



University of Richmond  
**UR Scholarship Repository**

---

School of Professional and Continuing Studies  
Faculty Publications

School of Professional and Continuing Studies

---

2010

# Maximizing the Recruitment of Scholarship-Hungry Law Faculty: A Modest Change to the FAR Form

Porcher L. Taylor III

*University of Richmond*, [ptaylor@richmond.edu](mailto:ptaylor@richmond.edu)

Follow this and additional works at: <http://scholarship.richmond.edu/spcs-faculty-publications>

 Part of the [Legal Education Commons](#)

---

## Recommended Citation

Taylor, Porcher L., III. "Maximizing the Recruitment of Scholarship-Hungry Law Faculty: A Modest Change to the FAR Form." *Indiana Law Journal Supplement* 85, no. 4 (2010): 15-23.

This Article is brought to you for free and open access by the School of Professional and Continuing Studies at UR Scholarship Repository. It has been accepted for inclusion in School of Professional and Continuing Studies Faculty Publications by an authorized administrator of UR Scholarship Repository. For more information, please contact [scholarshiprepository@richmond.edu](mailto:scholarshiprepository@richmond.edu).

# Maximizing the Recruitment of Scholarship-Hungry Law Faculty: A Modest Change to the FAR Form

PORCHER TAYLOR\*

## INTRODUCTION: THE ROLE OF THE SCHOLARSHIP AGENDA IN LAW FACULTY RECRUITMENT

In 1992, law professor-to-be David W. Case<sup>1</sup> attended the annual Association of American Law Schools (AALS) Faculty Recruitment Conference (FRC)<sup>2</sup> as an aspiring law professor, along with several hundred other law professor candidates.<sup>3</sup> Although he had already published articles in law reviews and despite his intense preparation for the FRC screening interviews, to his “surprise,” Case found himself “unprepared” to

---

\* Porcher L. Taylor III, B.S., U.S. Military Academy, West Point; J.D. University of Florida College of Law, is an associate professor at the University of Richmond, where he has taught courses in all five university schools, including the School of Law and MBA program in the Robins School of Business. Professor Taylor’s primary and resident appointment is in the university’s School of Continuing Studies, and he holds a joint appointment in the university’s Robins School of Business as an associate professor of management. For research help on this project I am grateful to Carrie Ludovico, the university’s Distance Education Librarian.

1. Mr. Case, by his own admission “a naïve, young Mississippi attorney,” candidly, humorously, and insightfully traces his quasi-quixotic journey from practicing attorney from 1990 to 2002 to tenure-track assistant professor of law at the University of Memphis Cecil C. Humphrey Law School in 2002, in the form of a law review article. *See* David W. Case, *The Pedagogical Don Quixote de la Mississippi*, 33 U. MEM. L. REV. 529, 568 (2003).

2. Serving essentially as the nation’s law schools’ “agent” by performing certain tasks in the faculty recruitment process, AALS plays a “critical role” as a “clearinghouse” for relevant background information about prospective law faculty candidates. Ethan S. Burger & Douglas R. Richmond, *The Future of Law School Faculty Hiring in Light of Smith v. City of Jackson*, 13 VA. J. SOC. POL’Y & L. 1, 35 (2005). Indeed, a substantial “share” of entry-level tenure-track faculty is “identified by law school faculty search committees using the AALS database.” *Id.* at 41. Then “[l]aw school search committees . . . select which candidates they will invite for a short (typically twenty minute) screening interview at an annual recruiting conference held in Washington, D.C.” *Id.* at 31.

3. Apparently, candidates can expect a large number of the several hundred prospects at the FRC to be “highly qualified and impressively credentialed aspiring law professors.” Case, *supra* note 1, at 546. The FRC is “the main event for law school hiring.” Kevin H. Smith, *How to Become a Law Professor Without Really Trying: A Critical, Heuristic, Deconstructionist, and Hermeneutical Exploration of Avoiding the Drudgery Associated with Actually Working as an Attorney*, 47 U. KAN. L. REV. 139, 150–51 (1998). Entry into the legal academy is through a highly competitive and narrow gate. Typically, over 1000 lawyers submit resumes every year to the AALS’s database known as the Faculty Appointments Register (FAR), but only ten percent will actually be offered an entry-level position by law schools. Richard E. Redding, “Where Did You Go to Law School?” *Gatekeeping for the Professoriate and Its Implications for Legal Education*, 53 J. LEGAL EDUC. 594, 595 (2003); *see also* Burger & Richmond, *supra* note 2, at 32 (noting that according to 1990–2004 data from AALS, about 12.3% of the candidates in the AALS applicant pool were successful in obtaining faculty positions).

answer specific questions regarding his long term “research and scholarship agenda.”<sup>4</sup> He described his unexpected “debacle” at the FRC<sup>5</sup> as follows: “Disappointed facial expressions and unsympathetic body language suggested that generic expressions of enthusiasm for scholarly research and writing were insufficient.”<sup>6</sup>

In a similar FRC failure vein, law professor-to-be Jeffrey M. Lipshaw botched up his 2005 and 2006 FRC screening interviews because, as he notes, he did not realize something crucial until hindsight set in: “Everything in that thirty minute interview, assuming it goes well, is about whether you show the *predictors* of being a *productive scholar*.”<sup>7</sup> Indeed, Lipshaw asserts that this is the “*sine qua non*” question for entry onto the faculty of the legal academy: “So, what is it about your scholarship and writing that is fresh and exciting, will draw attention to you, and in the process, distinguish our faculty and our school?”<sup>8</sup>

One law school dean cogently captures the essence of the “productive scholar” in the context of student-run scholarly journals being the beneficiary:

The productive scholars are the ones who know how many areas are crying out for analysis and comment. They are the ones who know how many improvements could be made to the law, if only people focused on them. They are the ones who can guide the students to topics and shepherd their efforts to completion.<sup>9</sup>

---

4. Case, *supra* note 1, at 546. Case relates that his lack of a long-term research and scholarship agenda is “the area that most plagued” him during his 1992 FRC screening interviews. *Id.* at 551. To rectify this deficit, Case ambitiously set out to obtain a doctorate fellowship in interdisciplinary environmental studies at Vanderbilt University, as a path “to produce serious, publishable scholarship prior to taking another run at the law school teaching market.” *Id.* In 1998, he began his doctorate at Vanderbilt, and published three separate articles related to his doctoral dissertation with “excellent” law reviews, before he attended the 2000 FRC. *Id.* at 554–55. Maximizing the lessons that he learned from his Waterloo at the 1992 FRC, Case exults that “there were frankly no questions asked that I was not fully prepared to address in substantive detail.” *Id.* at 558. In 2001, he joined the law faculty at the University of Memphis as a visiting professor, and promptly attended the 2001 FRC as a serial or “professional AALS candidate.” *Id.* at 562, 565. As a result of his nearly twelve-year journey, Case began his tenure-track law professor career at the University of Memphis in 2002. *Id.* at 568. Today (2009), he is an associate professor at the University of Mississippi School of Law.

5. *Id.* at 548.

6. *Id.* at 546.

7. Jeffrey M. Lipshaw, *Memo to Lawyers: How Not to “Retire and Teach,”* 30 N.C. CENT. L. REV. 151, 156 (2008) (emphasis added). Professor Lipshaw is not being stereotypical or dogmatic about the perception that more than a few law school faculty appointments committees are scholarship-centric, as he acknowledges in a footnote that there are “many fine law schools whose focus is on teaching.” *Id.* at 156 n.15. In his 2008 law review article, Lipshaw tracks his nearly “impossible” ascendance from a 1979 law school graduate with over twenty-five years of practice in law firms and corporations to being hired onto the tenure track of an associate professorship at Suffolk University Law School in 2007, at the age of fifty-two. *Id.* at 153. Leading up to his 2005 FRC interview, Lipshaw had been a visiting professor of law at Wake Forest School of Law and published three “recent” articles in “reputable” law reviews. *Id.* at 155–56. Today (2009), Lipshaw remains on the faculty at Suffolk.

8. *Id.* at 158–59.

9. Donald J. Weidner, *A Dean’s Letter to New Law Faculty About Scholarship*, 44 J.

Published legal scholarship<sup>10</sup> and a viable scholarship agenda<sup>11</sup> are seemingly quasi-dispositive factors in FRC and on-campus interviews, and in the advancement to tenure of newly hired entry-level faculty.<sup>12</sup> This apparent scholarship center of gravity in the initial hiring and advancement process seems to hold up even for those law schools that are teacher-centric, as opposed to scholarship-focused. Consider this observation by two legal commentators: “Although some law schools place emphasis on candidates’ teaching ability, it is often the case that professors’ effectiveness in the classroom is secondary to scholarship or scholarly *potential*.”<sup>13</sup>

Recognizing the critical need for law school recruitment teams to better assess in advance the scholarship agendas of entry-level candidates registered with the AALS Faculty Appointments Register (FAR) and of candidates who receive on-campus interviews, this Article innovatively explores how a modest change to the FAR form might facilitate and transform the recruitment of scholarship-hungry tenure-track faculty.

---

LEGAL EDUC. 440, 442 (1994). Weidner was the Dean of the College of Law at Florida State University in 1994.

10. See Burger & Richmond, *supra* note 2, at 40 (stating that law school hiring teams “often focus” on a candidate’s publication record); Redding, *supra* note 3, at 614 (stating that law schools are placing “greater emphasis on scholarship than they ever have in the past”). In an empirical study of new law professors hired between 1996 and 2000, based upon the 2000–2001 AALS Directory of Law Teachers, seventy-six percent had published at least one article or note in a law review or other academic journal. *Id.* at 603.

11. See, e.g., Lipshaw, *supra* note 7, at 158 (“Research agendas are a coin of the realm for brand new entry level profs . . .”).

12. See Robert H. Abrams, *Sing Muse: Legal Scholarship for New Law Teachers*, 37 J. LEGAL EDUC. 1, 13 (1987) (stating that “writing is far and away the dominant consideration in the tenure decision”); Jon W. Bruce & Michael I. Swygert, *The Faculty Hiring Process*, 18 HOUS. L. REV. 215, 246 (1981) (“Many legal educators believe that scholarship should take about one-half of a law teacher’s time.”); Mary Kay Kane, *Some Thoughts on Scholarship for Beginning Teachers*, 37 J. LEGAL EDUC. 14, 14 (1987) (“[S]cholarly endeavors form the core of what law teachers are about.”); Don Zillman, Marina Angel, Jan Laitos, George Pring & Joseph Tomain, *Uncloaking Law School Hiring: A Recruit’s Guide to the AALS Faculty Recruitment Conference*, 38 J. LEGAL EDUC. 345, 354 (1988) (“Scholarship is a crucial issue. Regular published scholarship . . . is a general requirement for tenure and an expectation of a professorial career.”). “In a study conducted in 1958, law school deans noted that a candidate’s *capacity as a productive scholar* was the most frequently considered factor in faculty appointments.” Bruce & Swygert, *supra* at 248 (emphasis added). While this last citation to that 1958 study is over five decades old, there is little indication in the legal academy today that this scholarship focus has changed. Since scholarly reputation is such a pivotal score in *U.S. News and World Report* rankings, it should come as no surprise that many law schools tend to focus on scholarship. See Larry C. Backer, *Defining, Measuring, and Judging Scholarly Productivity: Working Toward a Rigorous and Flexible Approach*, 52 J. LEGAL EDUC. 317, 318 (2002) (noting that scholarly reputation accounts for a quarter of the score in *U.S. News and World Report’s* rankings of law schools).

13. Burger & Richmond, *supra* note 2, at 17 (emphasis added); see also Abrams, *supra* note 12, at 11 (“In making tenure decisions, virtually all law schools attempt to evaluate a candidate’s scholarship, teaching, and service. Schools vary in their approach to the process and in the relative weights allegedly given to the three categories, but I submit that writing is the dominant concern, the currency of our profession.”).

## I. THE FAR FORM: THE LINCHPIN IN THE LAW FACULTY HIRING PROCESS

Without the FAR and the FAR form, there could be no annual AALS FRC. The FAR is the online database that collects information about candidates interested in teaching at law schools.<sup>14</sup> To participate in the FAR, prospects fill out an online, one-page standardized resume questionnaire (the FAR form), which asks for information such as education, teaching experience and preference, past employment, and “any major writings that have been or are scheduled to be published.”<sup>15</sup> Deans and recruiters of law schools have access to the FAR database, and the FAR is released to law school recruiters three times in the fall, leading up to the annual FRC.<sup>16</sup> The AALS dictates that the one-page limitation on the FAR form is to ensure uniformity and brevity.<sup>17</sup> Unfortunately, there is very little space on the FAR form to fill out the section titled “Major Publications.” In fact, all a candidate can practically do is type in the titles of any published or accepted-for-publication articles. Although the FAR form does have a “personal statement” section, that part only consists of a “small space for the applicant to include additional qualifications, comments, and supplications.”<sup>18</sup> Candidates are hard pressed to decide what additional information about them should go into that “small space.”<sup>19</sup> Although the AALS allows candidates to upload a resume along with their FAR form, practically speaking, most law school recruiting teams will not look at the resume until they have first screened a candidate’s FAR form.<sup>20</sup>

Sobering for aspiring law professors, the drafting of the FAR registration form “makes or breaks the vast majority” of candidates.<sup>21</sup> Taking this reality into account, it is imperative that prospects take considerable time in and give substantial thought to the drafting of this one-page resume form.

---

14. AALS, Faculty Appointments Register, <http://www.aals.org/frs/far.php>.

15. *Id.*

16. *Id.* To be sure, law school recruitment teams are quite busy when it comes to reviewing FAR forms. FAR forms arrive at law schools “in stacks of several hundred at a time.” See Zillman et al., *supra* note 12, at 347. One law professor on a recruitment team has scan read two hundred FAR resumes in an hour “during a particularly pressured time.” *Id.*; see also Burger & Richmond, *supra* note 2, at 31 (noting that most “recruiting teams interview between twenty and forty candidates [at the FRC], with the goal of identifying three strong candidates to invite [back] to their law school in order to be evaluated by other members of the law school faculty”); Kent D. Syverud, *The Dynamic Market for Law Faculty in the United States*, 51 J. LEGAL EDUC. 423, 423–24 (stating that law schools review the FAR and select ten to fifty candidates to interview during the FRC). For some excellent counsel on how candidates should handle the FRC screening interviews, see Zillman et al., *supra* note 12, at 349–56 and Smith, *supra* note 3, at 159–66.

17. Zillman et al., *supra* note 12, at 347.

18. Smith, *supra* note 3, at 155. “The one-page [FAR] form and the nature of the screening process limit [a candidate’s] ability for ‘creative resume writing.’” Zillman et al., *supra* note 12, at 348.

19. See Smith, *supra* note 3, at 155.

20. I would propose that candidates provide a hundred-word abstract of each article listed in their resumes. Such abstracts would be very beneficial to law school appointments committees.

21. Zillman et al., *supra* note 12, at 347.

## II. IMBUING THE FAR FORM WITH A STRATEGIC SCHOLARSHIP QUESTION

As currently configured, the “Major Publications” section of the FAR form is not couched as a strategic query that requires a strategic reply: a research and scholarship agenda.<sup>22</sup> A simple addition to the FAR form might remedy that and accrue several benefits. A follow-up question should be added to the FAR form: *Please give the titles of three law review-type articles that you plan to write in your first five years as a law professor*<sup>23</sup> (limit your titles to 12 words maximum). Since research and scholarship are “activities of self-starting individuals”<sup>24</sup> who law schools aggressively seek, this homework exercise in title drafting would better identify those creative candidates. Highly informative titles greatly aid legal researchers when they search for relevant law journal articles. A good article title succinctly highlights the thesis and tells a story, and should be highly descriptive. Entry-level law professors need to begin fine tuning this title-drafting skill as soon as possible, and what better venue to advance that skill than in the FAR uploading process.

In an effort to maximize internally the “value of the scholarly enterprise,” law schools should require their faculty to produce “[a] formal annual report to the dean and the rest of the faculty” that articulates and measures the significance of their current and future scholarly endeavors.<sup>25</sup> Compellingly, in the proposed set of eight instructions for this annual report, one instruction states, as follows: “Describe your plans for scholarly activities in the coming year.”<sup>26</sup> This query calls for strategic thinking. Consequently, law professor candidates who start out on the path of strategic scholarship agenda setting with the above-described amended FAR form will be getting an invaluable dress rehearsal for life-long agenda setting as future law professors.<sup>27</sup>

---

22. “The backbone of a productive writing career is an ongoing agenda for scholarship.” Abrams, *supra* note 12, at 1. “A writing agenda is in some regards like a working hypothesis.” *Id.* at 4. As a result, the agenda is an “evolving set of ideas for topics that may prove workable and interesting; it is not an immutable blueprint.” *Id.*

23. I propose an agenda of three law review articles in five years because that is an average figure of what scholars believe the expected scholarship frequency output of law professors should be. See Abrams, *supra* note 12, at 1–2 (“Completing and submitting for publication at least one item per year is a good pace.”); Elyce H. Zenoff & Jerome A. Barron, *So You Want to Hire a Law Professor?*, 33 J. LEGAL EDUC. 492, 508 n.58 (1983) (“A full-time law teacher should write at least one good law-review paper every two years.” (citing Roscoe Pound, *Some Comments on Law Teachers and Law Teaching*, 3 J. LEGAL EDUC. 519, 532 (1951))). In addition, five years is a good yardstick for the scholarship agenda because “entry-level faculty are usually considered for tenure and promotion to full professor after five to seven years of employment . . .” Syverud, *supra* note 16, at 424. One legal commentator contends that law professors must continually produce “fifty to seventy page articles with between one hundred fifty and four hundred footnotes at a pace of at least one per year . . . to be accepted for publication in a relatively well-regarded law review or peer-reviewed journal.” Lipshaw, *supra* note 7, at 162.

24. See Bruce & Swygert, *supra* note 12, at 246.

25. Backer, *supra* note 12, at 339–40.

26. *Id.* at 340.

27. Perhaps those lawyers with formal training in research and a record of scholarly achievement (i.e., possess a Ph.D. or S.J.D.) might have a competitive advantage over those

## III. SCHOLARSHIP WRITING MAKES FOR BETTER LAW TEACHERS

The goal of this Five-Year Scholarship Strategic Plan question is to illuminate budding strategic scholars who are genuinely committed to prolific and potent scholarship by writing original articles. Law schools seek prospects who are deep thinkers about scholarship. As a fruitful concomitant of this, legal scholarship writing “makes for better teachers.”<sup>28</sup> Indeed, writing generates “clearer thought” and enhances “the ability to transmit that same skill to students.”<sup>29</sup> Consider an empirical study of law professors’ teaching as Exhibit A for this possible scholarship-teaching correlation. The study found that “productive scholars are almost twice as likely to have high teaching evaluations, and professors who are not productive scholars are almost three times more likely to have low (bottom twenty-five percent) teaching evaluations.”<sup>30</sup> Recruiting better scholars might be a wise investment toward developing them into stellar professors some day. Auspiciously, “almost all legal academics can be active writers.”<sup>31</sup> Accordingly, many highly competitive FAR registrants could potentially brainstorm an over-the-horizon scholarship agenda on their “new” FAR forms, as a way to begin their journey toward becoming active writers.

## IV. ON-CAMPUS INTERVIEW CONFIRMATORY LETTERS: A CALL FOR SCHOLARSHIP AGENDAS AND 100-WORD ABSTRACTS

Regarding on-campus interviews of high-potential FRC attendees, law school recruitment committees would be wise to state in interview-confirmatory letters that they would like for candidates to send to them before the interview and bring with them a Five-Year Scholarship Strategic Plan that spells out three law review article titles with 100-word abstracts for each one. Again, such a preinterview tasking would help to put flesh on projected scholarship productivity. In turn, candidates would be wise to consider some counsel on topic selections for their scholarship agendas. For neophyte law professors, it is “sensible to mold one’s writing agenda around personal strengths and existing areas of expertise.”<sup>32</sup> As an illustration, “[a] new teacher coming to academia after three years of prosecuting state law antitrust cases, should build at least one or two initial writing efforts on the existing base of his specialized knowledge.”<sup>33</sup>

An abstract-focused scholarship plan, received in advance of the interview, would help the recruiting team draft up scholarship questions with specificity. This would add focus and continuity to the interview, as well as give the recruiting team, in essence, a micro-writing sample. If a candidate can’t coherently and cogently articulate in one hundred words the nucleus of an “article” that she or he wants to put on the drawing

---

candidates possessing only a J.D. in drafting scholarship agendas. One law and psychology commentator submits that law schools can “maximize their chances of hiring excellent and productive scholars” by targeting this highly educated group. Redding, *supra* note 3, at 613.

28. Abrams, *supra* note 12, at 11. Abrams further states that “active writers receive tenure.” *Id.* at 13. This is the reason, he submits, that writing should be the predominant factor in the tenure calculus. *Id.* at 11.

29. *Id.*

30. Redding, *supra* note 3, at 610.

31. Abrams, *supra* note 12, at 13.

32. *Id.* at 3.

33. *Id.*

board, then that might speak volumes about that candidate's writing or communication ability.

Even those aspiring law professors who bypass the AALS recruitment route altogether and are directly recruited by law schools should likewise be required to produce this pre-on-campus interview, abstract-laced strategic plan.<sup>34</sup>

#### V. NEEDED: A FRC SEMINAR ON THE STREAMS OF LEGAL SCHOLARSHIP

Because improving communication between candidates and law school recruitment teams is one way to "enhance" hiring decisions,<sup>35</sup> the AALS should seize the communication high ground by developing and offering candidates at the FRC a thirty-minute seminar overview of the confusing and contentious streams of legal scholarship.<sup>36</sup> A handout at the seminar should be a bibliography of law journal articles about the streams of legal scholarship. This seminar would likely be sold out and generate a new revenue stream for AALS, particularly if it were offered online nationwide to conference non-attending FAR registrants.

Candidates who undergo screening interviews at the FRC and on-campus interviews should anticipate that they might be broadsided with a stream of scholarship war questions like the following: What do you think about the Critical Legal Studies (CLS) movement or Law and Economics scholarship?<sup>37</sup> Why do you think that Richard

---

34. One law and society commentator asserts that the most "elite" law schools don't utilize the AALS's FRC in their faculty recruitment efforts. *See* Redding, *supra* note 3, at 606 n.30 (citing Michael Ariens, *The Politics of Law Teaching*, 13 LAW & SOC. INQUIRY, 773, 784 (1988)); *see also* Burger & Richmond, *supra* note 2, at 41 (stating that "many candidates apply directly to law schools"). This Article concerns itself solely with the recruitment of entry-level tenure-track candidates who seek to be hired through the AALS's FRC system. As such, the lateral hiring of faculty who are employed at other law schools is likewise beyond the scope of this Article.

35. *See* Zenoff & Barron, *supra* note 23, at 501.

36. Prominent jurist Guido Calabresi captures four approaches to legal scholarship in the 20th century: doctrinalism or autonomism; law and something; the legal process school; and law and status. *See* Guido Calabresi, *An Introduction to Legal Thought: Four Approaches to Law and to the Allocation of Body Parts*, 55 STAN. L. REV. 2113 (2003). For a call for a truce in the legal scholarship wars, *see* Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession: A Postscript*, 91 MICH. L. REV. 2191, 2218 (1993) (concluding, Solomon-wise, that the entire legal academy "must work collectively to find a middle ground where a greater number of practical scholars flourish alongside their theory-oriented counterparts in an environment of mutual respect"). A year earlier in 1992, Federal Circuit judge Edwards published his controversial law review article about whether the law teacher's proper role is to produce practical scholarship that "judges, legislators, and practitioners can use." Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 34 (1992) (indicting "many law schools—especially the so-called 'elite ones'—have abandoned their proper place, by emphasizing abstract theory at the expense of practical scholarship and pedagogy").

37. *See* Zillman et al., *supra* note 12, at 352. For some excellent commentary on CLS, *see* Ted Finman, *Critical Legal Studies, Professionalism, and Academic Freedom: Exploring the Tributaries of Carrington's River*, 35 J. LEGAL EDUC. 180, 207 (1985) ("On the one hand, we are bound to do our best to see that antipathy to the CLS political perspective does not cause us to vote against individuals in CLS who merit employment."), and Frank B. Cross, *Political*



Posner believes that all legal scholarship, especially in the new interdisciplinary fields of law, must have relevant utility and practical impact?<sup>38</sup> Why do you think that empirical research is such a “hot area” in the legal academy today?<sup>39</sup>

Predictably, more than a few FRC and on-campus interviewees might be caught clueless when recruiters calmly rattle off these types questions. Accordingly, it behooves candidates not only to read about the warring streams of legal scholarship in law reviews, but also to go to interviewing law school websites and read and study some of the more salient articles of the faculty, especially the members of the recruitment committee. All of this should be done for the purpose of gauging where a given law school falls on the legal scholarship continuum and whether the candidate, can in good faith, develop a strategic scholarship agenda that advances that stream or streams of legal research.<sup>40</sup>

#### VI. WANTED: THIRTY YEARS OF PRODUCTIVE SCHOLARSHIP

“Selecting new faculty members is one of the most challenging and significant tasks that law schools undertake.”<sup>41</sup> Indeed, since “a grant of tenure can lead to a thirty-year occupancy of a faculty slot, there is a genuine institutional concern that the slot be occupied by a productive faculty member.”<sup>42</sup>

The majority of faculty members get tenure ultimately, which translates into the fact that “the hiring decision is critical.”<sup>43</sup> Truly then, the “bane of academia is the non-productive but otherwise capable tenured faculty member.”<sup>44</sup> Lamentably, it is likely that “every [law] school has some deadwood among the faculty.”<sup>45</sup> Enter the controversial post-tenure reviews of law school faculty at some law schools.<sup>46</sup>

---

*Science and the New Legal Realism: a Case of Unfortunate Interdisciplinary Ignorance*, 92 NW. U. L. REV. 251, 259 (1997) (finding that a “fundamental principle of CLS [is] that the law is radically indeterminate”). With respect to the “law and something else” legal scholarship movement (e.g., Law and Economics), this stream has been flowing for over twenty-five years. See Lipshaw, *supra* note 7, at 157 (exhorting law professor candidates to read law review articles to seize hold of definitions of terms like “heuristic, Nash equilibrium, corrective justice, bounded rationality . . . soft positivism”).

38. See Backer, *supra* note 12, at 324. Prolific jurist Richard Posner finds that interdisciplinary scholarship is “problematic unless subjected to the test of relevance, of practical impact.” Richard A. Posner, *Legal Scholarship Today*, 115 HARV. L. REV. 1314, 1326 (2002).

39. See Lipshaw, *supra* note 7, at 158 n.19. Many law schools have faculty who engage in empirical research. See Kane, *supra* note 12, at 17–18.

40. Since top-ranked law schools will be most interested in candidates who publish ‘theory’ pieces, see Smith, *supra* note 3, at 149, candidates will probably want to present a theory-centric scholarship agenda when interviewing with top-thirty law schools. In research conducted in 1977, researchers found that most law professors were categorized as being “traditional legal scholars, [those] who could be described as favoring a theoretical approach to legal education.” Donna Fossum, *Law Professors: A Profile of the Teaching Branch of the Legal Profession*, 1980 AM. B. FOUND. RES. J. 501, 553 (1980).

41. Bruce & Swygert, *supra* note 12, at 264.

42. Abrams, *supra* note 12, at 11.

43. Lipshaw, *supra* note 7, at 162.

44. *Id.* (emphasis omitted).

45. Zenoff & Barron, *supra* note 23, at 493 (quoting Eugene F. Scoles, John A. Bauman,

Query how many tenured law professors might ultimately become “deadwood” in terms of scholarship production because they begin to lose their zeal for scholarship agenda-setting. A few might fall into this productivity rut. If this proposition has any merit, then it underscores the need for law professor candidates to develop the skill of agenda-setting early on.

A simple change to the FAR form might help to set future law professors on the path toward scholarship agenda-setting accountability over a fruitful thirty-year career in the halls of the legal academy.<sup>47</sup>

#### CONCLUSION

Because “improvement in almost every phase of the law faculty hiring process is needed,”<sup>48</sup> this Article has sought to make a timely contribution to this call for hiring process reform by proposing a modest, simple change to the FAR form. Beginning with a compelling scene, this Article opened with the abject failure of two law professors-to-be, to pass their first FRC scholarship agenda-setting test during their screening interviews. Certainly, today and tomorrow, there are and will be a good number of scholarship-hungry FAR registrants. The communication challenge for the AALS is to have a mechanism that can conveniently and efficiently convey that hunger to law school recruitment teams, and thereby help weed out those who do not have a bona fide hunger and strategy for scholarship. In a twenty-first century legal academy that appears to be becoming even more scholarship strategy-centric, and the AALS should seriously consider making the FAR form better reflect this hiring reality.

---

Richard C. Gilman, Yolanda Northridge & Thomas Sowell, *Motivating the Law School Faculty in the Twenty-First Century: Is There Life in Tenure?*, 30 J. LEGAL EDUC. 1, 2 (1979)).

46. For an excellent synopsis of three law review articles on post-tenure review in the legal academy, see Burger & Richmond, *supra* note 2, at 18 n.57.

47. Since tenure-track law professors are tripartite fiduciaries who must be competent in teaching, scholarship, and service, by no means in this Article do I want to be perceived as if I am guilty of slighting the importance of teaching and service in the legal academy. Contrarily, the locus of this article is purposefully on scholarship, without any detriment to teaching and service.

48. Bruce & Swygert, *supra* note 12, at 264.