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THE VALUE OF ONLINE LAW REVIEW SUPPLEMENTS FOR JUNIOR AND SENIOR FACULTY

*Steven W. Bender**

I. INTRODUCTION

Venues for legal scholarship, grounded for years in the traditional law review article with the occasional treatise, casebook, or scholarly book, exploded with the maturity of the Internet into at least two new venues for scholarly expression—the legal blog and the online law review supplement.¹ Most every law review developed an online presence for its current print issue, and in some cases the content of prior volumes.² But the emergence of the online supplement, particularly as a companion to prestigious law reviews, which at last count totaled 89 online sites,³ went beyond the mere duplication of recent printed content in a more accessible medium to offer a separate venue for succinctly stated scholarly ideas. This article examines these online supplements from the perspective of an

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¹ David Kopel, *Legal Scholarship in the Internet Age*, THE VOLOKH CONSPIRACY (Oct. 27, 2009, 2:34 PM), <http://volokh.com/2009/10/27/legal-scholarship-in-the-internet-age/>.

² *Law Reviews with Online Content*, NEW YORK L. SCH., http://www.nyls.edu/library/research_tools_and_sources/law_reviews_with_online_content/ (last visited Feb. 23, 2017).

³ Thomas W. Merrill, *The Digital Revolution and the Future of Law Reviews*, 99 MARQ. L. REV. 1101, 1102-04 (2016). Distinct from these supplemental or companion online law reviews are an increasing number of freestanding electronic journals with no printed volume for their content or relationship to a printed journal. See Bernard J. Hibbits, *Last Writes? Reassessing the Law Review in the Age of Cyberspace*, 71 N.Y.U. L. REV. 615, 659 (1996). As an example, I recently published a piece of about 5,000 words in an online journal, the Indiana Journal of Law & Social Equality, which plans to transition soon to both a print and online journal. See Steven W. Bender, *Campus Racial Unrest and the Diversity Bargain*, 5 IND. J.L. & SOC. EQUALITY 47 (2016), <http://www.repository.law.indiana.edu/ijlse/vol5/iss1/2/>. I have also published an online piece in the new UC Davis Law Review Online journal. See Steven W. Bender, *The Colors of Cannabis: Reflections on the Racial Justice Implications of California's Proposition 64*, <https://lawreview.law.ucdavis.edu/online/vol50/Bender.pdf>.

associate dean for faculty development—focusing on the questions of how to situate and value short electronic-only essays for the purposes of tenure and promotion, and for summer research grants or other scholarly stipends. In sum, the article asserts that scholarly ideas matter more than form and that online supplement scholarship can be counted and valued for these institutional purposes.

II. MEET THE ONLINE SUPPLEMENT

Law review articles are usually between 8,000 and 20,000 words—with most on the high side or even exceeding that range—and heavily footnoted, usually containing a few hundred footnotes.⁴ In contrast, the online supplement piece typically is much shorter than the traditional law review article, although longer than most op-eds and blog posts.⁵ On the shorter side, for example, Stanford Law Review Online caps submissions at 3,000 words, inclusive of footnotes,⁶ while the New York University Law Review Online journal at the other extreme will consider submissions up to 10,000 words.⁷ Evident in the submission guidelines for online supplements is the expectation that the articles will be lightly footnoted.⁸

⁴ Many prominent law reviews now encourage restraint in article length, with some refusing to publish too lengthy pieces except in extraordinary circumstances. See Nancy Levit, *Scholarship Advice for New Law Professors in the Electronic Age*, 16 WIDENER L.J. 947, 955-57 n.34 (2007).

⁵ *Id.* at 955-57.

⁶ “Stanford Law Review Online submissions should be original pieces of timely scholarship on newsworthy topics and accessible to a wide audience. Submissions may be no longer than 3000 words, inclusive of footnotes.” *Online Essay Submissions*, SLR, <https://www.stanfordlawreview.org/submissions/online-article/> (last visited Feb. 22, 2017) (emphasis omitted). The California Law Review’s online Circuit publication similarly has a 3,000-word target. *Policies*, CALIF. L. REV., <http://scholarship.law.berkeley.edu/californialawreview/policies.html> (last visited Feb. 23, 2017) (“Submissions are typically fewer than 3,000 words and lightly footnoted.”).

⁷ New York University Law Review Online “strongly prefers Essays and Comments of 6,500 words or fewer, including footnotes, though the editors will consider pieces of up to 10,000 words, including footnotes.” *Submissions: General Submission Guidelines*, N.Y.U. L. REV., <http://www.nyulawreview.org/submissions> (last visited Feb. 22, 2017) (noting, however, that submissions responsive to a published law review in the printed volume should not exceed 1,000 words). In addition to serving as a home for original scholarship, online supplements provide a venue for scholarly response and engagement to recently published pieces in the printed volume. My discussion focuses on submissions that are not directly connected or responsive to previously published pieces in the print edition, and which therefore constitute the equivalent of a (short) free-standing essay.

⁸ As one example: “Submissions are typically fewer than 3,000 words and lightly footnoted.” *Policies*, *supra* note 6.

Moreover, the desired writing style is often expressed as one accessible to a wider audience than is typical for print law reviews.⁹

Soliciting short (by law review standards) articles using accessible language, the online supplement model offers several advantages to scholars in contrast to the printed law review format. Most of the online supplements promise the allure of a quicker publication. Several factors ensure a more speedy publication—the articles are easier to cite-check given their fewer footnotes, the rolling submission process allows submission outside the typical twice-annual print submission cycles, the law review does not need to await the printer for its volume release, and with the ability to publish only electronically, there is no reason to hold up release of an edited piece to await the rest of its volume companions, as is the case for printed law reviews.¹⁰ The advantages of a speedier publication (while still enjoying the benefits of student editors) are many—the author can avoid possible preemption by similar printed law review articles, and can more readily influence pending judicial disputes. Authors can also write timely and newsworthy pieces that attract media and other attention, in the same way that blogs and op-eds can engage current events and controversies. The ready availability of the online publication and the accessible and timely content might more easily gain a wider audience, as well as draw symposia writing and speaking invitations in hot fields.

Although the absence of a journal from Westlaw or Lexis databases can be detrimental for searchable content and subsequent citation, many of the online supplements are included in these

⁹ For example, the Michigan Law Review's online journal specifies that "[s]ubmissions should be written in a style accessible to a general audience of practitioners and policymakers." *MLR Online*, MICH. L. REV., <http://michiganlawreview.org/mlr-online/> (last visited Feb. 22, 2017).

¹⁰ Some online supplements nonetheless follow the same structure as printed journals—waiting for completion of a grouping of online articles to be released as a group rather than individually. Query: whether the print law reviews might, in a cost-saving measure, drop their printed volume and go fully electronic, thereby abandoning the volume format and releasing their edited articles individually when ready. Law review writers have foreseen this evolution since at least 1997. See Shawn G. Pearson, *Hype or Hypertext? A Plan for the Law Review to Move into the Twenty-First Century*, 1997 UTAH L. REV. 765, 804 (1997). See also Ronen Perry, *De Jure [Sic] Park*, 39 CONNTEMPLATIONS 54 (2007) (addressing the structural deficiencies and costs of the paper-based law reviews). Presumably such a move might preempt the online supplement, although the companion supplement might still exist as a venue for collecting shorter scholarly pieces.

databases.¹¹ Admittedly some scholars may see the absence of printed reprints as a drawback, although the article could be printed out and sent unbound to colleagues (which professors already do when they run out of reprints to share). Moreover, most law professors encounter legal scholarship online rather than browsing in their physical law library or through reprints, which are costly to obtain and to mail.¹² Anecdotally, although I used to receive near 100 article reprints annually in years past, lately I receive only a few dozen.

On the downside, in contrast to the scholarly venue of print law reviews, the online supplement suffers some growing pains in its early puberty stage.¹³ Most printed law reviews offer the certainty and similarity of content, with lengthy articles from scholars and practitioners followed by student-written pieces styled as comments or notes.¹⁴ Online supplements are less predictable and range from shorter essay-like pieces to timely interventions on current events to short responses to articles published in the printed law review.¹⁵ What some may see as newfound flexibility to find a home for their varied scholarly output might strike others as a negative. Colleagues are familiar with the California Law Review, for example, but may be unsure of the focus of its online supplement, titled the Circuit, with adverse consequences for junior faculty addressed below.¹⁶

¹¹ Pearson, *supra* note 10, at 773-74. Lexis began to include law review articles in 1982. *Locating Articles and Keeping Current: Lexis & Westlaw for Journal Research*, LEXIS & WESTLAW FOR J. RES., <http://guides.brooklaw.edu/c.php?g=330917&p=2223046> (last updated Dec. 8, 2015). Other electronic repositories such as the Social Science Research Network (SSRN) and the Berkeley Electronic Press Legal Repository (bepress) came later. See Michael C. Jensen, *About SSRN: From the Desk of Michael C. Jensen, Chairman*, SSRN (Feb. 2, 2012), <http://ssrn.com/update/general/mjensen.html> (explaining that SSRN was created as such in 1994); *About*, BEPRESS, <https://www.bepress.com/about/> (last visited Feb. 24, 2017) (explaining that bepress was created in 1999). My law librarian, however, expressed concern that some of the online supplements are not picked up by Westlaw, Lexis, and Hein Online, thus relegating them to a general web search and a consequent ephemeral presence in the legal scholarship world.

¹² Ian Gallacher, *Mapping the Social Life of the Law: An Alternative Approach to Legal Research*, 36 INT'L J. LEGAL INFO. 1, 13-14 (2008).

¹³ Rachel Fisher, *Research Right Using Books and Bytes*, 45 TENN. B.J. 25, 29 (2009). Online law review supplements have been around for at least ten years, starting with the most prestigious reviews.

¹⁴ David B. McGinty, *Writing for a Student-Edited U.S. Law Review: A Guide For Non-U.S. And ESL Legal Scholars*, 7 N.Y.C.L. REV. 39, 42 (2004).

¹⁵ *Id.* at 43-45.

¹⁶ See discussion *infra* Part III (discussing the value of online supplement publication in tenure proceedings).

One blogger criticized the online supplement almost ten years ago as suffering an “inherently flawed” premise of trying to fill the gap between the blogosphere and the traditional law review article,¹⁷ arguing that online supplements will never eclipse the timeliness of blog and op-ed interventions.¹⁸ Admittedly, most blog content is better suited for wide readership because blogs conveniently tend to target niche audiences who do not have to wade through content outside their area of interest. For example, I read ImmigrationProfBlog¹⁹ given my work in the immigration field, but do not follow the content of online supplements on the chance they might print something relevant to my work.²⁰

Relatedly, it seems that both blogs and printed law reviews miss the mark of the best interests and desires of their target audience. Ironically most law review readers are quite familiar with the background principles and summaries of prior scholarship that dominate the typical law review text before the central (and presumably new) idea is posed and supported. In the case of an op-ed or blog, those principles are often missing or slighted in the interest of brevity, yet the broader target audience might benefit from that background. Online supplement pieces have the potential, at least, to strike a middle ground between the blogs and the traditional print law reviews by supplying just enough background to educate the mainstream reader, while abandoning the unwieldy footnotes with string citations and the often-overwhelming background detail that dominates the print law review.²¹

¹⁷ Anthony Ciolli, *Five Tips for Law Review Online Supplements*, FIRST MOVERS BLOG (Jan. 24, 2007), <http://firstmovers.blogspot.com/2007/01/five-tips-for-law-review-online.html>.

¹⁸ *Id.*

¹⁹ IMMIGRATIONPROF BLOG, <http://lawprofessors.typepad.com/immigration> (last visited Feb. 26, 2017).

²⁰ See J. Robert Brown, Jr., *Journal of Law: A Periodical Laboratory of Legal Scholarship*, 2 J.L. PERIODICAL LABORATORY LEGAL SCHOLARSHIP 525, 542 (2012) (“Unlike the material on many law faculty blogs, online companions provide content on a sporadic basis. As a result, they are not likely to attain the sustained traffic associated with the most popular law faculty blogs. Moreover, not typically focusing on a specific area of law, online companions do not generate an audience particularly interested in the content of the blog post or op-ed piece.”). In the same vein, I don’t follow any other law review content aside from my own school’s reviews, relying instead on weekly Current Index to Legal Periodicals emails to deliver targeted content aligned with my research interests.

²¹ See William H. Manz, *Floating ‘Free’ in Cyberspace: Law Reviews in the Internet Era*, 74 ST. JOHN’S L. REV. 1069, 1083 (2000) (compiling critiques of law review articles including their “hopeless obesity” and that many “present a kernel of valuable thought

III. ONLINE SUPPLEMENTS AND JUNIOR FACULTY

Most law schools require their tenure-track faculty to publish (or in some cases to have substantially completed) two or three full-length law review articles to qualify for tenure.²² At my prior school, the University of Oregon, the standard for length was phrased as “substantial” articles.²³ Similarly, at Seattle University, the tenure standards require substantial publications, defined as:

An article, book, monograph, or treatise will be considered substantial if it is a work of significant length and scope that addresses a topic of intellectual merit in such a fashion that the relevant scholarly community is likely to perceive it as making a recognizable contribution to the existing scholarly literature in the field. . . . In most cases, scholarship satisfying the professional development requirement will be published in a law review, although publication elsewhere may satisfy this requirement as long as the scope and length of the work is comparable to that displayed in a substantial law review article.²⁴

surrounded by an almost impenetrable cover of supporting material”). *See also* Tyler S. B. Olkowski, *Despite Alternatives, Student-Run Law Reviews Here to Stay* (Mar. 13, 2014), <http://www.thecrimson.com/article/2014/3/13/law-review-student-editors/> (supplying the opinion of Harvard law professor Richard Fallon that law review articles provide “lots of exposition of what people who are on top of the fields would know already”). I have found the best use of an extensive description of the scholarly landscape into which the writer fits her new contribution is in writing my own scholarly piece with a different idea—someone else has done the work of constructing the background landscape that I can borrow, with citation, to construct my own stage set. Yet if law review articles (perhaps in the form of the online supplement article) dispensed with much of the need for background landscape, I would be freed from the often most laborious and painful (and rarely insightful) tasks of legal scholarship.

²² Hibbitts, *supra* note 3, at 640.

²³ *Promotion and Tenure Policies: History Department*, U. OF OR. (May 26, 2011), https://academicaffairs.uoregon.edu/sites/academicaffairs2.uoregon.edu/files/history_promotion_and_tenure_guidelines_2011.pdf.

²⁴ SEATTLE UNIVERSITY SCHOOL OF LAW FACULTY CODE 40 (2012) (on file with author). Our tenure standards nonetheless recognize the relevance of scholarly works that do not meet this substantiality requirement: “In order to demonstrate professional development, an applicant may submit other scholarly writings in addition to the required completed article, book, monograph, or treatise and evidence of the work-in-progress. These might include shorter scholarly articles or essays, book reviews, legal handbooks, book chapters, papers presented at conferences, etc.” *Id.* at 40-41.

Most tenure-track faculty understand the meaning of the “tenure-piece(s)” as lengthy and extensively footnoted articles published with traditional printed law reviews. Query: whether and how the online supplement essay or even a shorter rejoinder or blog-length insight published in an online supplement fits into these widely-followed tenure rules. Among the relevant issues are whether the online supplement publication counts at all and, relatedly, how to situate the prestige (or lack thereof) of the online supplement in comparison to the companion printed law review or other law reviews.

Clearly, full-length law review articles are the quintessential scholarly work for tenure-track law faculty.²⁵ Blog pieces, in contrast, invite differing opinion on their scholarly value—a split that presumably would mirror the reception a tenure candidate who blogs would confront at their home school when seeking credit for the publication(s).²⁶ For example, Kate Litvak has expressed concern about whether blogs are just “bugged water cooler” conversation and opined further that they fail to “transform legal scholarship.”²⁷ Dean Erwin Chemerinsky addressed the eligibility for tenure files of writings such as legal blogs and op-eds, suggesting that while “[s]uch writings certainly can be a positive factor in evaluating a faculty member . . . they are [not] per se legal scholarship.”²⁸ Positing that the test for tenure (and promotion) should be whether the writing adds to the knowledge of peers, who learn something not available from another source, Chemerinsky elaborates on his skepticism of the value of blogs:

Why treat law review articles as scholarship, but not blogs? The answers are not intuitively obvious. They cannot be about the form of the publication, since increasingly there are journals that are entirely electronic in their form. Nor can they be about length; longer is not inherently better, and a collection of blog

²⁵ Levit, *supra* note 4, at 957.

²⁶ Kate Litvak, *Blog as a Bugged Water Cooler*, 84 WASH. U. L. REV. 1061, 1066 (2006).

²⁷ Litvak, *supra* note 26, at 1066-67; *see also* Levit, *supra* note 4, at 953 n.26 (quoting Leigh Jones, *Mixed Reviews for Blogging Law Professors*, 4 INTERNET L. & STRATEGY 3, 4 (2006) (including Professor John Eastman’s remarks that blogging “is not very thoughtful” and that the “immediacy of the medium . . . does not lend itself to intellectualism.”)); B. Jessie Hill, *The Associate Dean for Research in the Age of the Internet*, 31 TOURO L. REV. 33, 37 (2014) (raising another concern for junior faculty of the time and emotional toll blogging can cause for traditional scholarly writing).

²⁸ Erwin Chemerinsky, *Foreword: Why Write?*, 107 MICH. L. REV. 881, 891 (2009).

writings can be quite voluminous. With that, the very short nature of op-ed pieces or bar journal articles does not lend itself to in-depth analysis that is characteristic of excellent scholarship.²⁹

Other commentators advocate the relevance of blogs in the tenure file, with one suggesting that if the blog presents thoughtful new material, thereby advancing the discussion, it should be considered “good scholarship” for tenure purposes.³⁰

Online supplement articles, offering the potential for more in-depth discussion than the typical blog piece, yet still shorter than the typical tenure-piece law review, fall into an uncertain middle between the trusty full-length law review and the skeptical blog entry. Adding to the challenge for the tenure or promotion candidate is that most schools do not specify objective length requirements of what they mean to constitute “substantial” articles or scholarly works, or even whether length matters.³¹ Even if the school has an explicit or customary length standard, might a junior faculty member combine two or more short (3,000 to 5,000 word) online supplement articles to qualify as and constitute a single “substantial” piece? Oftentimes the language in tenure guidelines fails to address these new forms of scholarly innovation and intervention, and the conventional rules can spring a trap on those who rely on these disruptive forms of scholarship.

I would advise junior faculty similar to how I advised them over the years before the advent of electronic publications—ensure you exceed the written expectations at your school for scholarly productivity. If two or three “substantial” articles are specified, write the requisite number of full-length law review articles, and then

²⁹ *Id.* at 892.

³⁰ Ellen S. Podgor, *Blogs and the Promotion and Tenure Letter*, 84 WASH. U. L. REV. 1109, 1110 (2006) (suggesting that in any event blogs have value for the service component of the tenure and promotion candidate portfolio).

³¹ For some scholarship such as casebooks and treatises, although of extensive length, law faculties may disqualify them as insufficiently adding to the scholarly discourse. See Myron Moskovitz, *On Writing a Casebook*, 23 SEATTLE U. L. REV. 1019, 1021 (2000) (“Will writing a casebook bolster your reputation as a scholar? Maybe, but probably not. Many professors consider casebook-writing a rather low form of scholarship, if scholarship at all. Indeed, some tenure committees give little or no credit for casebooks.”). *But see* Chemerinsky, *supra* note 28, at 891 (suggesting that some exceptional casebooks and treatises, rather than being merely summaries of the law and not an original contribution of scholarship, are original and should be counted as scholarship regardless of the primary audience of students or lawyers).

exceed that expectation in some scholarly way, whether through blogs, online supplement articles, or other outlets.³² This invites a tenure (or promotion) report trumpeting to the main campus committee and provost that the candidate has exceeded the expectations for scholarly production, which is always helpful when law candidate files are considered at the same time as other department files where shorter and more numerous pieces are the norm.³³

Beyond the mere publication count, writing for online supplements shares many of the advantages of blogs for untenured faculty. As two commentators observed, “[f]or the majority of pretenured law professors, blogging may be a great way to become a part of the dialogue in a given area.”³⁴ Blogs increasingly are cited in both judicial opinions and traditional law review articles.³⁵ Other advantages accrue to online supplement publishing. One of my junior faculty colleagues suggested that in her experience junior faculty who publish in high-ranking online supplements tend to improve their subsequent article placements.³⁶ Still, law faculties tend to regard publishing in online supplements as “not nearly as prestigious as publishing in the print journal.”³⁷ Likely, they are seen in the same way as secondary journals at a prestigious school, which generally are not heralded and rewarded in the same way as publishing in the primary journal.³⁸ In this way, the online supplement or addendum takes a separate identity from the printed volume, even if they share the same editorial team.³⁹

³² Responding to my listserv query to associate deans of faculty development, Emory Professor Tim Holbrook suggested that while online journals with their limits on article length would fail to satisfy the school’s expectation of at least 15,000 words for a substantial piece, those articles would count as a “plus” for productivity purposes, in the same way as a book review. Listserv Query (on file with author).

³³ See also Chemerinsky, *supra* note 28, at 892 (observing that faculty in other disciplines are sometimes skeptical of the law review selection process run by students in most cases rather than peers, and that blogs are even more suspect given their usual self-publication).

³⁴ Christine Hurt & Tung Yin, *Blogging While Untenured and Other Extreme Sports*, 84 WASH. U L. REV. 1235, 1255 (2006).

³⁵ Stephanie L. Plotin, *Legal Scholarship, Electronic Publishing, and Open Access: Transformation or Steadfast Stagnation?*, 101 LAW LIBR. J. 31, 55 (2009).

³⁶ See Listserv Query *supra* note 32.

³⁷ Matthew T. Bodie, *Thoughts on the New Era of Law Review Companion Sites*, 39 CONNTEMPORATIONS 1, 6 (2007).

³⁸ *Id.* at 6.

³⁹ In this way, the reference to these online journals as “supplements” is often a misnomer in how they are perceived and how they function. Rather than merely serving as a venue for

IV. ONLINE SUPPLEMENTS AND SENIOR FACULTY

Even after promotion to full professor, senior faculty have a considerable stake in publishing prolifically, and in understanding what counts for institutional rewards.⁴⁰ Apart from the sustained publication history required for most lateral hires, most schools award either (or both) annual summer research grants or publication stipends, the latter qualified by an accepted publication,⁴¹ while the former may be denied in a subsequent year without fulfillment of an actual publication from the prior summer.⁴²

Online supplement publications may fall outside summer research grant guidelines that mirror the tenure/promotion substantiality standard.⁴³ An associate dean replied to my query, stating that at his school online articles fulfill summer research grant requirements. At most schools, however, a faculty member who is planning to write a shorter piece for online publication should propose to write their online piece in addition to a full length article, or write several short pieces that in the aggregate equal the size of a typical full-length law review.⁴⁴ My own school policy for post-publication stipends, while not specifically addressing online supplements, includes a category for essays, book reviews, and other publications shorter than generally expected for law review articles, as well as a separate category for blogs and op-eds when these much shorter pieces “in the aggregate amount to a sustained contribution based on scholarly impact and the prestige of the placement, work effort, length, and other factors seen as relevant by the Dean and the Associate Dean for Research and Faculty Development.”⁴⁵ My

rejoinders to published works, the supplements often invite independent, free-standing articles that could have been written at full-length for printed law review articles.

⁴⁰ Meredith Heagney, *Publishing Options as Prolific as Our Faculty*, U. OF CHI. (2014), <http://www.law.uchicago.edu/alumni/magazine/fall14/publishingoptions>.

⁴¹ Although a summer research grant may reward and expect an eventual publication, some schools offer additional publication bonuses for exceptionally well-placed work. For such awards, online supplements will pose a considerable challenge to determine whether they count the same as the primary law review to which they are conjoined. Other schools, such as Seattle, offer stipends only on publication rather than awarding tenured faculty a pre-publication summer research grant.

⁴² Thomas M. Mengler, *Celebrating the Multiple Missions of a Research I University-Based Law School*, 31 U. TOL. L. REV. 682 (2000).

⁴³ See Podgor, *supra* note 30, at 1111.

⁴⁴ See Listserv Query *supra* note 32.

⁴⁵ SEATTLE UNIVERSITY SCHOOL OF LAW FACULTY SCHOLARSHIP GRANT AND STIPEND PROGRAM (2016-17) (on file with author).

school's stipend policy thus acknowledges the value of publications short of the traditional full-length law review.

From the vantage point of an associate dean of faculty development, the online supplement (and blogs) are worthwhile for the gamut of senior faculty members. At one end of the spectrum are faculty who have not published in years. In many instances, they claim to have several projects underway, but none ever see daylight, perhaps because the task of constructing a full-length piece can be daunting for some. The online supplement offers a quick taste of the adrenaline of securing a publication that could reignite a writing passion for longer pieces, or more short pieces. At the other extreme, some faculty are so productive that their ideas exceed even their prolific capacity to generate published works. For these faculty, online supplements offer a chance to get in front of or to join a scholarly conversation, without relegating the idea to address more pressing scholarly commitments. For faculty in the middle of the spectrum, which encompasses most law faculty members, their expectation and output of one substantial law review article a year at most schools can stand revision in light of the realities of austerity. As law reviews aim for shorter pieces given increased submissions from those seeking scarce professorial positions and their reduced volume size from increased printing costs in a time of declining institutional support and declining subscriptions from law firm and law school libraries, faculty writing shorter but still "full-length" articles should have extra time on their hands for a supplemental short scholarly piece or pieces each year. Relatedly, at a time when law schools are offering buyouts to unproductive senior faculty, or asking them to teach more classes or new classes outside their comfort zones, law faculty need to find ways to contribute more to their schools where the tuition and debt-burdened students are reliant on the maintenance or ascendancy of the school's reputation. Scholarly reputation is one of the few factors in a school's ranking that an individual faculty member can influence, here through productivity, placement, presentation at conferences, and publicity of the published work. Online supplements as a scholarly venue can contribute to that enhanced productivity.

V. CONCLUSION

Erwin Chemerinsky opined, “as legal academics, we write to add significant, original ideas to the analysis and understanding of the law,” driven by “a deep belief that ideas matter and that scholarly exchanges, over time, can advance understanding and perhaps sometimes even make a difference.”⁴⁶ At bottom, we write “because we have something to say.”⁴⁷ In the scholarly currency, ideas matter most. The outlet of the online supplement article is sufficient for the articulation and advancement of scholarly ideas, whether as foundations for a more extensive piece, as the first word in a budding scholarly discussion to follow, or as the scholar’s contribution to some much-discussed problem left to others to develop. Whether used by junior or senior scholars, the online supplement offers a new venue, along with blogs, for disruptive and scholarly intervention in vexing legal issues, and to fulfill our scholarly *raison d’etre*.

⁴⁶ Chemerinsky, *supra* note 28, at 882, 893.

⁴⁷ Chemerinsky, *supra* note 28, at 893.