

SHA-SHANA AND SHERRI'S SECRET SAUCE FOR SUPER BUSY SCHOLARS

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Introduction

Producing scholarship makes legal writing professors better teachers.³ Yet, many of us find that it is difficult to devote time to writing with an already packed schedule of preparing for class, constant grading, weekly office hours, regular student conferences, and heavy service requirements.⁴ Even when we find time to present our ideas at conferences, we can still struggle to turn those presentations into articles, essays, or books.

As law professors and directors of our respective legal writing programs, the two of us had a standing monthly meeting to talk “shop” (share best practices for teaching, strategies to meet the challenges we faced as legal writing professors and administrators, and ideas for running our programs). During one of our meetings, as we lamented not having time to produce scholarship, we decided to extend our monthly hour-long meeting to one and a half hours, saving thirty minutes to talk about our scholarly agendas, how to approach scholarship, and making time to write.

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³ See Terrill Pollman & Linda H. Edwards, *Scholarship by Legal Writing Professors: New Voices in the Legal Academy*, 11 *Legal Writing: J. Legal Writing Inst.* 3, 14-18 (2005) (discussing justifications for academic scholarship and their application to the legal writing field).

⁴ See Susan P. Liemer, *The Quest for Scholarship: The Legal Writing Professor's Paradox*, 80 *Or. L. Rev.* 1007, 1014-19 (2001) (describing real challenges that legal writing faculty face to producing scholarship).

Engaging in scholarship requires a clear mind and time to think. Despite our best efforts, we have found this nearly impossible during the semester given the demands of our work.⁵ As a result, we do most of our writing in the summer and winter breaks. Typically, we prepare to write during the semester by jotting down notes and ideas, doing research, and planning for our scholarly writing.

In this essay, we will share our collective wisdom—and some of our secret sauce—on how we keep our scholarship going during the school year and position ourselves to write productively when we have the time. We chose to write this essay in the first person using an interview style, welcoming you to our monthly conversations about scholarship, as we have similar ways of approaching our scholarship but each employ some of our own strategies.

1. What is your writing process? Do you research, then write, or move between the two?

SHA-SHANA:

For the most part, I move between the two. For some topics, I think about what I want to say, create an outline and then do the research. I use this formula a lot, especially when working on interdisciplinary issues where I rely on newspaper articles for some of the information I need. For other articles, and moreso for those involving legal writing pedagogy, I will write a quick draft, do the research and then move between researching and writing until I complete a solid first draft.

⁵ See Anna P. Hemingway, *Accomplishing Your Scholarly Agenda While Maximizing Students' Learning (A.K.A. How to Teach Legal Methods and Have Time to Write Too)*, 50 *Duquesne L. Rev.* 545, 550-51 (2012) (describing the demands of legal writing teaching and the resulting problem that legal writing professors have little time to write during the school year, and sometimes even in the summer).

SHERRI:

I also like to get my ideas down on paper sooner rather than later. This approach helps me to stay anchored and focused on what I want to write about. That said, my early writing process is mostly about jotting down ideas. When I first started writing, I was often frustrated in the winter and summer breaks when I would finally sit down to write but would have a hard time remembering some of the ideas that I had come up with over the school year. At different points in the year—after I read a case, attended a talk, read a law review article or news story, or engaged in a compelling discussion—I would want to write and would have a lot of sparks of ideas. But, when I would finally have more time to engage with my scholarship, I often could not remember exactly what they were; I found it difficult to tap into my earlier thinking and pick up where I had left off. I now take copious notes until I have time to write, jotting down every scholarship idea, discussion point, and source that I hear about or run across during the school year.

I used to try to write down my ideas in a notebook but would forget before I could get to it or not remember all the places where I took notes. I now keep a running Google doc and treat it much like I treat my calendar—I write down everything immediately even if I am not sure if what I am writing is important. To make the Google doc easier to navigate, I include a date before each note.

SECRET SAUCE: I prefer to keep my notes on a Google doc because I can access the document easily on my phone as well as my computer, and thus always have ready access to it. If an idea hits me in the faculty meeting, I have my document there. And if I am in a line at the grocery store or out for a walk, odds are that I have it with me, too.

It is also easy to share a Google doc and embed links, and this makes it a useful tool. And yes, I know that there are probably other

technologies, and that you may find them more useful or even that putting your thoughts in a notebook works for you. The point, of course, is not about the platform that you use, but the importance of building a habit that you can stick to. In this pandemic year, this practice has allowed me to enter the summer with a twenty plus page Google doc full of scholarly ideas and sources.

Once I have more time to write and have gained some familiarity with my topic, I try to get my main ideas down in an outline or quick draft. I usually try to immerse myself in my writing and find weeks where I can devote a few hours each day to the task. At that point, I often refer to my notes and usually find some good content there that I can incorporate right into my draft. My first draft has few footnotes, and the longest part for me is adding the sources and building out the content after I have a solid first draft that explains my thesis. Then, I do a close read of a lot of sources and try to further develop my ideas. My notes also help me with this part though I also rely on research reports from my research assistants (RAs) and the sources they cite as well as others I find on my own.

2. Do you create notebooks for your research or work electronically?

SHA-SHANA:

I do both. I love to write in a notebook and create research binders, but I have found that keeping my research electronically is more portable, which makes it easier to work at any time and from anywhere. I am still getting up to speed with effectively organizing my electronic folders. My research binders are nicely tabbed and organized.

SHERRI:

I also like both but found that, when I requested that my RAs create research binders, I often received hard copies of articles that turned out not to be that useful. Admittedly, I still have several old research binders with articles that I have not read yet. My current process is to have my RAs produce research reports and include links to sources in the report. I find it easy enough to review the sources described and linked to the report and print out the articles or parts of articles I need.

3. Can you explain more about how you use RAs?

SHA-SHANA:

My RAs are invaluable. I have been fortunate to have had talented, committed, and hardworking RAs. As mentioned above, RAs help me with the initial research for my scholarship. We also talk about the ideas I am working on or thinking about, they edit the article, and importantly they help to keep the information organized. I typically do the citations in the article because I find that process relaxing.

SHERRI:

In the past, I have used RAs in much the same way as Sha-Shana, though they have primarily assisted with research and citation. For my current project, my RAs and I meet regularly and have a lot of discussions. In this way they are helping me to develop my ideas, keeping everyone engaged in the project. I spent more time in the beginning talking to my RAs about my scholarly project and letting them know what I am trying to achieve. We then worked together to develop an effective system of reporting, which they are doing on a shared Google doc.

SECRET SAUCE: In the RAs reporting, they include the proper citation and summarize the content of the useful sources they find, homing in on useful parts or language. Even more important, they clearly articulate the takeaway or how they think I can use each source in my scholarship.

I also have the RAs comb the footnotes of good sources for additional sources. They provide links to most of the sources in the Google doc, rather than print the sources themselves, to conserve on paper. If a source is particularly good, they may share a marked up copy for me to review. I have found that this process makes it much easier for me to review the students' research, stay up to speed on what they are finding, and later find specific articles when I need them.

4. Do you have a set time for writing each day or week?

SHA-SHANA:

I cannot say that I have a set time each day for writing. I started off with a goal of putting aside 30 minutes each day to write, but inevitably that gets pushed aside to either grade, address "emergency" student issues, work on administrative tasks, or fit in a meeting for a service project.

SECRET SAUCE: Now, I have found that a more realistic goal is to plan for two hours of research or writing time per week during the semester and fit it in whenever my schedule permits, but I must complete two hours. This works better for me.

SHERRI:

I do not set a time to write every day, but I do set aside blocks of time (weeks) to write once I feel ready (e.g., have an outline or

quick draft, and know the general direction of my arguments and how I will support them). That said, I regularly devote time to scholarship, though it is more of a natural process and not something I plan. As I teach, discuss, read, and just experience life, I am always engaging with my scholarship. I can gain an idea from reading a book and my book club discussions, as well as in discussions at work and as I watch the news. Sometimes I disagree with what someone has stated or feel like an analysis is incomplete. The connection between my different ideas is often not all that clear. But it does not really matter. What is important, I have found, is that I solidify these ideas and save them by putting them down on paper (so to speak).

After I have reviewed my notes, researched my topic a bit, and determined how I plan to organize my paper, I usually feel that I am finally ready to sit down and hammer out my draft. At that point, I set aside as much time as I can. I like to write my first full draft over a few weeks and then keep working to perfect it from there, so I look for a block of time where I can write a few hours (or more) every day. I never plan to write for more than a few hours as planning for more can feel pretty daunting, but when I get writing the time usually just flies.

5. How do you workshop your papers?

SHA-SHANA:

My colleague at Howard, Matt Bruckner, organizes a works-in-progress small group where I also workshop my papers. Last year, I wrote a symposium piece for *Nova Law Review* with Dr. Ramona Biholar of University of the West Indies, Mona Law. It was a wonderful experience. It was also my first joint piece. Ramona and I created a timeline to produce the article, did the research, wrote our sections, made suggestions to each other's section, and did holistic

edits of the article. We were each other's coach, critic, and cheerleader, which made the process enjoyable.

SECRET SAUCE: I also workshop my papers at Writing as Resistance (WAR), a scholarship workshop for legal writing professors of color. I rely on the WAR retreat to do the homestretch on my article. During the retreat, I do focused work on my article, and I receive great feedback from my colleagues.

SHERRI:

I also workshop my papers with WAR, and I make use of a lot of other resources. I have participated in a number of scholarship workshops, including what is now the Sirico Scholars' Workshop, and have even hosted a few myself. I also have a group of criminal law professors with whom I workshop my scholarship as they often can provide different feedback, and I learn a lot from providing feedback on their work. Like Sha-Shana, I have also taken advantage of opportunities to workshop my papers at my law school, but I usually only share my written drafts with the broader faculty once I feel that I already have a solid draft. In addition to participating in formal workshops, I have also workshopped papers with colleagues who are writing on a similar topic; I have found it beneficial to exchange papers and to offer one another a really thoughtful critique.

6. How many people read your work before you send it out to publications?

SHA-SHANA:

This is hard to say. I ask family, friends, research assistants, and colleagues to read my work before sending it out for publication. I will make a list of who to target for initial or final drafts depending

on the topic. I am very protective of the initial draft because I am still working through the ideas. Sherri and I typically talk about the topic, and she will look at an initial draft. I think the members of the legal writing community are special and unique. They always say yes to my request for feedback on my articles. My husband and mother give excellent feedback but are very liberal with the red pen. I talk with them about my ideas before and while writing the article or essay, but they only see the final draft or the closest to the final draft.

SHERRI:

A lot! And sometimes I have folks who read the paper even after it has been accepted for publication. I feel fortunate that people rarely say no when asked to read a given paper. I have some good friends in the legal writing community, including Sha-Shana, who regularly read early drafts. I send later drafts to other professors who have written on the topic I am writing about, including criminal law professors. I have a friend from my prior office at the Federal Public Defenders' Office who also teaches legal writing and regularly reads my drafts when I write on criminal law topics. I also often present at conferences on my scholarly topics and get a lot of feedback from attendees as well. Like Sha-Shana, my family members also read my close-to-final drafts, and they are excellent editors.