

# THE ASSOCIATE DEAN FOR FACULTY RESEARCH POSITION: ENCOURAGING AND PROMOTING SCHOLARSHIP

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SEVERAL years ago, a draft of Jim Lindgren's article, *Fifty Ways to Promote Scholarship*,<sup>1</sup> was distributed to the Cincinnati law faculty. In the article, Lindgren made various recommendations for law schools that wanted to "improve the quality, productivity, and visibility of their faculties and their scholarship"<sup>2</sup> One of the recommendations was to create the position of Associate Dean for Faculty Research and Development:

Create an associate dean for research. Texas and Georgetown, schools that have associate deans for research or scholarship, have registered staggering increases in faculty productivity over recent years. This associate dean for research (or, more broadly, faculty development) can look after the programs I outline here, mentor junior faculty, lobby for scholarship with the dean, and continually remind the dean of scholarly issues when doling out money and planning for the future.<sup>3</sup>

Although the idea of creating an associate dean for a research position had been hovering around the law school for some time, Lindgren's article helped to build support among the faculty and the idea was implemented in 1999. This article recounts the experience at the University of Cincinnati College of Law with its first Associate Dean for Faculty Research and Development position in the hope that it may be of interest to those schools that either have a similar position or are contemplating establishing such a position.<sup>4</sup> Along the way, we offer our thoughts on the respective roles of the Dean, Associate Dean, and faculty to improve the "quality, productivity, and visibility" of a law school faculty and their scholarship.

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1. The article eventually was published at 49 J. LEGAL EDUC. 126 (1999).

2. *Id.* at 127. We were delighted to subsequently host a faculty workshop by Jim on another of his articles, when we learned to our chagrin that his writing and presentation skills are exceeded only by his tenacity on the golf course in a \$2 Nassau. See generally James Lindgren & Allison Nagelberg, *Are Scholars Better Teachers?* 73 CHI.-KENT L. REV. 823 (1998).

3. Lindgren, *supra* note 1, at 130.

4. We would be delighted to hear from schools that have tried these or other initiatives through the associate dean position. You can reach us at [Joseph.Tomam@law.uc.edu](mailto:Joseph.Tomam@law.uc.edu) and [Paul.Caron@law.uc.edu](mailto:Paul.Caron@law.uc.edu).

## I. THE ASSOCIATE DEAN POSITION AT CINCINNATI

The Associate Dean for Faculty Research and Development at Cincinnati serves a two-year term. As is the practice at most law schools with the position, our associate dean is compensated through a reduced teaching load<sup>5</sup> and a modest stipend. By creating a rotating position, more faculty will have the opportunity to think about scholarship in institutional terms and, in the process, become more familiar with their colleagues' work. Even with a small law school of 23 faculty at full strength, it became clear in selecting our inaugural associate dean that any one of the large majority of the faculty could serve in this position with great competence and professionalism. Indeed, we anticipate that, over time, several faculty will serve a stint as associate dean.

In creating the position, the Dean and the elected faculty Committee on Committees attempted to draft a detailed job description, but after much discussion and deliberation, decided to forego the detailed approach. Instead, the associate dean is given a general charge to promote excellence in scholarship and teaching, facilitate and coordinate scholarly activities, and publicize the scholarly activities of the faculty. This allows each associate dean to put his or her unique stamp on the position in light of his or her particular interests, talents, and energies. The remainder of this essay describes our experience over the past two years with the associate dean position, borrowing many ideas from the successful practices at other schools.

## II. SHORING UP THE SCHOLARLY INFRASTRUCTURE

Under former Dean Gordon Christenson's leadership, the College of Law made a conscious effort to boost the school's scholarly profile in the late 1970s and early 1980s. The fundamental step was to revise the Reappointment, Tenure and Promotion (RPT) standards to emphasize the importance of scholarship. That task was the product of serious and sustained reflection and discussion, which began a cultural shift for the College of Law that continues to this day. That change in emphasis has a direct impact not only on RPT decisions, but also on faculty hiring and the system of scholarship incentives and rewards at Cincinnati.

As a comparatively small public law school of 375 students, most of whom live and work in the region, we feel disadvantaged in the reputational components of the annual *U.S. News & World Report Law School Survey*<sup>6</sup>. Although we place in Tier One in the overall rankings, we believe that our subjective reputation lags behind our performance in the objective measures. Indeed, one of the major impetuses for the creation of the associate dean position was a shared desire to build on the solid

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5. The associate dean is released from one course out of a normal four course teaching load.

6. Although we share the concerns of many of the critics of the *U.S. News & World Report* rankings (e.g., Stephen P. Klein & Laura Hamilton, *The Validity of the U.S. News and World Report Ranking of ABA Law Schools*, available at <http://www.aals.org/validity.html>), we also recognize the increasingly important role that the rankings play in the minds of all of our constituencies.

foundation of past scholarly contributions and also to do a better job of publicizing our academic and scholarly accomplishments.

As part of the evolution of our RPT standards, the College developed a traditional set of incentives and rewards for scholarship, including an academic year research and travel budget, summer stipends, professorships, a funded Faculty Research and Development Committee, library support, and the like. Although the law school research budget increases each year, the faculty have increasing scholarly needs with attendant budgetary demands. Naturally, to the extent that a law school wishes to enhance its academic prestige, more scholarship is preferable to less, and better scholarship is, well, even better.

Of course, one can argue that scholarship should be undertaken for its own sake, for its intrinsic values and rewards, because research and writing fulfills us as persons and as scholars, informs our teaching, and contributes to our personal growth and development. Yet, this *laissez faire* approach is not followed for the untenured faculty who must engage in scholarship for RPT purposes.

In addition, legal education is experiencing a cultural shift regarding compensation. The star system has affected law schools as it has other departments. The increase in private firm compensation puts pressure on starting salaries. Salary compression increases the need to raise senior faculty salaries, and faculty are not impervious to lifestyle demands. All of these pressures contribute to the need to put more money in faculty pockets. At the same time, law schools have increasingly turned to scholarship incentives and rewards in response to pressure from boards of trustees and state boards of regents over heightened tenure standards, post-tenure review, faculty workload policies, and merit pay.

At Cincinnati, our system of incentives and rewards has evolved over the last two decades. Until recently, Cincinnati followed a broad-based system of equal rewards for scholarship. Under this approach, faculty received uniform academic year budgets and summer research stipends. This system rewarded publication and did not make distinctions based on the nature or quality of the work.<sup>7</sup> As the faculty's scholarly productivity increased over the last 10-15 years, with an ever-larger percentage of the faculty actively publishing, so too have the resources devoted to these broad-based rewards for scholarship.

Any conversation about scholarship is bound to reach dissensus fairly quickly. Still, we can identify two parameters. The first, and more difficult, of course, is defining scholarship. Therefore, we defer defining scholarship for the moment. The second parameter answers the question: Why do we do scholarship? Again, dissensus on this topic is more likely than consensus, but we dare go where angels and muses fear to tread.

In no lexical order, it appears to us that law teachers engage in scholarship for any one or more of a variety of reasons, including to advance knowledge, to participate

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7 Faculty at our university are represented by the American Association of University Professors, and in recent years, the union and administration have agreed to across-the-board faculty raises with a no merit pay component. As a result, in most years, law school faculty receive the same pay increase regardless of performance (although the union contract permits individual raises in special circumstances to match a competing offer from another law school or in other cases of extreme salary inequity).

in the scholarly conversation in their field, to publish for tenure, to enhance the teaching mission, to engage in continuing education, and to obtain other rewards.

The “other rewards” rationale accommodates a number of sins, including making money, filling up one’s free time, attempting to win the respect and admiration of students and colleagues, being asked to comment on radio and television, and God knows what else.<sup>8</sup> Clearly, the order of the reasons for scholarship or the weight of the “other rewards” are unlikely to fit into a neat calculus. Nevertheless, we think we have identified most of the central motivations for undertaking scholarship.

Now for the more difficult part—defining scholarship. In *Scholarship Reconsidered*,<sup>9</sup> Ernest Boyer writes that the definition of scholarship is dynamic and changes with different historical periods. The scholarly mission of the colonial college, for example, involved developing moral character for civic and religious leaders. Next, university scholarship became an adjunct of nation building through agricultural and technical education starting in the mid-nineteenth century. Boyer’s third definition involved basic research, first in the sciences and then in the humanities, which has come to constitute the infrastructure of the modern university.<sup>10</sup>

*Scholarship Reconsidered*, as its name indicates, searches for a new definition, one to fit the increasingly democratic and pluralistic world in which universities find themselves. Boyer redefines scholarship as follows:

What we urgently need today is a more inclusive view of what it means to be a scholar—a recognition that knowledge is acquired through research, through synthesis, through practice, and through teaching. We acknowledge that these four categories—the scholarship of discovery, of integration, of application, and of teaching—divide intellectual functions that are tied inseparably to each other. Still, there is value, we believe, in analyzing the various kinds of academic work, while also acknowledging that they dynamically interact, forming an interdependent whole. Such a vision of scholarship, one that recognizes the great diversity of talent within the professoriate, also may prove especially useful to faculty as they reflect on the meaning and direction of their professional lives.<sup>11</sup>

Boyer was primarily addressing undergraduate education because his central concern was undergraduate teaching. However, his analysis does bear on law schools and their scholarly purposes. Legal scholarship is a research activity: it synthesizes legal events, and it can contribute to practice and to teaching. In addition, most law schools require scholarship for advancement and have one or more law reviews. All law schools are engaged with “professional” education, and no law school has a set definition of scholarship. Instead, we rely on specific indicators.

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8. There are, of course, the rewards of the existential artist whose scholarship is a form of flight or conquest, expression or revelation, creation or gift. See JEAN-PAUL SARTRE, *WHAT IS LITERATURE*, ch. 2 (Bernard Frechtman trans., Routledge 2001) (1948).

9. ERNEST L. BOYER, *SCHOLARSHIP RECONSIDERED: PRIORITIES OF THE PROFESSORiate* (1990).

10. *Id.* at ch. 1.

11. *Id.* at 24-25.

There is a general consensus about the most prestigious primary law reviews even though they are student-edited. There are few peer-reviewed journals that are as highly regarded as the *Harvard Law Review* or the *Yale Law Journal*. Secondary journals at some schools are very highly regarded, and others less so. In fact, according to one comprehensive listing, there are over 620 legal journals.<sup>12</sup> If this proliferation continues, there eventually will be more law reviews than law teachers. Although there is a good deal of respect for prestigious university presses and law book publishers, there is less consensus on interdisciplinary publishers. In short compass, although the “quality” factor remains elusive,<sup>13</sup> there are identifiable attributes of scholarship: scholarship must be externally reviewed, published in a prestigious journal or press, and recognized by peers and other scholars. Recognition occurs by citation as authoritative, scholarly reviews, sustained debate, invitations to present at conferences, and the like.

Over the past five years, our faculty have published over 100 books and law review articles, many by the most prestigious publishers and in the most prestigious law reviews. We are proud of this scholarly performance and believe it stands us in good stead among our peer schools. Yet the next frontier is to continue improving the depth and quality of our work.<sup>14</sup> Toward that end, we have undertaken a number of steps to provide greater institutional support for our faculty’s research efforts. We now offer support for faculty scholarship at each stage of the production process.<sup>15</sup>

#### A. *Work-in-Progress Group*

Under faculty leadership, a group meets on a monthly basis to discuss their work at the earliest stage of production. Each person spends five minutes talking about a particular aspect of a project on which he or she is working. The discussion is free flowing, and the intent is to provide a forum for discussing work at the formative stage before much research has been conducted. The environment is supportive, where even “half-baked” ideas can be discussed without fear of later criticism.

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12. See MICHAEL H. HOFFHEIMER, ANDERSON’S DIRECTORY OF LAW REVIEWS AND SCHOLARLY LEGAL PERIODICALS, available at <http://www.andersonpublishing.com/lawschool/directory>.

13. Cf. ROBERT M. PIRSIG, ZEN AND THE ART OF MOTORCYCLE MAINTENANCE: AN INQUIRY INTO VALUES (1974).

14. Indeed, the first item in Jim Lindgren’s list of *Fifty Ways to Promote Scholarship* is that “[y]ou must want to get better. If you think that your faculty is doing enough high-quality scholarship, then you lack the most important prerequisite for making major improvements.” Lindgren, *supra* note 1, at 127-28.

15. Although we focus here on institutional support for scholarship, consistent with the title of Associate Dean for Faculty Research and Development, we also have undertaken other initiatives to support faculty teaching and service activities. For example, we have organized an in-house teaching program for our new faculty, who attend classes taught by experienced teachers who also engage in pre- and post-class discussions with the new faculty. In addition, we sponsor teaching workshops conducted both by our in-house faculty as well as by faculty from other law schools. In recent years, these workshops have focused on issues such as the false conflict between teaching and scholarship, the use of new technologies in the classroom, and teaching with the problem method.

### B. *Summer Scholarship Series*

A weekly scholarship program is conducted from May through August in which a faculty member presents a work-in-progress to his or her colleagues while it is still being developed. Research typically has advanced beyond conception, but before the completion of a formal draft. The intent is to provide a vehicle for faculty to obtain feedback on their projects while there is still time to inform and shape their research.

### C. *Faculty Workshop Series*

During the academic year, we conduct more formal workshops in which faculty are expected to circulate drafts of their work in advance of their talk. The goal is to provide faculty with a forum to test the tentative results of their research. Ideally, the work already has been vetted through the Work-in-Progress and Summer Scholarship Series formats, so many faculty are already familiar with the work. As a result, the Faculty Workshop Series is more productive and developmental than if a particular idea or thesis were offered first in the context of a detailed written draft.

### D. *Scholar Exchange Program*

Once research is near completion, faculty are ready to take their work "on the road." The Scholar Exchange Program gives our faculty the opportunity to present their work for comment and feedback to faculty at other law schools, and we in turn host a workshop by a faculty member from the other law school. This creates a "win-win" situation for both schools, as the same amount of money that would fund a single workshop now funds a "home-and-home" series of workshops. Over the past two years, we have exchanged faculty with Boston College, Brigham Young, Chicago-Kent, Florida, Kansas (where the concept was pioneered by Sid Shapiro), North Carolina, St. Louis, San Diego, and Tulane; and we hope to expand our list of participating schools in future years.

### E. *Law School Research Paper Series*

Cincinnati is one of 27 American law schools that participate in the Legal Scholarship Network's *Law School Research Paper Series: Public Law and Legal Theory* e-journal.<sup>16</sup> Our three issues with eighteen research papers to date have been distributed to LSN's subscribers worldwide and attracted over 850 "hits" to our faculty's work on the LSN web site. These papers are simultaneously published on

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16. The other participating law schools are Harvard, Yale, Stanford, Chicago, Columbia, Michigan, Cal-Berkeley, NYU, Pennsylvania, Virginia, Duke, Georgetown, Northwestern, Texas, UCLA, Vanderbilt, Minnesota, Illinois, Boston University, George Washington, Washington & Lee, Cardozo, Florida State, San Diego, Villanova, and Loyola-Los Angeles. See Social Science Research Network web site, at <http://www.ssrn.com/lsn/journals> (Legal Scholarship Network).

our own web site<sup>17</sup> for additional exposure. Although faculty from schools that do not participate in the *Law School Research Paper Series* are free to publish their work in LSN's thirty-seven subject matter journals,<sup>18</sup> we believe that the Cincinnati-specific journal helps draw attention to our faculty's work across disciplines by collecting and publishing the work of our faculty in a single journal in addition to their publication in the subject-specific journals.

### III. GETTING THE WORD OUT

Like many, if not all, law schools, we have increased our efforts to publicize our faculty's scholarly activities to our local and national constituencies. And, like most, if not all, law schools, we have no marketing data regarding the costs and benefits of publicity. Nevertheless, we utilize both old and new technologies in these efforts.

#### A. *Alumni Magazine*

We have expanded the faculty's presence in our alumni magazine with three regular features: (1) a *Message from the Associate Dean for Faculty Research and Development* reports on different aspects of the faculty's scholarship;<sup>19</sup> (2) a *Spotlight Series* profiles the scholarly, teaching, and service contributions made by three members of the faculty; and (3) a *Faculty News* section reports on the scholarship, teaching, and service activities of all faculty members. The magazine is published three times per year and also is available on the law school's web site.<sup>20</sup> Plans are underway to electronically distribute the on-line version of the faculty section of the magazine.

#### B. *Monthly Faculty News*

We also have created a monthly web-based report of the faculty's scholarly, teaching, and service activities.<sup>21</sup> With the help of library staff, we report faculty media appearances and significant citations to faculty scholarship in books, law review articles, and judicial opinions. Again, plans are underway to distribute electronically the *Monthly Faculty News* to various constituencies of the law school.

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17 See University of Cincinnati College of Law web site, at <http://www.law.uc.edu/facpapers/index.html>.

18. Indeed, our faculty edit four of these journals (*Immigration, Refugee, and Citizenship Law; Tax Law: International and Comparative Tax; Tax Law: Tax Law and Policy; and Tax Law: Practitioner Series*).

19 Recent issues have featured reports on the mission of the associate dean position; the link between scholarship and teaching; measuring a law faculty's scholarly influence; the scholar exchange program; and institutional support of faculty scholarship.

20. See COUNSELOR, available at <http://www.law.uc.edu/grafsite/alum/counselor/index.html>.

21. See Faculty News, available at <http://www.law.uc.edu/facnews/index.html>.

### C. Periodic Faculty Publicity Brochures

We have reluctantly joined the hordes of law schools trumpeting faculty achievements through the distribution of glossy brochures highlighting faculty publications. We also distribute brochures on special occasions, such as the award of professorships and the hiring, promotion, and tenure of faculty. Frankly, we question the effectiveness of this approach in light of the large volume of such brochures, but we are reluctant to unilaterally disarm in light of the widespread use of these brochures by other schools.

These outreach activities complement the major lectures, symposia, workshops, and guest speakers hosted by students and faculty. In addition, an increasingly interactive web site and master activities calendar further supplement these activities.

## IV BUILDING COMMUNITY

One aspect of the associate dean position that has evolved over time is its role in fostering a greater sense of community among faculty. Over the long haul, the rotating nature of the position hopefully will give faculty who serve in the position a greater appreciation for the work of their colleagues. But a more immediate effect in community building can be seen in various aspects of the associate dean's early efforts.

For example, all of the specific initiatives discussed thus far are made available to the faculty at large. All faculty are invited to join the Work-in-Progress Group, to present their work at Cincinnati through the Summer Scholarship Series and the Faculty Workshop Series and at other law schools through the Scholar Exchange Program, and to publish their work in the Law School Research Paper Series. Similarly, all faculty are featured in the Monthly Faculty News web-based report and in the alumni magazine. In addition, the Faculty Spotlight Series in the alumni magazine focuses on three different faculty in each issue, so over a three-year period all faculty who choose to participate are profiled. In our periodic faculty publicity brochures, we list the recent publications of all the faculty. Indeed, inspired by a Georgetown brochure that crossed our desks (and a scene from the movie *Remember the Titans*<sup>22</sup>), our most recent brochure contains short descriptions of each faculty member penned by one of their colleagues.

We also have instituted other community-building elements. In the beginning "bricks and mortar" stage of the associate deanship, two display cases were constructed to showcase faculty scholarship at the law school featuring each faculty member along with publications as well as scholarly drafts.<sup>23</sup>

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22. In the scene, after racial animosity has infected the 1971 summer camp of the high school football team, T.C. Williams Titans coach Herman Boone (played by Denzel Washington) directs his players to each learn something about another player of a different race and to report their findings at an upcoming practice. REMEMBER THE TITANS (Walt Disney Pictures 2000) (clip available at <http://disney.go.com/disneyvideos/liveaction/rememberthetitans/flash/flash.html>).

23. The display cases were generously funded by Anderson Publishing Company.



The schedule also can be used to facilitate community. During the academic year, for example, we reserve one noon hour per week for faculty activities such as faculty candidate job talks, faculty workshops, and informal discussions among faculty. A weekly coffee klatch is also scheduled in which faculty gather in the faculty library. An internal e-mail listserv is occasionally used to discuss the direction of the law school, which often functions as a way to continue discussions begun at the weekly faculty lunch or at monthly faculty meetings.<sup>24</sup> The faculty is informed of all of these activities through a daily morning e-mail listing of the current day's faculty events, as well as activities scheduled for the upcoming two weeks.

These efforts have moved us further along the path toward community among faculty colleagues, described by Richard Matasar in these pages last year:

[W]e need an operating philosophy that encourages each faculty member to revel in the successes of every other faculty member. This philosophy makes it the job of each faculty member to make his or her colleagues better teachers and scholars. The theory contemplates that although each faculty member should continue to seek self-advancement, each also must engage in collective growth. Accordingly, improvement of the school as a whole will lead to resource growth over time. Thus, even with limited resources today, the future for everyone is brighter if the school improves overall.

When faculty members share a common purpose of institutional improvement, every other part of the school gets better. Students see themselves as part of a vibrant, growing place. Faculty and students treat each other more as colleagues than as people engaged in separate businesses. Staff and administration work in concert with the faculty, not in opposition (real or supposed). The sum of the whole of the law school is larger than its parts only when people work together.<sup>25</sup>

We make no claim that we have reached such a state of faculty nirvana. Not all faculty have bought into all of these initiatives. Attendance is sometimes spotty, and on occasion it is difficult to enlist universal faculty assistance in publicizing our faculty's scholarly activities.<sup>26</sup> Still, the point is to make these initiatives available to all the faculty, and over time, hopefully a culture of participation will evolve. Until then, we continue to search for ways in which the law school can foster the collective growth of the faculty in scholarship, teaching, and service. To further the process, we have developed a set of scholarly incentives and rewards to contribute to this community building.

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24. Non-tenure track faculty such as the Legal Research and Writing Instructors and the Executive Director of the Glenn M. Weaver Institute for Law and Psychiatry participate in the listserv, as do non-faculty professional staff such as the Associate Dean for Academic Affairs, the Assistant Dean for Administration, the Assistant Dean for Admissions and Financial Aid, the Assistant Dean for Career Planning, the Director of the Law Library and Information Technology, and the Director of Public Service and Professional Development.

25. Richard A. Matasar, *The Ten Commandments of Faculty Development*, 31 U. TOL. L. REV. 665, 668-69 (2000).

26. These problems undoubtedly are exacerbated by the small size of our faculty.

## V INCENTIVES AND REWARDS

The Associate Dean for Faculty Research and Development at Cincinnati currently has no formal role in the faculty appointments and RPT processes (other than in his or her capacity as a member of the faculty) or in the allocation of various scholarship incentives and rewards.<sup>27</sup> At one level, this frees the associate dean to focus on the inclusive nature of community building within the faculty while reserving to the faculty and the Dean decisions regarding quantitative and qualitative assessments of faculty scholarship. Until recently, incentives and rewards involved two tiers—non-titled and titled faculty. Non-titled faculty received uniform budgets and summer stipends, but could request modest adjustments. Titled faculty received the same budget and larger summer stipends. At bottom, the budgets and summer stipends were based on continued productivity as noted earlier. Better to have a broad-based publishing faculty than not. The obvious criticism of egalitarianism is that the cream should have a chance to rise—quality counts. So now we venture forth into the brave new world of quality.

Clearly productive faculty should be rewarded. Equally clearly, high quality work must be encouraged and rewarded. Indeed, it may well be that a set of *incentives* recognizes productivity, while a set of *rewards* recognizes quality.

Recently, a gift from the Harold C. Schott Foundation has contributed generously and significantly to faculty development. A fund has been established to be used over a ten-year period to increase institutional support for faculty research in a variety of ways. Some funds will be used to support the broad-based reward structure for faculty scholarship, including funding for the associate dean's activities as well as summer stipends, research assistance, and travel for faculty. But for the first time, summer stipends will not be uniform among titled and non-titled faculty; instead, both tiers of faculty will be eligible for a range of financial enhancements to their summer stipends, based on quantitative and qualitative measures. Other portions of the moneys will be used to create two awards for faculty scholarship.

These awards are intended to recognize particularly noteworthy scholarly achievements during the year. Of course, the selection of the "best" scholarship from among a faculty of productive scholars is potentially a divisive exercise. Who determines what the "best" scholarship is? What is the process? What is the role of outside reviewers? What are the criteria? How important is the placement of the publication as an indication of quality? These and other questions always raise issues. Nevertheless, the objective is to recognize quality scholarship.

The *Harold C. Schott Scholarship Award* will be given to one faculty member per year for outstanding research and scholarship achievement. The selection will be made by the Dean and advisors if necessary, and the expectation is that the annual nature of the award will vitiate somewhat the difficulty of choosing among several noteworthy scholarly achievements in a given year.

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27 The only exception over the past two years was when the associate dean served on an ad hoc committee formed by the Dean to advise him on the award of several titled professorships, effective July 1, 2001. Other members of the committee were the university's dean for research, a judge on the U.S. Court of Appeals for the Sixth Circuit, the dean of another law school, and the only law school faculty member at Cincinnati who holds a university-awarded professorship.

In contrast, the second award is based on objective criteria. The *Law Review Award* will be given to all faculty who publish an article in the most prestigious student-edited law reviews. Placement of an article is certainly an imperfect measure of quality; many outstanding pieces are published in non-elite student-edited journals or in peer-reviewed journals. Moreover, publication patterns in the major law reviews reveal a bias in favor of articles in certain subject areas like constitutional law, criminal law, and race and the law, as well as a bias against articles in other subject areas like tax, contracts, and property.<sup>28</sup> In addition, by focusing on law reviews, the award excludes from consideration many types of equally or more impressive work in the form of book chapters and books. Indeed, others have decried an emphasis on the placement of an article as a “market evaluation” of scholarship.<sup>29</sup>

Basing an award on the place of publication undoubtedly raises questions. Yet the fact remains that student-edited law reviews, however imperfect indicators of quality, nevertheless are the coin of the realm in our business. There is widespread recognition and acceptance among law faculty of the most prestigious law review placements (other than the reviews that accepted our most recent article). Various studies of the performance of law school faculties give heavy<sup>30</sup> or exclusive<sup>31</sup> weight to publication in the elite student-edited law reviews. The *Law Review Award* is based on publication in the top sixteen law reviews, drawn from the remarkable consensus in these studies on the composition of this list.<sup>32</sup>

#### CONCLUSION

Cincinnati’s system of scholarly incentives and rewards hopefully will prove to be a successful amalgam, combining elements of both the “all-for-one-and-one-for-all” approach and the “eat-what-you-kill” approach. Of course, incentives and rewards on their own are unlikely to improve the quality, productivity, and visibility of the faculty and their scholarship. But combined with Cincinnati’s institutional commitment to scholarship, as reflected in the creation of the Associate Dean for Faculty Research and Development position and the various initiatives undertaken under the auspices of that office in its first two years of existence, the reward and incentive structure should contribute to the strengthening of a scholarly community

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28. See generally William J. Turner, *Tax (and Lots of Other) Scholars Need Not Apply: The Changing Venue for Scholarship*, 50 J. LEGAL EDUC. 189 (2000).

29. See generally Richard S. Markovits, *The Professional Assessment of Legal Academics: On the Shift from Evaluator Judgment to Market Evaluations*, 48 J. LEGAL EDUC. 417 (1998).

30. See generally Brian Leiter, *New Educational Quality Rankings of U.S. Law Schools for 2000-2002*, available at <http://www.utexas.edu/law/faculty/bleiter/lgourmet.htm>; Brian Leiter, *Measuring the Academic Distinction of Law Faculties*, 29 J. LEGAL STUD. 451 (2000); Philip F. Postlewaite, *Life After Tenure: Where Have All the Articles Gone?* 48 J. LEGAL EDUC. 558 (1998); Philip F. Postlewaite, *Publish or Perish: The Paradox*, 50 J. LEGAL EDUC. 157 (2000).

31. See generally Colleen M. Cullen & S. Randall Kalberg, *Chicago-Kent Law Review Faculty Scholarship Survey*, 70 CHI.-KENT L. REV. 1445 (1995); James Lindgren & Daniel Seltzer, *The Most Prolific Law Professors and Faculties*, 71 CHI.-KENT L. REV. 781 (1996).

32. These studies (*supra* notes 30 & 31) identify the top sixteen general student-edited law reviews as Harvard, Yale, Stanford, Chicago, Columbia, Michigan, Cal-Berkeley, NYU, Pennsylvania, Virginia, Cornell, Duke, Georgetown, Northwestern, Texas, and UCLA.

in which the whole is greater than its parts. The guiding ethos should be that a rising scholarly tide lifts all boats, and that when we row together we not only get to our common destination quicker and easier, it also makes for a more enjoyable and satisfying journey. Like the man who sets out to slay a whale armed only with a row boat and a faith that leads him to bring along a jar of tarter sauce,<sup>33</sup> we come to this task armed only with the ideas described in this essay and a faith in our colleagues that allows us to experiment with different ways to build this scholarly community.

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33. The quote is attributed to noted motivational speaker and leadership guru Zig Ziglar.