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THE ASSOCIATE DEAN FOR RESEARCH IN THE AGE OF THE INTERNET

*B. Jessie Hill**

Being the Associate Dean for Research is kind of like doing a rain dance. If it rains, then you can assume that your actions helped, but you never really know whether it might have rained anyway. While there are many ways to measure scholarly productivity and scholarly impact,¹ it is usually very hard to measure the effect of the Associate Dean for Research on scholarly output. So, I suppose this recognition of the uncertainty surrounding the Associate Dean's role should serve as a sort of caveat to the contribution that follows. Nonetheless, in this brief essay, I would like to reflect on how the increasing centrality of the Internet to research and scholarship affects the way the Associate Dean for Research might do her job and to describe some of the measures that seem to be effective in light of this new state of affairs.

Having graduated law school in 1999, I am young enough to have relied primarily on electronic research tools like LexisNexis and Westlaw for most of my professional career, but old enough to think that heavy reliance on the Internet for research is a sign of shoddy

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¹ See, e.g., Brian Leiter, *Measuring the Academic Distinction of Law Faculties*, 29 J. LEGAL STUD. 451 (2000); Gregory Sisk et al., *Scholarly Impact of Law School Faculties in 2012: Applying Leiter Scores to Rank the Top Third*, 9 U. ST. THOMAS L.J. 838 (2012); Lucinda Harrison-Cox et al., *Faculty Scholarship Study*, ROGER WILLIAMS UNIV. SCH. OF LAW, <http://law.rwu.edu/faculty/faculty-productivity-study> (last visited Dec. 9, 2014) (discussing scholarly output in top law journals of the faculties at "non-elite" law schools). Case Western is ranked fourth in Roger Williams's most recent study of scholarly productivity of schools outside the *U.S. News and World Reports* top 50, and it is the 38th most-cited faculty out of all law schools, according to the study by Gregory Sisk. Case Western's overall ranking is #64, according to the most recent rankings by *U.S. News and World Reports*. Sam Flanigan & Robert Morse, *Methodology: 2015 Best Law Schools Rankings*, U.S. NEWS & WORLD REPORT (Mar. 10, 2014), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2014/03/10/methodology-2015-best-law-schools-rankings>. Thus, Case Western's faculty significantly overperforms in terms of impact and productivity.

work. I have to admit, however, that even in the relatively short time I have been in academia, the electronic research landscape has shifted substantially. Google Scholar, which launched in 2004, is now a fairly useful Internet-based research tool.² Law schools, including my own, are also increasingly moving toward adopting open access platforms for faculty scholarship and student-run journals. I am even willing to go on record as stating that I now often start a research project with a quick Google search, just to get the lay of the land.

How does the increasing primacy of the Internet then affect my job, as Associate Dean for Research, to increase the visibility of my law school? Before answering this question, I think it is helpful first to consider what is entailed in raising a law school's profile. There are many facets of this task. A law school's visibility depends largely on the visibility of its faculty. Of course, law schools also invest in branding and adopting new programs, developing new centers, and engaging in curricular innovation; all of these efforts may have the effect, among others, of raising the school's visibility to employers and prospective students. But ultimately, many of these changes themselves depend on the faculty's talent and prestige for their success. In addition, a law school's reputation depends heavily on how it is regarded by faculty at peer institutions,³ and those faculty members likely tend to focus on faculty accomplishments as much as or more than student quality and institutional resources.

Faculty visibility can be increased by publishing in high-profile law reviews, speaking at conferences, speaking to media, and promoting faculty scholarship to other law faculties, lawyers, judges, and the general public. The Associate Dean for Research can help faculty with publishing and obtaining speaking invitations through effective mentoring, creating a sense of scholarly community, and giving both junior and senior scholars plenty of opportunities to create and refine their work, as well as providing the financial and other support they need in order to do so.⁴ Marketing and communications staff can play a vital role in facilitating media appearances by connecting faculty with media outlets.

² See *Our History in Depth*, GOOGLE, <http://www.google.com/about/company/history/> (last visited Dec. 9, 2014) (stating that Google Scholar in beta was launched in October of 2004).

³ See, e.g., Flanigan & Morse, *supra* note 1.

⁴ At my institution, the Associate Dean for Faculty Development and Research has not traditionally played a role in making decisions about faculty research budgets or summer stipends; those decisions have always been kept within the law school dean's office.

However, I believe that the increasing importance of the Internet in legal scholarship has profoundly influenced how we must think about promoting faculty research and scholarship. Shortly after assuming this role in 2012, I began working on ways to make our faculty's work more visible to other scholars. When I first joined the faculty at Case Western Reserve University in 2003, we used to send out glossy brochures detailing all of our faculty publications over a three-year period. These brochures, which are quite expensive to produce and are probably just as likely as not to be thrown in the trash without so much as a fleeting perusal, somehow fell out of production in the age of law school cost-cutting. This may well have been for the best, but unfortunately, for several years, nothing took the place of those glossy brochures. So in 2013-2014, working with our Marketing and Communications Director and our Webmaster, I helped launch an e-newsletter entitled *Scholarly Impact*,⁵ which highlights recent faculty scholarship and scholarly achievements. For example, our debut edition featured stories about Professor Jonathan Adler, whose scholarship on the Affordable Care Act's exchange subsidy provisions led to multiple lawsuits based on his legal theories,⁶ and Assistant Professor Timothy Webster, whose scholarship on China's compliance with WTO decisions led to an invitation for him to testify before Congress,⁷ as well as recent faculty books and publications in journals such as the *Columbia Law Review*, the *Texas Law Review*, and the *UCLA Law Review*.⁸ We are planning to produce these e-newsletters twice a year, sending them to a vast mailing

⁵ SCHOLARLY IMPACT, <http://us8.campaign-archive2.com/?u=7c399b49791d8364d25c0549c&id=dc7acbbfe4&e=68d1e3d710> (last visited Dec. 9, 2014) (on file with author).

⁶ See Jonathan H. Adler & Michael F. Cannon, *Taxation Without Representation: The Illegal IRS Rule to Expand Tax Credits under the PPACA*, 23 HEALTH MATRIX 119, 194 (2013).

⁷ Timothy J. Webster, *Paper Compliance: How China Implements WTO Decisions*, 35 MICH. J. INT'L L. 525 (2014); Marvin Kropko, *Case Western Reserve University School of Law Professor Timothy Webster Testifies in Washington about U.S.-China Trade Relations*, THINK (Jan. 15, 2014), http://blog.case.edu/think/2014/01/15/case_western_reserve_university_school_of_law_assistant_professor_timothy_webster_testifies_in_washington_about_uschina_trade_relations.

⁸ See *Meet Our Faculty—Cassandra Burke Robertson*, CASE W. RES. UNIV. SCH. OF LAW, <http://law.case.edu/OurSchool/FacultyStaff/MeetOurFaculty/FacultyDetail.aspx?id=903> (last visited Dec. 9, 2014); *Meet Our Faculty—B. Jessie Hill*, CASE W. RES. UNIV. SCH. OF LAW, <http://law.case.edu/OurSchool/FacultyStaff/MeetOurFaculty/FacultyDetail.aspx?id=821> (last visited Dec. 9, 2014); *Meet Our Faculty—Aaron Perzanowski*, CASE W. RES. UNIV. SCH. OF LAW, <http://law.case.edu/OurSchool/FacultyStaff/MeetOurFaculty/FacultyDetail.aspx?id=1032> (last visited Dec. 9, 2014).

list of law faculty across the country, and of course, we will be able to track how many people open the email, click on its link to our SSRN pages, or simply delete it without reading it.

At the same time that we began developing the e-newsletter, our library was in the midst of a massive faculty scholarship digitization project. The library's intention was to convert as much faculty scholarship to digital form as possible, so as to make it widely available through our website. Since copyright permissions tend to be fairly liberal in the world of legal scholarship, we realized that open access to most of our faculty's scholarship would be both feasible and desirable. Of course, both the individual faculty member and the school as a whole have an incentive to ensure that our scholarship is as widely disseminated and easily available as it can possibly be. Ultimately, we realized that Digital Commons, an open access platform run through Bepress, would be the best way to accomplish this.⁹ A number of law schools have already adopted Digital Commons as a way of creating a scholarship repository that is free and open to the public. Perhaps most importantly, the full text of articles posted on Digital Commons is searchable, so a search engine query is likely to bring up relevant articles by our faculty that are posted on our website through Digital Commons. This distinguishes Digital Commons from a site like SSRN, where only a limited number of fields, such as abstracts and keywords, are searchable. Though it is too soon to tell, the search-engine accessibility of our articles on Digital Commons seems to make it much more likely that our faculty's work will be discovered and cited by other scholars, including those from disciplines outside of law, who may not use Westlaw or Lexis.

As this somewhat technical discussion indicates, the Associate Dean for Research is an essential participant in raising the school's scholarly profile, but she cannot do it alone. Any venture into the world of digital scholarly repositories, e-newsletters, and so on will generally require the participation of librarians, information technology experts, and marketing and communications officers. Decisions involving the expenditure of financial resources will also usually involve the dean. A team approach is essential.

That being said, however, it seems to me that simply having an individual who is charged with the task of encouraging faculty scholarship and raising the school's visibility itself is an important

⁹ DIGITAL COMMONS, <http://digitalcommons.bepress.com> (last visited Dec. 9, 2014).

step in accomplishing those ends. Though most schools have public relations, marketing, and communications staff who focus on presenting the school's best side to the outside world, an Associate Dean-level faculty member who also performs this function to some degree is essential for a couple of reasons. First, the Associate Dean is (or should be) the person who is most familiar with her colleagues' work, their recent accomplishments, and their future research plans. Hopefully, she can use this knowledge to identify the achievements that are worth highlighting and can sometimes "translate" difficult legal concepts into more digestible ideas for non-specialists. Second, as a law professor herself, the Associate Dean is likely to have better instincts and understanding about what sorts of accomplishments are viewed as significant by other legal academics. She can help target and shape the law school's communications in a way that makes sense if the goal is to raise the school's *scholarly* profile and not just its overall visibility.

Finally, the Internet age has meant that blogging takes on new importance as a scholarly activity. Though I do not blog regularly, I do engage in some guest blogging, and I suspect that this activity brings me as much name recognition as my more ponderous forms of scholarly output. Valuable intellectual exchanges and fruitful academic relationships, as well as, in some cases, invitations to write or speak, can grow out of thoughtful blogging on substantive legal matters. I have also been contacted by mainstream press outlets as a result of blog postings. Yet, all this being said in favor of blogging and in recognition of its importance to one's scholarly profile in the age of the internet, I remain uncertain about whether it is the best idea for everyone. I have played a role in facilitating guest blogging by colleagues on occasion, but I have not usually tried to push colleagues to do it, for the obvious reason that it can become a major distraction from traditional scholarly writing, which is especially important for untenured faculty members. As anyone who has sat down to write a short, lightly footnoted essay can attest, such projects often take longer than one initially thinks. In addition, blogging on controversial topics can attract negative attention from commenters that, although generally insignificant in the long run, can become a major drain on one's time and emotional energy in the short term.

On a separate note, apart from promoting faculty accomplishments, I want to suggest that the Associate Dean for Research also should, and generally does, hold herself to a high standard in

terms of scholarly productivity. We feel we ought to set an example of scholarly engagement for our colleagues—especially our junior colleagues. We also seek to raise our own visibility so as to raise that of the school. Of course, as any Associate Dean for Research can attest, a great irony of the job is that many of us struggle to keep up with our scholarly agendas as we work to promote others. But that is a topic for another essay!