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The Empire Strikes Back.

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THE EMPIRE STRIKES BACK

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I. INTRODUCTION

I never expected the furor that *Law Review's Empire*[1] sparked. My thesis was, I thought, not particularly earthshaking — that law school is an alienating experience.[2] Although law review could help combat some of the alienation,[3] it fails miserably in that regard. It fails to dealienate both because the law review credential, which happens to be illegitimate, yields alienating hierarchies,[4] and because the law review experience is tedious and not educational.[5] Consequently, the most prominent function that law reviews perform is to funnel cronies into big corporate law firms.[6]

It would be a bit of an understatement to report that my article was

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1. Rosenkranz, *Law Review's Empire*, 39 HASTINGS L.J. 859 (1988).
2. *Id.* at 862-66, 871-76.
3. *Id.* at 866-71, 876-77.
4. *Id.* at 891-99.
5. *Id.* at 899-911.
6. *Id.* at 923-26.

not well received by the law review community. The first sign of trouble arose even before the printing presses were fired up. According to reliable sources, *Hastings Law Journal* had a veritable coup on its hands when its editors accepted my article for publication. It seems that mutinous journal members wanted to punish my sacrilege by withdrawing the offer to publish the article (or worse, by publishing it, but without bluebooking it first). I know how Salman Rushdie must have felt. After much bloodshed and loss of life, an expert team, headed by Jim Baker, negotiated a compromise between the editors and the staff: *Hastings* published my article (bluebooked and all) but prefaced it with a two-paragraph editors' note whose essence is captured in the final sentence: "Thus, even though some members of the *Journal* urged us not to publish this Article, we did so because *we* think Mr. Rosenkranz has something important to say that needs to be heard."[7]

I thanked the Board for its resounding vote of confidence (although I understand the vote was five to four with six abstentions). To this day, I still wonder whether the editors who suspected I had "something important to say" were referring to *Law Review's Empire*. Who knows, maybe they thought if they published my drivel on law reviews, I would shut up and not mouth off about all the important stuff that I had to say on other topics.

Anyway, the controversy before publication was nothing compared to the firestorm of nasty letters after publication. They came from friends and strangers. "Nihilist," they called me. "Hypocrite." "Rad-lib-com-symp." "Traitor." "Dolt." And that was just from friends.

The most intriguing note was more succinct. It came in an envelope from some law review. That much I knew. Although the address and the name of the law review were blotted out, all that remained on the envelope were the printed words, "Law Review." Inside the envelope was a sheet of tattered loose-leaf paper. In the middle of the page was emblazoned a single word in block letters: ASSHOLE. Now that was a unique note. After all, in response to my article I had received numerous comments with no signature. But this was the first time that I had received a signature with no comment.

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7. *Editors' Comment*, 39 HASTINGS L.J. 858 (1988) (emphasis added).

Just when I thought my sins were forgotten, I received an invitation to address the National Conference of Law Reviews. I must apologize to the Board for not accepting as quickly as I might have. I guess I was half expecting the Board to send a follow-up note stating something like "even though the rest of the Conference thinks you're a moron, we invited you because *we* think you have something important to say that needs to be heard."

My paranoia was not entirely unfounded. As soon as I forayed into the public arena the assault began anew, this time by no less prominent a figure that Professor Mike Vitiello.[8] Thankfully, his attack is less vituperative than the others. The worst epithet he hurls at me is "bad boy."[9] On the brighter side, he offers me an attractive choice of identities: I am either a latter day Voltaire or a prevenient Luke Skywalker. I must confess to a bit of an identity crisis. Am I supposed to "cultivate [my] garden" or "feel the Force"?

II. I'M NO SKYWALKER

Professor Vitiello ultimately makes the choice for me, casting me as Luke and himself as Obi-Wan Kenobi. He likens my concededly irreverent view of law review to Luke's "monochromatic" view of the world[10] and attributes my shallowness to the "impatience and doubt" of youth.[11] If I read Professor Vitiello correctly, he predicts that if and when I ever mature — a metamorphosis that presumably will not begin until I "abandon public interest service" and "join [him in] a law faculty"[12] — I will attain his state of enlightenment. Much as raw battle transformed Luke into a Jedi Knight with mentor Kenobi's broad world view, so too law prattle will conform me, one red-eyed night, to mentor Vitiello's vision of law review.

My next declaration will come as no surprise to my Professor Kenobi, for he would ascribe it to my character (Luke, that is): I doubt the day will come when my bottom line on law review will change. Yes, like Luke, I doubt; but I'm no Luke Skywalker. The difference between me and Luke lies in the source of the skepticism. Unlike Luke, it is not because my view on various related matters — such as

8. Vitiello, *Journal Wars*, 22 ST. MARY'S L.J. 927 (1991).
9. *Id.* at 927.
10. *Id.* at 928.
11. *Id.* at 928 n.7.
12. *Id.* at 939.

the worthiness of certain pedagogical techniques or the value of law school grades — are cast in stone. I suspect that if ever I reach Professor Vitiello's exalted status, I will share his conviction that the law school's pedagogical and evaluative techniques are valid, if only to serve a self-validating need to deny that I am "perpetuating an awfully cruel hoax on our students and the public."[13]

I doubt my bottom line will change. But, unlike Luke, it is not because I pretend to harbor a particularly enlightened, studied, or unique insight. I am the first to admit that my views on what law review does to the psyches of members and nonmembers rest mostly on my own intuitive and unscientific sense of a rather common experience: like thousands of other students, with as many different perspectives, I spent three years in law school, two of them participating in a law review.[14]

That is why I doubt that my bottom line on law review will change over the years. My insight into what law review does to its members and to the student body at large will not grow any more perceptive as my recollection of law review membership fades and my empathy with students weakens. Unlike Luke, any change in my bottom line will be attributable to amnesia not maturity.[15]

III. THE COMMON GROUND

I should not, however, overstate the distance between Professor Vitiello's bottom line and my own. After all, he graciously declined the part of Darth Vader, and, so far, his light saber is safely holstered. In context, Professor Vitiello's dispute with me is more a quibble than a battle. The portions of my thesis that Professor Vitiello either accepts

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13. *Id.* at 932; *see also id.* at 933 ("I am not likely to admit that I am arbitrary and that I consciously engage in a fraud on the hundreds of students whom I have taught.").

14. Professor Vitiello sees something "interesting" in my views on law review, inasmuch as I have been such "a clear beneficiary of the law review system." *Id.* at [5]. Other less charitable souls have condemned my views as incongruous, or downright hypocritical. It seems to me that participation in law review is not incongruous with questioning its value, any more than participation in law school is incongruous with criticizing legal education, or participation in elections is incongruous with criticizing elected officials. I take comfort in the certainty that had I not participated in law review, critics would belittle my critique of the credential as bitter and would dismiss my critique of the experience as uninformed.

15. The same can be said of Professor Vitiello's astute observation that "[t]he elitist charge is most often voiced by students or recent graduates," who are "still close to the law school experience with all of its frustrations." *Id.* at 929 (footnote omitted). That is true not because they are less mature, but because the experience is fresher in their minds.

outright or declines to challenge far outweigh the one portion he attacks. Even over that one bone of contention, I will not launch the type of Death Star defense that I might against an "alien nation" or against its homonymic (alienation) counterpart in the law school. While I do not believe that his observations lead quite as inexorably as he does to the conclusions he draws, I concede their persuasive force. In the final analysis, though, Professor Vitiello's attack leaves my thesis intact, for the bit he challenges is by no means crucial.

A review of my thesis puts the dispute into perspective. My point of departure is an assessment of what the law school — and particularly the first year — does to its students. The effects have been described extensively, with varying degrees of venom, and are recounted in fuller detail in my initial article.[16] To put it succinctly, the harshest critics describe the first year of law school as thoroughly alienating.

It is alienating because its professors are Kingsfield clones who ridicule students publicly and mystify them intellectually. It is alienating because students are cowed into internalizing the abuse as a sense of self doubt — a sense that Duncan Kennedy has captured in the statement, "I *deserve* to take this shit. I am wrong and stupid."[17] Professor Vitiello does not dispute this much.

It is alienating because the psychological and physical exhaustion that accompany long hours of law study leave time and energy for little else of value. It is alienating because students are thrust into intense competition with one another, so that one student can scarcely ever help another learn without hurting himself. It is alienating because the students' obsession with grades is so overwhelming that learning becomes almost incidental. Still no argument from Professor Vitiello.

It is alienating because grades so often have so little to do with how much a student has prepared or how well she knows the material that it all seems futile, yet students internalize that number as a reflection of their own worth. Finally, the first year is alienating because students are spit out of the process with nothing concrete to show for a year's work — nothing but that seemingly arbitrary number stamped on a transcript.

Enter (finally) Professor Vitiello, who responds that law school

16. Rosenkranz, *supra* note 1, at 862-66.

17. Kennedy, *How the Law School Fails: A Polemic*, 1 YALE REV. L. & SOC. ACTION 71, 76 (1970) (emphasis in original).

grading is not arbitrary. This demurrer is reminiscent of the old thug's response, on the day of reckoning, to Saint Peter's catalogue of his sins. The list was enormous: "You beat your women. You stabbed your competitors. You kicked your dog. You cheated your children. You stole from the homeless. What do you have to say for yourself?" "You're wrong," he demurred, "I never once kicked my dog."

The charge that law school grades are illegitimate is no more essential to my indictment of the law school — and ultimately, as we shall see, of the law review — than the dog-kicking charge is to the indictment of the thug. Even if Professor Vitiello sustains his defense to the charge that he is perpetuating a phoney grading system, he will scarcely have touched the basis of my position that law school alienates and law review makes it worse.

As I pointed out when I first paraded the horribles, I do not myself wholeheartedly subscribe to the worst-case depiction of the law school that I sketched above.[18] My thesis depends only on the proposition that, for whatever reason, many students in law school are alienated. My thesis does not depend on proof that any one of the factors listed above contributes to the alienation. Nor for that matter does it depend on proof that any one of the alienating factors is real. Professors can trumpet from tutelage to tenure that students should not feel alienated, but that does not change the cold reality that they do.

Defined thus, my premise about alienation is undeniable. Every one of us has felt it — in varying degrees — at one time or another. Far from denying it, Professor Vitiello confesses some "sympath[y] to many of the points . . . about the alienation that students experience in law school."[19] That sympathy alone sustains my premise.

I will return shortly to Professor Vitiello's position on grades, for I should at least respond frontally to the sole area of his attack. First, however, I will complete the context in which the dispute arises. To the extent that students are alienated, for whatever reason, the law review could do much to counteract the alienation. For one thing, it could present a learning environment insulated from the hierarchies that the student perceives — accurately or not — as either illegitimate or beyond her control, or both. At the same time, law review could promote among students a sense of self worth and belonging by pro-

18. Rosenkranz, *supra* note 1, at 861-62, 866.

19. Vitiello, *supra* note 8, at 931.

viding a truly meaningful learning experience that produces a concrete product.

Far from fulfilling its dealienating potential, the law review increases student alienation. In my mind, there are two primary reasons. First, the law review credential, although almost universally accepted by the outside world as legitimate, is utterly false, or is at least perceived as such by many on the inside. In the end, the law review hierarchy reinforces the student's alienation because the student retains her perception that the hierarchy is illegitimate and beyond her control. But now it is a hierarchy with even more concrete consequences, because, perhaps even more than grades, the law review credential translates into employment desirability. Second, the law review experience — at least in the first year — is illusory. It consists primarily of bluebooking, typing, and envelope stuffing, work that is even more marginal and tedious — and therefore even more alienating — than the law school curriculum.

Again, either reason alone adds to the student's sense of alienation. More importantly, the perception that either observation is true — regardless of whether or not it is in fact true — is enough to alienate.

IV. THE BATTLEGROUND

Professor Vitiello focuses most of his attention on the first reason. He stops short of defending the law review credential wholesale. Instead, he narrows the inquiry even further, choosing to "focus on one specific argument": my argument "that the primary selection process for law review, reliance on grade point average, does not select the most capable people to serve on law review."[20]

In one respect this statement is an inaccurate statement both of my position and of fact. Grades are not, and were not at the time of my initial article, "the primary selection process for law review." By one somewhat outdated count, less than half the law reviews (46 percent) placed any reliance on grades and a mere two percent relied exclusively on grades.[21] If anything, I suspect that the law reviews' resort to writing competitions has risen.

For reasons laid out fully in my initial article, I continue to believe that, as designed and judged, writing competitions measure formalis-

20. *Id.* at 931 (footnote omitted).

21. Fidler, *Law Review Operations and Management*, 33 J. LEGAL EDUC. 48, 53 (1983).

tic conformity more than research, analysis, and writing skills.[22] Because writing competitions are beyond the scope of his article, nothing in Professor Vitiello's analysis convinces me otherwise. Thus, notwithstanding anything Professor Vitiello might say about grades, law review remains an illegitimate credential at least to the very large extent that membership depends on a typical writing competition.

But what of grades? Professor Vitiello disputes my hunch that law exams measure little more than a student's capacity to psychoanalyze professors, to write quickly, and to analyze superficially various aspects of a complex legal problem.[23] If that hunch is correct, then a law review selection process based on grades is flawed, since the skills measured have little to do with the effective research skills, incisive legal reasoning, persuasive advocacy, and originality that the ideal law review selection process should assess. By way of refuting my position, Professor Vitiello presents two types of evidence — anecdotal and objective — that grades do measure skills relevant to law review writing. He then offers a theory of why students feel otherwise. I will address first the evidence and then the theory.

Every law professor who has ever graded an exam can spew anecdotal horror stories of the type that Professor Vitiello recounts. He bemoans the student who confused diversity jurisdiction with personal jurisdiction, and screams bloody murder about the student who answered a question about a felony-murder fact pattern without mentioning either the felony-murder doctrine or the underlying felony.[24] Professor Vitiello is undoubtedly correct that such oversights are not "quibbles at the margin."[25] But, as Professor Vitiello seems to admit tacitly, these anecdotes prove nothing but the law exam's capacity to identify the student who knows nothing about the subject matter being tested.[26] The anecdotes do not demonstrate that those who excel on law school exams are the most cogent or meticulous writers.

It seems to me that, in this respect, my anecdotal evidence is more on point. I graded onto law review — as did many of my friends —

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22. Rosenkranz, *supra* note 1, at 894-97.

23. *Compare id.* at 897 *with* Vitiello, *supra* note 8, at 931-35.

24. Vitiello, *supra* note 8, at 933.

25. *Id.*

26. *Id.* Ultimately, the only conclusion that Professor Vitiello seems to muster from the anecdotes is that "[s]tudents who do badly are *often* students who did not get fundamental rules and distinctions," and "*seldom* students who . . . are capable of . . . law review" work. *Id.* (emphasis added).

without ever writing a full English sentence on a law exam (unless one counts the conclusion, "D wins"). Conversely, every admission by a law review of a member who submits a publishable note, even though he did not grade on, is an admission that the grading system is imperfect.[27]

Professor Vitiello next resorts to objective evidence for proof that law exams measure skills relevant to law review. He cites a study in which "[t]he authors drafted legal memoranda in poorly written legalese and in plain concise English."[28] I am not at all surprised that "[r]eaders repeatedly found the well written memorandum more persuasive and more professional than the less concise,"[29] even though "[t]he documents were designed with the same content."[30] Nor, for the same reason, would I be surprised to learn that a well written exam paper is more likely to impress a professor than is a paper that belabors or incoherently presents the same content. Even in the worst-case scenario that I described, law professors are merely ill willed, not illiterate.

The study proves only that writing "style matters"[31] at the margins, when the content of two submissions is identical. That much is an "intuitive" proposition, as Professor Vitiello observes, but one that I have never disputed.[32] The study sheds no light on the truly relevant inquiry, whether better grades necessarily go to better writers. Only a study that measures the grader's relative emphasis on content versus craft could resolve this inquiry. My hunch, concededly borne out by mere experience, not statistics, is that the typical law exam requires the student to regurgitate so much information in so little time that the student must give short shrift to style. That is because it is clear to the student that most professors would base the grade more on whether the student hits all the relevant issues and resolves them correctly than on whether the student writes fluidly.

Even the assumption that some professors grade writing style as much as content does not lead to the conclusion that the law exam is

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27. *See generally* Rosenkranz, *supra* note 1, at 898-99, 911-14.

28. Vitiello, *supra* note 8, at 934 (citing Benson & Kessler, *Legalese vs. Plain English: An Empirical Study of Persuasion and Credibility in Appellate Brief Writing*, 20 LOY. L.A.L. REV. 301 (1987)).

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

a worthy selector for law review. In the first place, law exams do nothing to measure research skills — except perhaps in the case of the procrastinator who has not cracked her textbook until the day of an open-book exam — which are at least as important to law review as are writing and analysis. More importantly, any exam-based measure of writing skills and analysis is of limited value, since it rewards only those who can quickly construct decent prose. True, anyone who can write decent prose on a law exam can be expected to write decent prose on a law review. But just because a student can write decently under pressure does not mean that she can be expected to write superbly when the pressure is off, and just because a student cannot write decently under pressure does not mean that she can be expected to write nothing but drivel when the pressure is off. Simply put, even in its broadest ramifications, the first study Professor Vitiello cites does not prove that the law exam measures the talent, over the course of weeks or months, to write beautiful prose in an analytically cogent piece.

Much more meaningful is Professor Vitiello's own study, which found a statistically significant correlation between a student's grade point average and her grade in "Moot Court."[33] I would not be too quick to draw any definitive conclusion from a single study involving a handful of students, especially a study conducted by one with an avowed stake in its outcome.[34] Nevertheless, the 0.7 correlation is noteworthy, and if sufficiently confirmed, could begin to prove that grades sometimes measure some relevant lawyering skills. I commend Professor Vitiello for undertaking the first empirical study of this sort. At the same time, however, it is disconcerting that no one else has ever thought to examine the validity of an assumption that so dramatically controls the lives of so many students.

Even aside from the possibility that this single study is anomalous, one should not be too hasty to draw the normative lesson that law review selection should be based on a student's grades. Although a skills course emphasizes more of the types of abilities that are essential to law review, it nevertheless does not measure them all. So far as appears from Professor Vitiello's description, the skills course is subject to some of the same criticisms as the typical writing competi-

33. *Id.* at 935.

34. *See id.* at 934 ("I was concerned that denying academic credit to our very intensive Moot Court class would devalue the course.").

tion.[35] More importantly, law review writing and brief writing demand different talents. The ideal law review selection process — assuming selection is necessary at all — would include an exercise in which the student is required to demonstrate more imagination than is required in an average memorandum or brief, extending inquiry and analysis beyond the rote case-by-case treatment of the typical brief.

Moreover, the correlation Professor Vitiello has demonstrated, while non-random, is far from perfect. The question remains whether one should be willing to settle for an imperfect predictor of law review skills without first trying either to design a more accurate measure (for example, why just the Moot Court grade, alone?) or to abandon the exclusivity outright.

The most telling aspect of Professor Vitiello's discussion of grades involves not proof that grades are valid, but speculation as to why students erroneously believe otherwise. For openers, if one's goal is to construct a law review that dealienates, the very acknowledgement that students perceive grades as arbitrary and beyond their control is a powerful reason to abandon law review exclusivity entirely. From the alienation perspective, it does not matter one whit whether the perception is accurate.

Even more intriguing is Professor Vitiello's confession that students are justified in feeling alienated, because "law faculty members contribute to the mystique about grades."[36] As Professor Vitiello laments, he and his colleagues "find rehashing of a student's inadequacies time consuming and unpleasant."[37] Presumably, they avoid like the plague any student's attempt to review an exam, or at best accede to such inquiries begrudgingly.

However sympathetic these aversions may be, their inevitable consequences are unhealthy. A professor's refusal or reluctance to justify a grade suggests to the student an inability to do so. As Professor Vitiello candidly admits, "if we do not review exams with students they are free to believe that the process is arbitrary."[38] Whether or not such a conclusion is a mere denial of the reality that "the student

35. *See generally* Rosenkranz, *supra* note 1, at 894-97.

36. Vitiello, *supra* note 8, at 932.

37. *Id.* at 932-33.

38. *Id.* at 933.

has a limited ability to understand the material,"[39] the conclusion has crucial ramifications. Even if a grade is a perfect measure of legal skill, it loses its legitimacy as a credential, at least among those who are measured. So too does any institution — be it law review, moot court, or dean's list — that grants special status on the basis of grades.

The result, after all is said and done, is that law review is yet another hierarchy that is illegitimate in perception if not in fact. A new pecking order emerges: whether the student made law review, how he got onto the law review, which law review he made, and which school gave the law review its name. Those are the criteria that define the student's pecker. (I was tempted to reiterate my pun about *Harvard Law Review* being "the biggest pecker of them all,"[40] but I understand that its members were flaunting that passage of my article to get dates.).

Students become as alienated by their position in the law review pecking order as they do by grades, because they internalize their position in the law review hierarchy, like grades, as a reflection of their self worth. The alienation hits high peckers and low peckers alike. As is true of law school generally, students become so obsessed with the value of their credential that any learning that might go on at the law review is often incidental.

V. GROUNDS FOR EXCLUSIVITY?

The most obvious solution to all this alienation is to open law reviews to all comers. Professor Vitiello denounces any such notion as "profoundly misguided" because "excellence matters as a defense against the attack of [Roger Cramton's] Imperial forces."[41] Obviously, anyone who rejects Professor Vitiello's premise that law review selection incorporates a "measurement that assures excellence," will reject also his corollary that abolition of the selection process would amount to "an abandonment of standards."[42]

I reject Professor Vitiello's ultimate conclusion that the law review

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39. *Id.*

40. Rosenkranz, *supra* note 1, at 917.

41. Vitiello, *supra* note 8, at 936.

42. *Id.* Incidentally, that same person might nevertheless have no quarrel with Professor Vitiello's assertion that law review exclusivity will insulate law reviews from the attack of faculty detractors. After all, so long as the outside world perpetuates the myth that the current selection process identifies the most excellent editors, contributing authors like Professor Vitiello will continue to believe that student-edited law reviews can and should compete with

should retain its exclusivity, not only because I question his premise, but also because the conclusion does not in any event follow from the premise. I would agree with Professor Vitiello that "[e]xcellence matters because what law reviews do matters."[43] He would presumably agree with me that "what law reviews do" that "matters" is to select the most cogent and important articles for publication.[44] In most law reviews, article selection is the exclusive domain of the editors. I am unaware of any law review that delegates it to staff members (those in their first year of law review). The staff's job — bluebooking, cite checking, typing, envelope stuffing, and the like — also "matters." A law review cannot operate unless someone types the articles and stuffs them in envelopes, and will lose credibility unless someone checks the citations and whips them into a comprehensible form. Those are not tasks that only the most brilliant law students can perform, however. If exclusivity is justified by nothing but the need to select for brilliance, then the non-editorial positions could be thrown open to all without sacrificing any quality.

I have now come full circle, to the second reason law review contributes to law students' alienation. The experience, at least for first-year members, is illusory. A student joins law review believing she is something special, because everyone tells her the credential is legitimate, but she ends up serving a one year sentence to tedium. Instead of fulfilling its potential as a great learning experience, the work on law review is even more marginal, and far less intellectually stimulating, than the law school curriculum. True, the law review's product is more concrete than a grade, but at least when it comes to grades the student can claim some credit. Far from fulfilling its potential as a communal product that each member can identify as his own, the law review leaves the typical first-year member — who had participated in only the most tedious aspects of the whole — disclaiming any serious credit for the product. Finally, instead of affording student members some sense of power over faculty, the law review actually has little power and whatever power it has is reserved exclusively to the editors.

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faculty-edited ones. Thus, accurate or not, the temptation to equate exclusivity with excellence shields the law review from much of the criticism it might otherwise suffer.

43. *Id.* (footnote omitted).

44. *See id.* (discussing only the selection of articles in response to Cramton's criticism of student-edited law reviews).

VI. The Training Ground

Having touted what law reviews do not accomplish, I should in fairness point out what they do accomplish. Law reviews, better than almost any other institution, funnel young talent into the big corporate law firms. The law review is the perfect training ground. Better than any other institution, the law review prepares students to strive for a credential — any credential — without questioning its legitimacy. Acceptance of the law review's hierarchies enhances the student's tolerance for the same hierarchies that she will encounter in these law firms. The law review prepares its members to undertake endless hours of document production or prospectus proofreading, all the while truly believing that this is a noble endeavor and perhaps even that he is not yet qualified to conduct more sophisticated legal projects.

VII. Conclusion

In short, whether because of the credential's perceived or actual illegitimacy or because of the experience's vapidness, the law review is every bit as alienating as the rest of the law school experience.

This is the point where I am supposed to give my panacean formula to solve all the problems that I have identified. I shudder to attempt one. I guess I have two responses to the question what should be done to law reviews and their members. One response is for those who are willing to accept a sketchy proposal. The other is for those who will not.

For those who are willing to accept a sketchy program, I offer three ideas. First, make the law review a more worthwhile experience by taking more seriously the writing component of the program and by doing away (after the first month or so) with the overload of menial duties. Second, if the law school is committed to the proposition that law review is indeed a worthwhile experience, then it should offer law review to all students, and perhaps even make it a required part of the law school curriculum. Third, if there must be a selection process, it should be based upon criteria that not only are relevant but that are perceived as relevant.

For those who will not accept this solution, I offer a more ambitious, if less flattering, possibility: substitute all of us law review members for laboratory rats in scientific experiments. As I see it, we law review members present three advantages over laboratory rats.

First, with the exponential proliferation of law reviews, there are a lot more law review members than there are laboratory rats. Second, in the name of credential, you can get law review members to do all kinds of things laboratory rats would never be willing to do. Third, the scientists would never grow attached to law review members.

I know this conclusion departs from the Journal Wars theme, but I could not bear the thought of any more "may-the-force" metaphors.