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A SUPPORTIVE AND INCLUSIVE DEFINITION
OF LEGAL WRITING SCHOLARSHIP

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MEASURING IMPACT: A SUPPORTIVE AND INCLUSIVE DEFINITION OF LEGAL WRITING SCHOLARSHIP

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As we seek to define legal writing scholarship, I argue that all scholarship is better measured by impact than by length. The impact of what we write may extend beyond the legal academy to reach the bench and bar, academia in general, and the public. Our definition should recognize, and even embrace, that a scholar might produce a wide variety of works for a wide variety of audiences, rather than restricting every scholar to the traditional law review article aimed at other academics.

Traditional Scholarship

The legal academy has traditionally used “scholarship” to mean long-form, heavily footnoted articles published in law journals. Legal scholars sought to publish these articles in highly ranked journals, believing that a prestigious placement indicated that an article was high quality. This definition emerged over fifty years ago and has changed little despite significant developments in how information is disseminated today.² As legal writing has sought to gain credibility as a discipline, it has adopted the legal academy's perception of scholarship. And, at this point, the perception is too entrenched to not be included in the definition of legal writing scholarship.

¹ Elizabeth Sherowski is an Assistant Professor at University of Detroit Mercy School of Law.

² See Bernard J. Hibbitts, *Last Writes? Reassessing the Law Review In the Age of Cyberspace*, 71 N.Y.U. L. Rev. 615, 640–41 (1996).

There will always be a place for traditional law journal articles in the definition of legal writing scholarship. And there's no question that legal writing scholars have used the traditional law journal article format to advance important ideas about legal research, analysis, and communication. Anne Ralph's *Narrative-Erasing Procedure*³ impacted the way that lawyers approach drafting civil complaints, as well as the way that we in the academy teach pleading. Alexa Chew's *Stylish Citation*⁴ gave practitioners and academics a new way to think about the persuasive use of legal citations.

But we need to make room in the definition for other types of scholarship: shorter articles, pedagogical pieces, teaching materials, and practitioner resources. For some writers with little institutional support, these may be all that they have the time or the means to produce. Other writers, even those with institutional support, sometimes prefer writing these types of pieces over traditional articles. And there's no question that these types of pieces can also advance ideas that are important to improving the academy and the profession.

The Impact of Non-traditional Scholarship

Scholarship doesn't have to be lengthy to be impactful. Shorter pieces might still require research to support their theses. Shorter pieces still require evidence, either empirical or anecdotal, to support their findings. In fact, the brevity of shorter pieces and presentations can increase their impact because they are more accessible to the bench and bar and provide academics with a wider audience to whom they can showcase their expertise.

³ Anne Ralph, *Narrative-Erasing Procedure*, 18 Nev. L.J. 573 (2018).

⁴ Alexa Chew, *Stylish Citation*, 71 Ark. L. REV. 823 (2019).

I have been on both sides of the longer vs. shorter scholarship divide. As a lecturer and visitor, my scholarship was neither encouraged nor supported, financially or otherwise. One of the pieces that I was able to produce during that time was a conference presentation, followed by an 800-word blog post, called “Change Your Syllabus, Change Your Life.” It doesn't show up on my SSRN or Google Scholar pages, but it's the number-one thing that I am known for in the legal writing field and in academia in general. My presentation and blog post required research on rhetoric and Generation Z learning theory to determine the most effective way to introduce a course to today's students. The presentation relied on both empirical and anecdotal evidence to support its recommendations for constructing a welcoming and motivating syllabus. And it reached a much wider audience than just the legal writing community-academics across the country, in disciplines from agricultural sciences to veterinary medicine, contacted me after the blog post's publication to consult on techniques for revising their syllabi.

Since that blog post came out, I have been fortunate to land at a school with a unitary tenure track and its accompanying traditional scholarship requirements. Although my school has adopted a fairly expansive definition of scholarship for tenure review, I will still have to produce at least two traditional-length law review articles on topics in my areas of expertise (legal writing, legal pedagogy, and disability law) to be promoted. Given the time and financial backing to produce these longer works, I have happily been able to do so. But as of yet, nothing has made the scholarly impact that the 800-word blog post did. So, when someone asks me, “What is your scholarship about?” what should I answer? The law review article that has been cited eleven times? Or the blog post that has changed how hundreds of educators, in law and other disciplines, think about their syllabus?

Inclusion through Impact

Scholarship is better measured by impact, rather than by length. And we should consider its impact not just within the legal academy, but within the bench and bar, academia in general, and with a wider public audience. A well-rounded, supported scholar should be able to produce a wide variety of works for a wide variety of audiences.

However, there are many legal writing faculty who receive no support for scholarship, or who receive less support than their doctrinal colleagues. We must not forget our colleagues who are not as well-supported, and are able to produce only shorter pieces, conference presentations, or posters. Their contributions to the development of the field are no less important than traditional articles placed in top-ten journals. A broader definition of scholarship would be more inclusive and build the discipline by encouraging more under-resourced scholars to share their valuable ideas.

If we want the definition of legal writing scholarship to move beyond placement, length, and other traditional measures of “seriousness,” we need to be the ones to move it by creating a more supportive and inclusive definition.