through qualitative empirical work, in order to develop a better and more holistic view of the practical implications of the doctrine.

My current work in progress is on *Making the Law: Unpublication in the District Courts*. In recent years, legal scholars concerned about the opacity of courts have focused on the systematic unpublication of judicial opinions by the appellate courts. Curiously, amid all of the talk about unpublication by the appellate courts and the larger issues of accessibility, accountability, and transparency that it implicates, the practice of unpublication by the district courts—between 80% and 95% of written district court opinions go unpublished—has escaped the attention of scholars.

I argue that unpublication at the district court level is deeply problematic. First, it erects serious epistemological barriers for legal scholars because, unlike the vast majority of unpublished appellate court opinions, unpublished district court opinions are not meaningfully accessible for research. As a result, we cannot accurately describe, let alone assess, the law as it really is. This, in turn, has led to an unduly formalistic and distorted account in the legal academy both of the law itself and of the district courts. Further, there are fundamental problems with a system that creates a body of law and norms that are unknowable to the people they govern. The result is a legal vacuum in our district courts that impoverishes the corpus of the common law and deprives litigants, other district court judges, and appellate court judges of important information. Worse, a close examination suggests that unpublication in the district courts potentially operates to disadvantage already marginalized groups. I conclude the Article by arguing that existing technology allows us to move beyond this problem, but that we must make careful choices in utilizing the new technology, because the process we adopt is likely to shape the substance of adjudication.

Going forward, I have a number of projects in the works or planned that will continue to focus on procedure and process from an institutional perspective. First, I and my coauthor plan to revisit the representativeness of juries with respect to education. We will broaden our focus to courts in jurisdictions with different selection procedures and demographic characteristics. Our goals are to draw comprehensive conclusions about the representativeness of juries with respect to education, and to determine whether and how procedural rules influence jury makeup. We are currently collecting information about jury selection procedures from across the country in order to determine which jurisdictions to focus on.

Second, I will explore how district judges push parties to settle through the use of procedural mechanisms. Beyond the well-known authority to direct litigants to alternative dispute programs, judges can use a range of tools, from the timing, tone, and presentation of rulings and orders to the substance of the rulings and orders, to pressure litigants to settle. While there is a

SAMPLE SCHOLARLY AGENDA

rich scholarly literature addressing the move towards managerial judging and the push to settle, the subtle use of procedure by trial judges has not been sufficiently studied.

In addition, I intend to return to choice of law with a series of projects. First, I am interested in addressing why choice of law has remained strictly the province of scholars and judges, whereas other doctrinal areas of the law that were concurrently pioneered and restated by the realists were subject to codification. My instinct and early research on this question suggests that the speed with which the scholarly critique in the area of choice of law was adopted by courts and translated into doctrine, together with the obscurity of the topic, served to disincentivize legislatures from intervening. I will explore the ways in which this approach affected the development of the doctrine, deprived the area of oversight, and stunted its evolution. This project will also allow me to begin to explore the relationship between legislatures and courts.

Second, I will revisit the challenge I lay out in my book review on choice of law and investigate the effect of the choice-of-law revolution on the experience of litigating. As part of this project, I will confront the issue of “expectations” in choice of law. The modern doctrines rest, in part, on fundamental assumptions about what law parties and potential parties to litigation “want” or “expect” will govern any particular lawsuit. But what if these assumptions are wrong? That is, what if the traditional approach adequately reflects the expectations of potential parties, or at least does so no less than any of the other possible choices of law in difficult cases? Were that true, as I believe is likely, then the scholarly and doctrinal debate must either choose to ignore party expectations, or reassess the doctrine altogether to better account for them.

SAMPLE SCHOLARLY AGENDA

Statement of Research Interests

My work begins from a central question: how have American legal and moral traditions shaped each other in the past, and how might they do so today? While broad, this question defines my interests in three ways. First, I assume that the lines of influence point in both directions. In one sense the law serves as society's ever-evolving answer to the central question of social ethics: how should we live? It offers a far from exhaustive answer—and what it does say is tentative, contested, and incomplete—but law often mirrors our shared moral commitments. At the same time, law has tremendous power to shape the moral identity of persons living under it. Aristotle does not by accident conclude his *Nicomachean Ethics* by introducing his *Politics*. "It is difficult to get from youth up a right training for excellence if one has not been brought up under the right laws." Law shapes character, he believes, and the right laws are constitutive of human flourishing. In addition, I also approach law and morality as traditions. In MacIntyre's sense, they are "historically extended, socially embodied argument[s]," in part about the fundamental question of what goods constitute the tradition. Of course law and morality reflect a diversity of traditions that fracture and intersect in multiple ways. Nonetheless, these traditions embody an ongoing argument, extended over decades, centuries, or millennia. My research includes both a historical focus, examining how these traditions have developed and intersected in the past, as well as a normative focus, considering how these traditions might shape each other today.

Finally, I am most interested in pursuing this question in the American context. The United States represents from its inception a radical new social ordering born out of a distinct moral vision. While America has always been home to a plurality of moral traditions, religious and otherwise, a shared moral sense infused the nation's political and legal structures. The Declaration of Independence was the seminal statement—as much for what it came to represent as for what it meant in 1776. No court would ever recognize a cause of action arising under the Declaration, yet its moral vision has profoundly shaped the law.

My writing to this point in time has raised this central question in two areas. One area concerns the state's decision to use force. The particular challenge I have taken up in the past few years is the United States' claim to a right of preemptive (or better, preventive) force. In [one article], and in my forthcoming book on the same topic, I approach the normative question by examining how the longstanding moral tradition on the just war shaped international norms governing the use of preemptive force today. This moral tradition, I argue, resonates with moral commitments implicit in American democracy, and its norms represent something near a consensus in America today about when and how wars should be fought. Tracing a distinct conversation on the use of preemptive force in the moral tradition, from Vitoria in the sixteenth century to Daniel Webster in the nineteenth and on to today, I make a case for carefully expanding the right to use preemptive force on grounds immanent to the moral and legal traditions. Making this argument, I suggest, is crucial to achieve moral legitimacy for an expanded right and to ensure that revision can preserve moral commitments long resident in the laws of war.

A second area where I have raised my central question is law and religion. Once a primary means of social ordering and a principle source of law, religion continues to wield enormous influence in American society. On account of religious and cultural pluralism in the United States, and because faith often places a total claim upon the believer's life, religious and legal traditions sometime collide. In [another article] I take up a particular point of contact: the tax exemption for houses of worship and the accompanying restriction on "political intervention" in the tax code. Considering the rationale for the prohibition, and offering a descriptive account of faith in which the claims of faith are often total and the practice of faith communal, I argue that the current law may tend to silence religious communities as they discern how to live out their faith in the world. Institutions sustain moral traditions, and their health in part depends on the laws that govern them.

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Over the next few years I hope to continue research in these and in one or two new areas, as well. Although I do not intend to devote my career to writing solely on the law of war and its moral context, I may have another book on the subject. I would take up this question: since the Founding, how has America's national identity—a peculiar nationalism rooted not in blood and soil but, at its best, in the universal values of liberty and equality—shaped both Americans' understanding of the normative constraints on using force and the national and international institutions in which these norms are embedded? This book would spend considerable time in historical materials, with the aim of identifying a tradition of restraint integral to American self-understanding. In addition, I would like to expand my current focus on preemption and the laws of war to include other pressing issues that arise at the nexus of law and national security. Lastly, after a year of teaching torts I would like to start writing in this area, as well. Tort law is especially fruitful for the inquiries that interest me, as it represents a long-established legal tradition about how we should address our conflicts with others, often strangers. At various points the common law of torts illuminates, enforces, and perhaps ignores what the moral traditions we inhabit tell us about how we should resolve the harms we give and take. Issues concerning human freedom, what we owe to strangers and what is supererogatory, and the remedial demands of justice are all deeply resident in the centuries of legal reasoning that lie behind the common law. In addition, tort law also raises for me the question of how moral traditions do and should function as alternative forms of social control. I would like to examine when, and to what extent, courts should provide a legal remedy for a harm that a present or emerging moral norm might also mitigate.

SAMPLE SCHOLARLY AGENDA

FRANCES PERKINS

333 Rose Walk ♦ New Haven, CT 06510 ♦ (203) 333-3333 ♦ fperkins@wk.edu

RESEARCH AGENDA

My primary research interests lie at the intersection of American legal history, employment discrimination, family law, and constitutional law and theory. I also have secondary research interests in trusts & estates and property law, with a focus on how these fields shape the family as a legal institution. My current projects use history to reveal how the law regulates the boundaries between the family, market, and state. More specifically, I perform research in primary source historical materials to investigate how social, economic, and legal concepts and categories change over time. My research method leads me to analyze trial transcripts, appellate briefs, judicial decisions, organizational archives, individual records, periodicals, and oral histories. My theoretical interests extend to the uses of history in legal argumentation, the relationship between antidiscrimination law and social-welfare entitlements, and the comparative effect of different legal institutions on social mobilization.

DISSERTATION AND BOOK PROJECT

The Law of Work and Family: Feminism and the Transformation of the American Workplace at Century's End

My dissertation describes the sea change in the relationship between motherhood and women's labor market participation in the United States, during the late twentieth century. I argue that legal feminists in the 1960s, 1970s, and 1980s never laid claim to strictly formal equality as the dominant scholarly narrative suggests. Instead, legal feminists pursued antidiscrimination laws and jurisprudence that would accommodate women's biological difference and social-welfare entitlements that would transform childrearing structures. The politics of both women's employment and motherhood generated a split among conservatives over the legal feminist agenda. While activists on the religious right advocated for social protection for motherhood, economic conservatives opposed regulation that would increase businesses' labor costs and states' fiscal burdens. Law and policy evolved in the crucible of heated debates in courts, legislatures, administrative agencies, and popular culture. In the workplace, legal feminists achieved considerable success in realizing women's right to formal equal treatment and to a minimal standard of accommodation for pregnancy. The power of economic and social opposition, however, foreclosed more profound changes for which feminists advocated: a more equitable division of childrearing labor between men and women within the home and the sharing of the costs of reproduction between the family and society. I plan to publish my research in book form.

The dissertation makes three contributions to the social and legal history of women's rights. First, I show how the meaning of sex equality as both a judicial doctrine and political concept came to be defined in the sixties and seventies. The resurgence of a mass feminist movement during the civil rights era sparked new challenges to gender-protective liberalism. Since the New Deal era, reformers had constructed law and social-welfare policy in accordance with the theory that women's role as mothers should yield a differential citizenship status. The post-war increase in maternal employment, the passage of Title VII of the Civil Rights Act of 1964, and the legalization of birth control, however, intensified the commitment to equal-rights liberalism within the women's movement. Legal feminists in the late sixties and seventies appropriated to their own ends a distinction between biological sex and the social construction of gender, which psychologists and sociologists had begun to articulate in the mid-1950s. They sought to define laws that differentiated between men and women on the basis of categorical sex differences as

SAMPLE SCHOLARLY AGENDA

valid and laws based on gender stereotypes as invalid. The equal-rights liberalism embraced by legal feminists, however, entailed much more than formal equal treatment. Contrary to the prevailing narrative, I show that legal feminists in the sixties and seventies did not seek merely to replace social protection with same treatment for men and women. Rather, legal feminists recognized early on that substantive equality required taking childbearing (women's biology) and childrearing (gender roles) into account. Legal feminists sought to deconstruct the family-wage system: a cultural ideal reinforced by legal and socio-economic structures that the nuclear family should consist of an independent, male breadwinner and dependent, female caregiver and children. Government reformers, intellectuals, attorneys, and activists endeavored to achieve equal employment opportunity for women, to redistribute childrearing labor between men and women, and to shift the costs of reproduction from the private family to the larger society. Feminists succeeded in invalidating employment policies that excluded pregnant women from the workplace and in reclassifying pregnancy as a temporary disability under Title VII. Social opposition from advocates of traditional gender roles, economic opposition from opponents of an enlarged welfare state, as well as the constraints posed by judicial doctrine, foreclosed more ambitious elements of the feminist agenda. These had included the extension of genuinely protective labor laws to men and legislation to enact universal childcare.

Second, I revise the scholarly and popular consensus about the meaning of *Roe v. Wade* for liberal politics by exploring the consequences of *Roe* outside the abortion context. Although disagreement exists regarding the mechanisms and effects of backlash, the dominant narrative is that *Roe* has fueled conservatism and acted as an albatross around the neck of Democrats, at the polls and in judicial confirmation hearings. While this narrative is certainly correct, it is incomplete. My dissertation demonstrates that *Roe*, and abortion politics more broadly, also produced a split between economic and social conservatives regarding the legal feminist agenda and a tenuous alliance of interests between feminists and antifeminists, who both supported greater state entitlements attached to mothering. In the mid-1970s, there raged doctrinal and political debates about how the law should allocate the economic costs associated with pregnancy and childbirth among individual women, the private family, employers, and the state. As a consequence of *Roe*, these legal and political controversies yielded some surprising political alliances and rhetorical strategies. The business lobby, which had long opposed the classification of pregnancy as a temporary disability out of economic interest, now appropriated liberal rhetoric regarding reproductive rights and choice to oppose pregnancy-disability benefits. They argued that because the legalization of birth control and abortion made pregnancy a voluntary choice, pregnancy did not warrant public support. At the same time, abortion politics induced social conservatives to join feminists in a national coalition lobbying for Congressional enactment of the Pregnancy Discrimination Act of 1978 (PDA). Antiabortion activists traced the logic of the Supreme Court's infamous decision in *General Electric Co. v. Gilbert*, which held that the singular exclusion of pregnancy from an otherwise comprehensive temporary disability insurance scheme did not violate Title VII, back to that of *Roe*. General Electric had argued that because *Roe* had made pregnancy voluntary, the company had no obligation to include pregnancy within temporary disability insurance. Thus, the politics of women's employment and reproductive rights contributed to the waning of the traditional gender norm that the private family should assume sole responsibility for the costs of reproduction, as well as the rise of social conservative support for antidiscrimination laws and social-welfare entitlements related to motherhood.

Third, I analyze the historical paths by which the United States, virtually unique among industrialized nations, developed an antidiscrimination rather than social-welfare framework for resolving work-family conflict. I illuminate both the achievements and limitations of this system. The temporary disability paradigm enshrined in the PDA satisfied many of the goals of secondwave feminists by mandating the treatment of pregnant workers as individuals rather than

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as a class, dodging the pitfalls of protective legislation, and distinguishing women's role in biological reproduction from their social assignment of responsibility for childrearing. The PDA, however, accommodated only the biological dimensions of reproduction and did not offer socioeconomic entitlements related to childrearing. Thus, the PDA advanced women's access to equal employment opportunity during pregnancy but did not enable them to better reconcile mothering with paid employment. With the passage of the Family and Medical Leave Act of 1993, advocates finally realized their dual commitments to equal employment opportunity and socioeconomic protections for caretaking. But opposition constrained the law's scope, and its enactment has illustrated the limits as well as the capacity for the law to influence gendered structures of care.

CURRENT ARTICLE PROJECTS

Recovering the LaFleur Doctrine

I am currently revising this article, forthcoming in the (date) issue of *Journal Name* which discusses the social and legal history of the landmark 1974 U.S. Supreme Court case of *Cleveland Board of Education v. LaFleur*. Today, legal scholars debate whether the Equal Protection Clause or the Due Process Clause offers the most promise to secure women's rights to full citizenship. In the early 1970s, labor and legal feminists argued for equality and liberty as mutually dependent, necessary conditions for women to realize the status of rights-holding persons under the Fourteenth Amendment. I argue that on the path to intermediate scrutiny for sex-based classifications, the Supreme Court in *LaFleur* contemplated a richer conception of the relationship between women's equality and reproductive liberty than is recognized under contemporary equal protection jurisprudence.

The Anti-Stereotyping Principle and the Costs of Reproduction

This article, in process, will serve as the basis for my job talk. Recent scholarship has demonstrated that legal feminists during the 1960s, 1970s, and 1980s did not seek to eradicate classification on the basis of sex per se, but rather endeavored to end the law's imposition of sex-role stereotypes rooted in the family-wage system. I argue that legal feminists developed a cost-sharing principle as a corollary to the anti-stereotyping principle: Combating sex-role stereotypes would require sharing the costs of pregnancy, childbirth, and childrearing, both between men and women within the family and throughout society. The history of feminist mobilization for the cost-sharing principle, anti-feminist counter mobilization, and incremental legal change illuminates the origins of contemporary debates regarding work-family conflict, as well as the normative values at stake in these debates. The article concludes by discussing current legal reforms that might render sex stereotypes less indelible by more equitably sharing the costs of reproduction.

FUTURE PROJECTS

The Role of Legal Forums in Determining Social Movement Identity

In a future project, I plan to use history to analyze how the legal forums targeted by modern social movements have shaped these movements' identities: the contours of their political imagination, organizing models, and strategic objectives. In researching my dissertation, I observed that the feminist movement's definition of gender equality changed when movement leaders shifted their attention between Congress and the courts. When pursuing legislative campaigns, legal feminists laid claim to affirmative social-welfare entitlements, built broad coalitions, and argued for the state's role in transforming familial relations commonly understood as private. By contrast, when pursuing legal change via antidiscrimination law, legal feminists restricted their claims to negative rights, divided over doctrinal strategies, and posed less profound challenges to the public/private divide. That observation has sparked a broader curiosity

SAMPLE SCHOLARLY AGENDA

about how the institutional foci of various social movements have influenced the character and shape of these movements.

My proposed project would focus on how social movements' definition of equality changed as a result of movements' decisions to target federal and state courts, administrative agencies, and legislatures. My hypothesis is that the institutional target of social movements' campaigns for legal reform not only affected the outcomes of these campaigns but also the way in which movements conceived of social and legal equality. I will test my hypothesis using three historical case studies: the second-wave feminist movement, the disability rights movement, and the movement for gay liberation and equality. Because these movements overlapped and also built on each other's precedents from the sixties through the eighties, they offer the opportunity to study larger historical patterns. The project will either take the form of a series of articles or a book.

The Constitution of the Family

This project will investigate how statutes, common law, and constitutional jurisprudence came to constitute the family over the course of the twentieth century. I will examine change over time in the legal regulation of who comprises a family as well as the obligations that family members hold to one another. The project will discuss the constitution of the family in multiple arenas including trusts and estates, tax, and property as well as marriage, divorce, and child custody. Some narrative strands in the history of twentieth-century family law are familiar: the demise of common-law marriage, the rise of no-fault divorce, and the complex problems that new reproductive technologies posed for determining child custody. Important questions, however, remain unexplored by either social or legal historians, and I will focus on those regarding the definition of the family as an economic institution. Why do spousal rights differ at divorce and death, with a widow more likely to receive a greater share of marital property if her Marriage ends by divorce than by the death of her husband? What are sources of the obligation present in both child custody and intestacy law to support children, and how have ideas about this obligation changed over time? Has the concept of donor's intent, central to the law of trusts and estates, followed the paradigm shift from status to contract that historians have identified in other aspects of family law? This will likely take the form of a book project.

Historical Amici Curiae and the Law's Relation to the Past

The idea for this article derives from my participation in a panel discussion at an American Society for Legal History Annual Meeting, on "When History Meets Law: The Role of Amici Curiae." Although disagreement exists regarding the degree of influence that amicus briefs have on the Supreme Court, these briefs represent a fruitful arena to explore the fraught relationship between historical and normative legal argument. While historians are cautious about drawing presentist conclusions from their research, lawyers mine the historical record—doctrinal precedent and legislative debates—in search of answers to contemporary legal questions. This article will seek to develop new paradigms for considering the relationship between history and legal change. I will use recent examples of historical amici curiae to evaluate whether advocates may effectively use history, not only to urge fidelity to the original intent of legislatures and the Framers, but also to encourage courts to depart from the past.

Appendix F

FAR Form

FAR APPLICATION

Contact Information

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[Education & Student Leadership](#)

[Teaching Preferences & Publications](#)

[Employment Experience](#)

[Community Service](#)

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Contact Information

Prefix	First Name	Middle Initial	Last Name	Suffix
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Email				
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Phone Numbers

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Primary Address

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Alternate Address

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Demographic Information

Education & Student Leadership

Teaching Preferences & Publications

Employment Experience

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Position Sought

Please select what type of position your are seeking. You must select at least one.

☐ I am applying for an entry-level position

☐ I am an experienced teacher applying for a lateral position

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My FAR Application

My Profile

FAQs

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FAR APPLICATION

Contact Information

Position Sought

Demographic Information

Education & Student Leadership

Teaching Preferences & Publications

Employment Experience

Community Service

Bar & References

Upload CV & Research Agenda

Review & Submit

Demographic Information

Gender

The terms male and female include people irrespective of the gender assigned to them at birth

Select an Option

Military Veteran

☐ Check this box if you are a U.S. military veteran

Race/Ethnicity

Select Some Options

Save and Continue

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Education

Degrees

Degree Category	
<input type="text" value="Select an Option"/>	
School	Other School if not listed
<input type="text" value="Select an Option"/>	<input type="text"/>
Type of Degree	
<input type="text" value="Select an Option"/>	
Honors	
<input type="text"/>	
Remove	

[Add degree \(max 4\)](#)

Student Leadership

Organization		Role
<input type="text"/>		<input type="text"/>
Start date	End date	
<input type="text"/>	<input type="text"/>	
<small>mm/dd/yyyy</small>	<small>mm/dd/yyyy</small>	
Remove		

[Add a student leadership \(max 3\)](#)

[Save and Continue](#)

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Teaching Preferences & Publications

Teaching Preferences

Please choose up to 5 subjects you would be most interested in teaching in order of preference:

[Add another subject](#)

Please choose up to 5 subjects you would be willing to teach if asked in order of preference:

[Add another subject](#)

If you wish, use the following space to explain your selection of these subjects as teaching preferences and how they might relate to either your experience or research agenda.

255 characters max

Major Published Writing

Total number of publications

You may provide details for up to 5 publications. One unpublished work is allowed - one of the five can have the Accepted for Publication checkbox unchecked.

[Add a published writing \(max 5\)](#)

Geographic Restrictions

If you have any restrictions that would affect whether you would be able to accept employment in certain geographic areas, please indicate them below.

I will **ONLY** accept a position in:

I will **NOT** accept a position in:

[Save and Continue](#)

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Employment Experience

You may enter up to 7 positions, any combination of employment and teaching that you want, and they will display in chronological order on your FAR Application. Only the first three subjects listed for each position will appear on the PDF form.

Employment History

Employment Type		
Select an Option		
Location	Start date	End date
	mm/dd/yyyy	mm/dd/yyyy
<input type="checkbox"/> Check this box if we may contact this employer <input type="checkbox"/> Check this box if this is a part-time position		
Remove		

[Add Employment History \(max 7\)](#)

Employment Experience Comments

Please use the available comment to explain how your employment experience relates to the role of faculty that you are seeking.

[Save and Continue](#)

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Community Service

Community Service History

Organization		Role
Start date	End date	
mm/dd/yyyy	mm/dd/yyyy	
Remove		

[Add Community Service \(max 3\)](#)

[Save and Continue](#)

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Bar and References

☐ Check this box if you have been admitted to the Bar

References

Name			
<input type="text"/>			
Title			
<input type="text"/>			
Institution/Org/Company			
<input type="text"/>			
Address Line 1			
<input type="text"/>			
Address Line 2			
<input type="text"/>			
City	State	Zip code	Country
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="Select an Option"/>
Phone		Email address	
<input type="text"/>		<input type="text"/>	
Remove			

[Add A Reference \(3 max\)](#)

Additional Comments

Use the following space to provide any additional comments you feel would be useful for hiring committees to see regarding your application.

255 characters max

[Save and Continue](#)

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CV and Research Agenda

CV

Upload a CV

No file chosen

Allowed files are .pdf, .doc, .docx, .wpd, and .txt

Research Agenda

Upload a research agenda:

No file chosen

Allowed files are .pdf, .doc, .docx, .wpd, and .txt

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Review your FAR Application

Please take a moment to preview your FAR application and ensure that the information is complete and accurate.

If not, you can revisit any of the sections to make corrections or add information.

Please note subscribing schools will be notified of any materials misrepresentation in the form reports to the AALS.

YOUR CONTACT INFORMATION, SUPPLEMENTAL CV, AND RESEARCH AGENDA WILL BE THE ONLY INFORMATION YOU WILL BE ABLE TO ACCESS after the deadline, so it is important to do the following:

- Verify that all information is accurate and complete
- Print a copy of your FAR information for your records

Payment

Submit your FAR Application for 2018-19 FAR Distribution 1. This distribution will no longer accept submissions after 11:59 p.m. EST on 08/08/2018 and you will no longer be able to update your application (as per above) after this date and time.

Details	Cost
2018-19 FAR Distribution 1 Deadline: 08/08/2018	\$475.00
Total	\$475.00

FAR APPLICATION

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[Upload Résumé & Research Agenda](#)

[Review & Submit](#)

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YOUR CONTACT INFORMATION, SUPPLEMENTAL RESUME, AND RESEARCH AGENDA WILL BE THE ONLY INFORMATION YOU WILL BE ABLE TO ACCESS after the deadline, so it is important to do the following:

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[Preview your FAR Application](#)

Payment

The AALS Faculty Appointments Register is closed for the 2017 Academic Year. The FAR will reopen this summer. Please contact far@aals.org to be notified when the FAR opens.