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Becoming a Law Professor: A Candidate's Guide

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Brannon P. Denning, Marcia L. McCormick, and Jeffrey M. Lipshaw

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Introduction

If your first law review article was published in the *Harvard Law Review* or the *Yale Law Journal*; if Cass Sunstein, Richard Posner, Ronald Dworkin, Kathleen Sullivan, or Elena Kagan are making phone calls to appointments committee chairs on your behalf; or if you are presently a clerk for a justice of the Supreme Court of the United States, congratulations, professor, you'll do just fine when you decide to enter the academy. When we started this project, we had the idea that as long as a person graduated from one of the ten or eleven law schools that produce roughly seventy percent of law teachers each year,¹ was on law review, and clerked for a federal judge, that person was a shoo-in for an academic career or at least knew that he or she could be an academic and knew how to pursue that career path. Thus, we originally conceived of this project as a guide to becoming a law professor the hard way,² designed for those who may have had mediocre grades in the first year, did not do moot court or were not on law review, did not clerk for a federal judge, and, most of all, did not graduate from one of those eleven law schools. After talking to a number of our colleagues, we came to the conclusion (if our sample was typical) that the great majority of current law professors, even ones who graduated from Harvard, Yale, or Stanford, felt their path was plenty hard and had to work to figure out the process and to get a teaching job. So if you can be reached by

¹ See, e.g., Lawrence B. Solum, *Entry-Level Hiring Reports*, LEGAL THEORY BLOG, <http://lsolum.typepad.com/legaltheory/2010/04/entry-level-hiring-survey-2010.html> (April 12, 2010). Professor Solum conducts an entry level hiring survey each spring. The 2010 results may reflect fewer absolute numbers than usual (probably the result of the 2008-09 financial crisis), but the percentages have stayed about the same. The survey reported 101 entry-level hires at American law schools, of which 70 came from Yale, Harvard, NYU, Columbia, Virginia, Berkeley, Penn, Chicago, Michigan, and Stanford.

² Indeed, our working title for the book was "Becoming a Law Professor the Hard Way."

calling (202) 479-3000,³ you are excused, but for everybody else who has thought about being a law professor, this is the book for you!

We are writing this book to provide information to, and encourage, more law school students to approach academia as a realistic career choice. We believe that non-Order of the Coif, non-law review, and even non-Ivy League graduates can become excellent teachers and scholars, and that legal academia in general would be enhanced by the presence in significant numbers of professors who possess a diversity of academic backgrounds and experiences. Unfortunately, many people who would be fantastic teachers and scholars never even consider teaching as an option. In part, this is because of students' assumptions (unfortunately often perpetuated by faculty) that even if you are at the top of your class at Non-Ivy-Equivalent-State-Law-School your chances at successfully obtaining employment in the academy are nil. But we also think that the relative lack of information about teaching and the hiring market tends to reinforce such perceptions and discourage students from pursuing academic opportunities. Even at Ivy League law schools, the lore surrounding the academic market was sometimes passed on selectively by professors to favored students. This book seeks to make such information available to everyone.

Make no mistake: the hiring market for law professors—even candidates who graduated from top law schools—is extremely competitive. In 2008-09, a total of 875 people filled out resumes for the Association of American Law Schools' Faculty

³ The main phone number of the Supreme Court of the United States.

Appointments Register (about which more later),⁴ roughly 150 received offers from law schools. Moreover, the job itself is often more demanding than many candidates expect, as new faculty members often find out. It is not for everyone. We know of a few people who, after teaching, decided to go back into private practice. Most law professors, however, would not trade their jobs for any other. If you think that you might be one of those people, we encourage you to read this book and use what we learned through our experiences to aid you in the sometimes long, sometimes arduous process of becoming a candidate and, one hopes, a successful candidate.

Our book is organized in the following way. Chapter One describes the types of teaching jobs available in law schools and the responsibilities of each. As you will see, not everyone on a law school faculty teaches two courses a semester and writes 1.5 law review articles a year. Chapter Two then describes possible paths to teaching, from the “standard model” law professor to various alternative paths that many current professors (including the authors) have taken instead. While we describe the standard model in detail, we do so mostly to contrast it with the various “hard ways” that one might take to get to the academy.

Chapters Three through Six constitute the “how-to” of the book. We describe in detail the law school hiring process from application through the AALS “meat market” to the on-campus visit and the job offer. We include a special chapter (Chapter Five)

⁴ For the AALS registration figures, see *2008-09 AALS Statistical Report on Law Faculty*, <http://www.aals.org/statistics/2009far/registration.html>. The estimate on actual hires for that year comes from Professor Solum’s 2009 database, Lawrence B. Solum, *Entry-Level Hiring Reports*, LEGAL THEORY BLOG, <http://lsolum.typepad.com/legaltheory/2009/04/2009-entry-level-hiring-report.html> (April 26, 2009).

offering advice to non-traditional job candidates of all sorts about handling issues that may come up during the interview process.

In Chapter Seven we offer some advice for the new professor. We do not intend for this to be a book about successful teaching—there is at least one good book and a number of articles on that subject⁵—but there are things that professor-designates ought to think about between the time the offer is accepted and the first class is taught. Much in this chapter is drawn from our personal experience and that of our colleagues; it is of the “I wish I’d thought of that” variety.

We conclude, in Chapter Eight, with some suggestions in the event your first foray into the academic job market fails to produce an offer. Each of us went through the process more than once; we discovered that even an unsuccessful initial search can yield opportunities that will aid future searches.

We also include an annotated bibliography of articles on the hiring process and other aspects of becoming a law professor, as well as a brief primer on the law review submissions process. Throughout the chapters, we’ve included sidebars from us and from friends and colleagues offering narrative accounts of their own job searches. We thought these voices would humanize and particularize the general accounts we offer in the chapter. We have also included timelines and checklists at the end of chapters for readers who might find such organizational tools helpful.

⁵ See, e.g., MADELEINE SCHACHTER, *THE LAW PROFESSOR’S HANDBOOK: A PRACTICAL GUIDE TO TEACHING LAW* (2004); Mary Olszewska & Thomas E. Baker, *An Annotated Bibliography on Law Teaching*, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1497031.

In addition to our primary aim—to collect in a single place information about legal academia and the law school hiring process—we hope that this book might encourage law schools and their hiring committees to look beyond the usual suspects at the AALS and consider folks, like us, who entered teaching the hard way. Perhaps what we write here might even start a conversation about intellectual and educational diversity within law faculties. Broadening candidate pools and critically evaluating the tendency towards credentialism in hiring will, we firmly believe, benefit both institutions and students in the long run.⁶ We also hope that our book will find its way into the hands of career service personnel at schools not known for producing professors, if only to suggest it to the right students as a possible alternative to practice.

⁶ That's not to say there's no conversation going on presently about the future of the legal academy. See, e.g., *Pierre Schlag, Spam Jurisprudence, Air Law, and the Rank Anxiety of Nothing Happening (A Report on the State of the Art)*, 97 GEO. L. J. 803 (2009); Richard A. Posner, *The State of Legal Scholarship Today: A Comment on Schlag*, 97 GEO. L. J. 845 (2009). "Hard way" candidates ought to be encouraged by thoughts such as this one, coming from Frank Wu, the dean of the University of California – Hastings School of Law:

While it is better that those of us whose research cross over into other fields (as mine does) are trained formally, rather than dilettantes (as I am), I have a concern that we will see this new breed of law professor not as one of many valuable types an institution should recruit and nurture but rather as the best and the only type that matters — to the exclusion of those with substantial practice experience, those who would teach in clinical programs, and those who produce the sort of doctrinal analysis that was perfectly respectable a generation ago and valuable to judges and lawyers today still. It does a disservice to our students, among others, if we become so enamored with our own speculations and engrossed in impressing one another with our citations to Wittgenstein (and, yes, I know enough about Wittgenstein to distinguish between the earlier and the later) that we forget we earn our keep by training individuals who by and large become advocates and counselors for causes and clients. Some of us should do work that is of greater interest to sociologists, but some of us also should do work that is of greater interest to the bench and the bar; others of us will try our best to do a little of each. These are all worthwhile contributions.

Frank Wu, "Who Could Be Hired Today," CONCURRING OPINIONS, http://www.concurringopinions.com/archives/2009/04/who_could_be_hi.html#more (Apr. 4, 2009).

We wish you the very best of luck in your pursuits and sincerely hope we can help. If you find our book helpful, or if you have suggestions for possible future editions, we would love to hear from you! You can reach us at our respective institutions, or contact us by e-mail at bpdennin@samford.edu; mmcor20@slu.edu; or jlipshaw@suffolk.edu.