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SUPPORTING AND PROMOTING SCHOLARLY LIFE IN TURBULENT TIMES

*A. Benjamin Spencer**

One of the most important contributions a law school can make is to the development of the law through scholarly research. As one of the three pillars of being an academic—the other two being teaching and service—producing legal scholarship in one’s respective area of expertise is an enterprise that nearly all law schools would like to support. However, during these challenging times for legal education arising from enrollment declines and the resultant adverse budgetary impacts, fully supporting legal scholarship can be particularly challenging. Having served as Associate Dean for Research¹ at Washington & Lee University School of Law (“W&L”) has shown me that there are several things that can be done to support an institution’s scholars, and raise the scholarly visibility of the law school. After briefly discussing some of the traditional approaches to supporting faculty scholarship, I will turn to some of the more novel approaches one might find useful as well.

I. TRADITIONAL FUNDING SUPPORT

Sufficient funding for research assistance, summer research, and travel is essential to supporting faculty scholarship. At W&L, the funds for summer grants and research assistants throughout the year are provided from a separate endowment² committed to

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¹ At W&L, my full title was Associate Dean for Research and Director of the Frances Lewis Law Center. The Director formally exercised much of the authority I will be discussing in this piece. However, the position is the functional equivalent of a faculty research dean at other institutions, which gave rise to the move to add the title “Associate Dean for Research” in 2012. For the remainder of this piece, I will simply refer to the position as the Associate Dean for Research.

² See *Frances Lewis Law Center*, WASH. & LEE UNIV. SCH. OF LAW, <http://law.wlu>.

supporting scholarly life at the school. As the Associate Dean for Research, I was tasked with managing these funds to assure that they would be available to fund research at the school for years to come. I was also responsible for reviewing and approving faculty requests for summer grants and research assistants. Although faculty travel was supported by the ordinary law school budget, I was tasked with approving all faculty travel requests. In each of these areas—summer grants, research assistants, and faculty travel—I saw my role as making sure that each faculty member had the support necessary to attain his or her research objectives, including the ability to attend those meetings and conferences that would enhance his or her scholarly work. I also found it important to be prudent in approving funds for these endeavors. For example, it was important to make sure that resources would be available for years to come for research grants and research assistants, and to make sure that our limited funds available were deployed in a manner that maximized the impact they could have on supporting faculty travel that enhanced our school's visibility.

Although such funding is typical at most law schools, I think the independent endowment model is what has made the W&L approach successful. Having an independent source of funding to support scholarly activity has heretofore assured that support for the faculty would not be subject to the vicissitudes of the law school budget, or the whims of any given Dean—particularly when the Dean might be otherwise inclined to take funds from faculty support to plug holes elsewhere in the law school's budget. Thus, even as financial realities place downward pressure on the law school's budget, the Lewis endowment remained a secure and reliable source of research funding support, and hopefully will continue to do so for many years to come.³

edu/lawcenter/page.asp?pageid=13 (last visited Dec. 9, 2014).

³ After I moved to UVA, I learned that the administration and faculty of the law school—faced with significant adverse budgetary pressures arising out of declining enrollment—decided to use the Lewis Center funds to finance items ordinarily charged to the Law School's operations and personnel budget, a move that has the potential to reduce the funds available for faculty summer research grants in the future. This turn of events makes it clear that the structural protections I have described above are only as sound as the people charged with honoring those limits choose to make them.

II. ROUNDTABLES

Beyond the traditional support provided to faculty, I also developed what we called roundtables⁴ to enhance the work of our faculty members, as well as to raise their visibility and that of the school. Roundtables are intensive scholarly events featuring one of the school's scholars and invited guests from other institutions. At these roundtables, each guest reviews and comments on the drafts of fellow participants. The event is limited to seven scholars from the featured faculty member's field to keep the environment intimate and productive. Over the course of one and a half days, each guest—including the hosting faculty member—is given an hour during which the other invitees provide commentary, feedback, and critique, all with the objective of improving the work. Communal meals further the networking and social benefits of the event, enabling the hosting faculty member to strengthen connections within his or her field and permitting the invited guests to learn more about the law school. The result is a strengthened network for the hosting faculty member, an improved draft that will lead to publication, and higher visibility for the law school.⁵ Feedback from these events has been extremely positive,⁶ encouraging my successor to continue funding this event going forward.

⁴ See *Profs. Spencer & Shannon Hosting Third-Party Funding Roundtable*, WASH. & LEE LAW FACULTY SCHOLARSHIP BLOG (Nov. 7, 2013), <https://wlulawfaculty.wordpress.com/2013/11/07/profs-spencer-and-shannon-hosting-third-party-funding-roundtable/>.

⁵ These events cost roughly \$5,000 to \$6,000 each to fund, with principal expenses being travel, hotel, and food for invited guests. See also *Guidelines for Roundtable Presentation*, AM. EVALUATION ASSOC., <http://www.eval.org/p/cm/ld/fid=171> (last visited Dec. 9, 2014).

⁶ Here is an excerpt of feedback we received, which was typical of each attendee:

Thanks so much for hosting and supporting the roundtable! It was indeed a great success . . . I thought the format was perfect—seven papers over a day and a half with an hour for each paper. It gave everyone time for everyone to get focused feedback on their projects in an informal setting. [E]veryone had an opportunity to participate fully, rather than discussants dominating the discussion of individual papers. Feedback also came in the form of extended discussions, rather than a question, followed by an answer, followed by an often unrelated question from a different person. The back-and-forth was wonderful. All in all I thought the workshop was much better than most of the full-conferences I go to.

III. JUNIOR FACULTY EXCHANGES

One initiative that I found particularly useful for increasing the visibility of the junior faculty was the junior faculty exchange. This program involved developing reciprocal arrangements with other law schools that would agree to host one of our junior faculty members for a workshop in exchange for W&L hosting one of their junior faculty members in the same way. Each school bore the costs of sending the faculty member to the other school and the costs of their respective workshop lunches. The program attempted to reduce the difficulty that junior faculty members face when they are not invited to workshops at other law schools during their early years. Through junior exchanges, we were able to facilitate workshop presentations at schools that otherwise might not invite them to speak. Further, these faculty members gained valuable experience by presenting their ideas to an external group, something that improved their work and gave the law school greater exposure at the same time.

IV. FACULTY WORKSHOPS

At W&L, I was responsible for the faculty workshop series, which involved hosting invited speakers from other schools to discuss their works in progress.⁷ Such workshop programs are fairly typical across law schools.⁸ However, when I became the Associate Dean for Research, I asked what the purpose of these workshops was and what value it added for our own faculty. I concluded that the most effective way to run a workshop series was to invite faculty from other schools whose work was meaningful to our faculty, and our faculty with whom it would be valuable to connect. The potential networking and relationship-building value of the workshop series was key to ensuring that the program contributed to enhancing the visibility of the host law school and its scholars.

⁷ See *Faculty Workshops*, WASH. & LEE UNIV. SCH. OF LAW, <http://law.wlu.edu/lawcenter/page.asp?pageid=1499> (last visited Dec. 9, 2014).

⁸ See *Big Topics in a Small Setting*, BROOKLYN LAW SCH., <http://www.brooklaw.edu/en/faculty/facultyworkshops/workshopschedule.aspx> (last visited Dec. 9, 2014); *Faculty Workshops*, LOYOLA LAW SCH., [http://www.lls.edu/resources/events/faculty workshops/](http://www.lls.edu/resources/events/faculty%20workshops/) (last visited Dec. 9, 2014); *Faculty Workshops*, UNIV. OF CONN. SCH. OF LAW, <http://www.law.uconn.edu/faculty/faculty-workshops> (last visited Dec. 9, 2014); *Faculty Workshops and Faculty Colloquia*, HARVARD LAW SCH., <http://www.law.harvard.edu/faculty/faculty-workshops/faculty-workshops.html> (last visited Dec. 9, 2014).

V. SYMPOSIA

Like many law schools, W&L periodically holds symposia, typically on an annual basis. Unlike many law schools, however, W&L has a separate endowment that makes it possible for multiple faculty members to put on different symposia in the same year.⁹ A symposium is useful not only for bringing together a large group of people from a field to present papers and discuss a topic among themselves and a general audience, but also to give the host institution a chance to increase its visibility among faculty from other schools. At W&L, faculty members came to me, as the Associate Dean for Research, to seek funding support for a symposium in their respective fields. Although I would require that they demonstrate support for the symposium by raising additional outside funds and partner with one of the journals at W&L, in each instance, the faculty member was able to plan and successfully put on a symposium featuring colleagues from their respective areas of expertise, showcasing their own work at W&L.

VI. PUBLICATION SUPPORT

The ultimate goal of scholarship is to have the work circulated broadly through publication. As Associate Dean for Research, I facilitated publication in several ways. First, as drafts were completed and revised after receiving due feedback, I encouraged faculty to post their drafts to SSRN for distribution in the W&L eJournal series, a service that distributed faculty works to roughly 4,500 subscribers each issue. Doing so placed their work at the fingertips of these subscribers and made the work available to others conducting research via SSRN. When the time came to submit a piece for publication, I circulated journal lists and submission information and consulted with faculty members on their placement strategies. As mechanisms for submission have evolved from mail to

⁹ In the 2013–14 academic year alone, the Washington & Lee Frances Lewis Law Center endowment gave funding to three symposia. See *Emerging Issues in Child Welfare*, WASH. & LEE UNIV. SCH. OF LAW, <http://law.wlu.edu/crsj/page.asp?pageid=1691> (last visited Dec. 9, 2014); *False Confessions: The True Story*, WASH. & LEE UNIV. SCH. OF LAW, <http://law.wlu.edu/lawcenter/page.asp?pageid=1679> (last visited Dec. 9, 2014); *Roe at 40: The Controversy Continues*, WASH. & LEE UNIV. SCH. OF LAW, <http://law.wlu.edu/lawcenter/page.asp?pageid=1620>. (last visited Dec. 9, 2014).

e-mail to online platforms such as ExpressO¹⁰ and Scholastica,¹¹ I helped faculty members navigate through these varying submission methods and provide financial support for their submissions when needed. Once published, faculty work was made available through the W&L SelectedWorks faculty web pages.¹² These pages offer full-text downloads of faculty work and make the work more readily discoverable via traditional online search engines. Finally, I would announce publication of a faculty work on the W&L Faculty Scholarship Blog, further distributing the piece to an additional segment of the population.¹³ My ultimate goal with all of these efforts was to maximize the exposure and impact of a faculty member's work.

VII. INCUBATOR LUNCHES

Another program worth mentioning is the incubator lunch, an idea that I borrowed from the University of Virginia School of Law. The idea behind the incubator lunch was to provide an opportunity for faculty members to discuss their ideas in an informal setting before undertaking to develop a draft. The lunch is open to up to five faculty members who meet for lunch and listen to the presenter discuss his or her research idea for a few minutes. Attendees then have the opportunity to ask questions and provide feedback and suggestions for how the faculty member might move forward with the project. Such sessions are useful for helping faculty members get their projects off the ground with an appreciation for broader perspectives that will make the work more focused and meaningful from its inception. The result is a better final product that hopefully has a better chance at landing a high profile journal placement.¹⁴

¹⁰ EXPRESSO, <http://law.bepress.com/expresso> (last visited Dec. 9, 2014).

¹¹ SCHOLASTICA, <https://scholasticahq.com> (last visited Dec. 9, 2014).

¹² SELECTEDWORKS, <http://works.bepress.com> (last visited Dec. 9, 2014).

¹³ WASH. & LEE LAW FACULTY SCHOLARSHIP BLOG, <http://wlulawfaculty.wordpress.com> (last visited Dec. 9, 2014).

¹⁴ See Christopher B. Seaman, *The Case Against Federalizing Trade Secrecy*, VA. L. REV. (forthcoming 2014), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2397567 (example of work first discussed at a W&L incubator lunch).

VIII. CONCLUSION

These are the principal ways that scholars are supported at W&L in a way that promotes their work and enhances the visibility of the law school. Although other schools may have similar programs, I think the key to W&L's success has been a committed and stable source of independent funding and a dedicated, responsible steward whose role is to manage these efforts and to protect those resources. As Associate Dean for Research, that was the role I was able to fill, hopefully doing so in a way that benefited the school and our scholars.