

On Scholarship in the American Legal Academy: An Essay

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In the American Legal Academy today, scholarship plays a large and significant role in a number of ways. It provides a basis for determining accreditation, i.e., the approval by the ABA of the quality of a law school's academic program,¹ admission into the exclusive class of member schools of the Association of American Law Schools (AALS),² and entrance into the special Order of the Coif organization.³ It also weighs heavily in the rankings given to law schools in the annual U.S. News and World Report and is often a major evaluation criterion in determining whether law professors obtain tenure at their institu-

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1. AM. BAR ASS'N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 33-34 (2011-2012), available at http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2011_2012_standards_and_rules_for_web.authcheckdam.pdf. Per ABA Standard 403, Interpretation 403-2 "[e]fforts to ensure teaching effectiveness may include: . . . recognition of creative scholarship in law school teaching methodology . . ." *Id.* Also, per Standard 404, "[a] law school shall establish policies with respect to a full-time faculty member's responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school." *Id.* at 34. In addition, the policy should address: "[r]esearch and scholarship, and integrity in the conduct of scholarship, including appropriate use of student research assistants, acknowledgment of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties." *Id.* Also, the policy should address "[o]bligations to the profession, including working with the practicing bar and judiciary to improve the profession." *Id.*

2. *Bylaws*, ASS'N AM. L. SChS. §§ 6-1, 6-6, http://www.aals.org/about_handbook_bylaws.php (last visited July 4, 2012). AALS section 6-1 imposes obligations on and expectations for member schools to value scholarship, academic freedom, and diversity of viewpoints. *Id.* Also, section 6-6 lists member schools' faculty development obligations which include: "[r]ecognition accorded creative scholarship in the appointment and advancement of members of the faculty;" and "[p]olicies and practices concerning reduced teaching loads, relief from committees or administrative assignments, and compensated or uncompensated leaves of absence in order to permit the faculty member to engage in creative scholarship." *Id.*

3. *Constitution*, ORDER COIF § 2.2, <http://www.orderofthecoif.org/COIF-const.htm> (last visited July 4, 2012). Section 2.2 states that "[t]he purpose of The Order is to encourage excellence in legal education by fostering a spirit of careful study, recognizing those who as law students attained a high grade of scholarship, and honoring those who as lawyers, judges and teachers attained high distinction for their scholarly or professional accomplishments." *Id.*; see also pmbl., §§ 5.3, 8.1, 8.2.

tions.⁴ But as is so often the case in our personal and institutional quest for greater status in the Academy, the ingredients or constituent parts of “scholarship” are not well defined and even elusive. Generally speaking, most would agree that scholarship is that which is done by scholars and that scholars are those who do scholarship. But beyond this tautologically unsatisfactory response, there is considerable debate as to what constitutes legal scholarship and whether there are certain types of it that may warrant special encouragement, need greater attention, or deserve special credit.

Thus, my purpose is to explore what arguably is no longer an academic question. There are 202 ABA-approved (accredited) U.S. law schools,⁵ and 986 law journals⁶ (which includes the many second journals or special topic journals at many law schools)⁷ presumably dedicated to publishing scholarship, as well as multiple publication outlets offered by many different media forms.⁸ Given these facts, there should be some standards and criteria for what qualifies for legal scholarship and a greater sense of the kinds of scholarship desired in the Academy.⁹ Each institution is likely to make its own determination of standards for its faculty, but I raise the question of whether there is not a more broadly shared understanding of what should be the standard for legal scholarship. Therefore, in the following essay, I briefly explore the multiple avenues of inquiry that might be employed to explore the current state of American legal scholarship.¹⁰ In doing so, I offer a kind of framework for examining the most relevant questions currently posed and suggest multiple avenues of inquiry. The production of scholarship is so integrated into the American legal education tradition that to allow it to simply take its own course would seem antithetical to the traditions of the Academy, which usually prides itself on having examined, rational approaches for what it does and values. On the other hand, it would also seem inappropriate for our “community of scholars” to set absolute standards regarding the purpose and nature of legal scholarship for fear that such action would lock innovation and creativity into a specific mold that would in fact stifle the development and variety of scholarship.

4. Robert Morse & Sam Flanigan, *Methodology: Law School Rankings*, U.S. NEWS & WORLD REPORT LP, <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2012/03/12/methodology-law-school-rankings> (last visited July 4, 2012). According to the report, forty percent of ranking factors are based on surveys of senior members of law schools, firms, state attorneys general, and judges. *Id.*

5. *ABA-Approved Law Schools*, AM. BAR ASS'N, http://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools.html (last visited July 4, 2012).

6. *Law Journals: Submissions and Ranking Database*, WASH. & LEE U. SCH. L., <http://lawlib.wlu.edu/LJ/index.aspx> (last visited July 4, 2012).

7. *Id.* This study identifies that the 986 law journal number includes the following specialized journals, including: 117 international law journals, 18 international trade journals, 58 environmental law journals, 37 criminal law journals, 33 economic law journals, and 105 public policy law journals. An interesting critique of American law review by a European scholar is Reinhard Zimmermann, *Law Reviews: A Foray Through a Strange World*, 47 EMORY L.J. 659 (1998).

8. See *infra* Part II(A) (discussing forms of publication that may include a variety of electronic ones such as blogs and the Social Science Research Network (SSRN)).

9. One scholar wrote, “Some people think that legal thought is pretty dead these days . . . I think we are experiencing one of the many dreary default periods in the short of [sic] history of American academic law—the return to case-law journalism.” Pierre Schlag, *Spam Jurisprudence, Air Law, and the Rank Anxiety of Nothing Happening (A Report on the State of the Art)*, 97 GEO. L.J. 803, 826 (2009).

10. This article is confined to the topic of American or U.S. legal scholarship; other articles of this symposium address approaches of other legal cultures—the British Commonwealth, Latin American, and Eastern European/Russian scholarship cultures—which may be and are quite different.

Therefore, the task of this essay is to identify and expose the issues and to offer a kind of analytic construct (see appendix to this article) to guide future examination of the issues related to the Academy's efforts to advance and make meaningful legal scholarship. In addition, the essay is designed to be read with the other articles by distinguished scholars in this symposium that reflect the nature of legal scholarship in the United Kingdom and its common law adherents,¹¹ Eastern Europe and Russia,¹² and in Latin America.¹³

In accomplishing this, the article first tackles the difficult subject of identifying what are the purpose(s) of legal scholarship in the Academy today in the United States and explores the range of audiences for which that scholarship might be intended. Second, this essay describes the publication process—the types of publication and publishers and the sponsorships of scholarship. Finally, the article investigates the personal and societal benefits of legal scholarship.

The intent of this article is not to be judgmental; it is rather to raise questions for members of the Academy and the American legal profession at-large to consider.

I. Purpose and Intended Audiences of Legal Scholarship

A. PURPOSE

I start with a fundamental question about which there are undoubtedly differences of opinion—is there or should there be a single, specific goal of American legal scholarship? If more than one purpose is appropriate, should there be a discrete short list of goals for American legal scholarship? A short list of possible purposes for legal scholarship in the American legal culture might include the following:

1. *Doctrinal exegesis.*¹⁴ By this, I mean that scholarship advances a certain theoretical underpinning of a doctrine and develops the policy bases for its acceptance or adoption by the broader legal public. Some view this as the highest form of legal scholarship, for it demands creativity, as well as the development of legal and policy authority to convince academics and members of the profession of its validity and utility.
2. *Analysis of how a law works and its contextual environment.* This is often, but not necessarily, descriptive of a legal area or subject and how the law might operate in a particular case. Some scholarship in this category is criticized for lacking analytical treatment, but increasingly with the introduction of empirical approaches, signifi-

11. See Imelda Patricia Maher, *Legal Scholarship around the World: Traditions, Requirements, Relevance of Irish/British/Commonwealth Scholarship*, *infra* at 645. Professor Maher is the Sutherland Professor in European Law at University College Dublin, and her curriculum vitae is available at <http://www.ucd.ie/research/people/law/professorimeldapatriciamaher/>.

12. See Charles Szymanski, *The Role of Legal Scholarship in Eastern Europe*, *infra* at 655. Professor Szymanski is the Vice-Dean for International Relations for the Vyatus Magnus University Faculty of Law and a visiting professor at Michigan State University College of Law. His curriculum vitae is available at <http://www.law.msu.edu/poland/SzymanskiCV.pdf>.

13. See Alexandre Freitas Câmara, *Legal Scholarship in Latin America: Traditions, Requirements, Relevance*, *infra* at 663. Judge Câmara's curriculum vitae is available at http://www.tjrj.jus.br/consultas/jurisprudencial/curriculo_desembargador/curriculo/formacao_des_alexandre_antonio.jsp.

14. I credit my colleague, Arthur MacAvoy, for naming this purpose in a conversation we had in advance of preparation of this essay.

cant analysis and efforts to derive norms from the facts studied have resulted in scholarship that seems welcomed more recently by the Academy.¹⁵ Thus, when a thesis focused on law reform is coupled with some empirical analyses demonstrating how a law might be improved or removed, this scholarship purpose can be quite valuable to the legal academy and is certainly prized by reformers, innovators, and lawmakers. In addition, this purpose is also employed when scholars seek to clarify the application of a specific law. In such cases, the analysis of related cases, legislation, and other legal sources are frequently quite detailed.

3. *Law reform.* This purpose, of course, is directed at improving the legal condition of society, usually focusing on a specific subject or problem. Well-reasoned and supporting policy arguments for reform and specific suggestions for legislation, judicial action, or other activity are hallmarks of this kind of scholarship.
4. *"How to" or practice-oriented.* This purpose category steps further into the descriptive, providing practitioners of the law with useful guidance and even examples of how to apply certain specific areas of law. Frequently written by practitioners for practitioners, and the outgrowth of continuing legal education programs, these types of publications are well-received by the practicing part of the profession.
5. *Define, describe, and clarify an area of law.* Treatises and "hornbooks" on legal subject areas are examples of this kind of scholarship. These publications often involve deep, analytical explanations, citing much of the legal literature and judicial treatment of the subject. Briefer treatments, but equally noteworthy, are "Nutshells,"¹⁶ which treat a legal subject in a more general and abbreviated way, but still assist in indicating the sources and reasons for certain legal rules.
6. *Chronicle legal developments.* Efforts to examine case-law developments, legislation, and agency enforcement trends may be grouped into this category. Sometimes maligned for their reporting character and lack of analysis, such products, when done well, can be very helpful in ascertaining trends and providing practitioners and students with current and useful assessments of an area of law.¹⁷
7. *Provide educational materials.* Scholars may also purposefully prepare materials to teach from in a specific legal subject area. Providing structure for the materials derived from multiple sources and developing problems, notes, and commentary may also be considered a scholarly endeavor.

Although most purported legal scholarship can be categorized into one of these purposes for legal scholarship, these purposes are not mutually exclusive. Any piece of legal scholarship may manifest a combination of these purposes. The questions for the Academy are the following: are all these acceptable purposes for scholastic work? In other words, do they all qualify as appropriate goals for legal scholarship? Do these purposes result in what we want to credit as legal scholarship? Is it appropriate to determine that

15. See Gregory Schaffer & Tom Ginsburg, *The Empirical Turn in International Legal Scholarship*, 106 AM. J. INT'L L. 1 (2012).

16. Most major legal education publishers offer these in series, for example: "Nutshells" (West-Thomson/Reuters); "Foundations" (Aspen); "Acing" (West-Thomson/Reuters); "Concepts and Insights Series" (Foundation Press).

17. A good example would be the annual "Year-in-Review" issue of *The International Lawyer*, which examines the past year's legal developments of about fifty areas of international law and practice. See Robert E. Lutz, *International Legal Developments in Review: 1996, Introduction*, 31 INT'L LAW. 233, 234 (1997) (setting the tone and scope of this annual review).

certain of these kinds of scholarship deserve greater or lesser credit? If so, by what criteria? Does legal education have an obligation to measure the quality (as compared to the quantity) of scholarship? If so, how can it do that?

B. PRIMARY AUDIENCES

To some extent, these questions about the intended purpose of the scholarship may not be fully answered unless the Academy determines what audiences it wants as the primary recipient(s) of the legal scholarship produced. Thus, what persons or institutions should be targeted to receive the scholarship? Naturally, in many cases, dependent upon the purpose, scholarship will be directed toward audiences involved in the law making and law reform,¹⁸ interpreting,¹⁹ and implementation/enforcement processes,²⁰ which includes the three branches of government at the local, state, and federal levels. Additionally, the natural audiences for legal scholarship are law students, the legal profession, and legal educator peers. Another audience would also have to be the general (non-law) public, which may be more issue-focused, e.g., non-governmental/public interest organizations.

Of course, decisions about audience are most often made by individual authors, notwithstanding the various outside pressures that may be exerted to encourage scholarship to be directed towards specific audiences. But the Academy, by prizing some scholarship over others, may—intentionally or not—encourage authors to aim at certain audiences. One might well argue that—given the nature of the scholarship, its topic, and proposals—some audiences will be more appropriate and preferable. From the Academy's perspective, other considerations, such as an institution's mission, may influence decisions about the audiences to which scholarship should be directed.

18. Some scholarship that is initially directed at courts and their treatment of an issue can ultimately refer the matter to the legislative branch for remedy, and thus be used as a basis for law reform. Other analyses may result from specific studies on the performance of a particular law or an area of regulation; some may be the result of a report to the lawmaking body. This latter type can employ very creative methodologies of gathering empirical data to support its conclusions.

19. As suggested in the elucidation of the range of possible purposes for legal scholarship, certain kinds of scholarship are designed to influence judicial thinking about, e.g., a particular case, a legal development, a new way of thinking about a legal subject area, etc. Thus, courts are often a primary target for scholarship. Reviewing prior cases, examinations of judicial treatment of similar matters in other jurisdictions, and analyses of new policy arguments for particular issues are all ways of reaching courts. Unlike some other legal cultures that discourage, and even embargo, criticisms of court decisions before they have been fully appealed and are final, the U.S. legal culture allows them. As a consequence, law reviews' student comments and notes are also quite often focused on analyzing single court or multiple court decisions, their reasoning and, occasionally, contribute remarks about decisional deficiencies and propose future directions for court treatment. Academics are also increasingly involved in the production of *amicus curiae* before state and federal appellate and supreme courts.

20. Directed at the implementation of laws, regulations, and judicial decisions, scholarship may try to evaluate the performance of the law itself, the agency's implementation, and/or compliance issues facing the industry or public that is subject to the laws.

II. The Publication Process—Who, What, and Why?

A. FORM OF PUBLICATION

There is a wide variety of available publication forms of legal scholarship. They include law journals, books, reports, and electronically delivered data. In evaluating scholarship, the form of publication may be relevant. If one publishes a work in a journal that has a reputation for publishing high-quality articles, it is presumed that the article was partially selected to maintain that high standard. Thus, answers to the following questions may bear on how the particular journal is received by the community of legal scholars generally. Is the journal student-run or faculty managed and operated? Are articles submitted to a peer-review process? Is it a “blind-peer review?” Does it have a large or small circulation? Is the journal focused on a special subject matter (i.e., a specialized journal)? Does it reach a specific audience? If so, does the sponsoring institution have special programs and faculty supporting development of the specific legal area? And, generally speaking, the type of article published—whether it is a full article on a topic or a casenote, commentary, practice guide, or developments survey—will also affect the way the scholarship is received.

Publication in journals is one form. And given the large number and variety of legal journals published,²¹ it is a popular one for legal educators. But other avenues offer scholars ways to publish their scholarship. Books are one such form and can provide authors with access to legal and non-legal audiences, depending on whether they are written for the general public or for professional consumption. Legal treatises, practitioner guides, textbooks, loose-leaf services, and policy analyses are all different types of books in which legal scholars have published their scholarship.

In addition, because of their expertise, scholars are frequently engaged to do reports on special problem areas of the law for government, the Bar, legal institutes (e.g., the American Law Institute), think-tanks, and foundations. The object of some reports is law reform; the object of others may be informational or educational.

Electronic media (the new media) now provides an incredible variety of outlets for scholars to publish their works. From online journals, newsletters, and blogs to pre-publication and re-publication opportunities, scholars enjoy a phenomenal array of publication forms via the internet. Opinion-editorial articles (op-eds), published online or in newspapers, are a popular short form of scholarship by which scholars may reach the general public, target specific audiences, and reveal the legal-policy underpinnings of an issue.

Publication may also occur in an oral form. Using one’s legal knowledge to participate in television and radio commentaries and discussions and making presentations to the public, academic gatherings, and professional groups are often overlooked media for imparting specialized legal knowledge and scholarship.

With all these publication forms, the Academy might well consider whether legal scholarship in one or more forms should be preferred or more highly rewarded. To some extent, scholarship in law journals or books is considered (by the Academy) more desirable than, for example, oral forms or those using the new media. While that seems to be the

21. See *Law Journals: Submissions and Ranking Database*, *supra* note 6.

case currently, the explosive changes brought about by technology may require a re-thinking of the emphasis placed upon scholars to publish in traditional ways.

B. SPONSORS AND PUBLISHERS OF SCHOLARSHIP

Much of legal scholarship is not financed; scholars, in fulfilling their role as educators, are expected to contribute “scholarship” and, as stated earlier,²² do so as part of their job descriptions. Their scholarship is frequently delivered free-of-charge to law journals, self-published without remuneration on the web, or offered to professional organizations that accept it without payment. Thus, while much legal scholarship is not regularly compensated, it is indirectly paid for via the scholar’s salary by the scholar’s institution and sometimes more directly through incentives such as research stipends.

This does not ignore the fact that there are occasional sponsorships for studies or reports from governments (at all levels), foundations, think-tanks, interest groups, and industry sectors that might qualify as scholarship. But along with royalties that may be available from some publishers for books, legal scholarship is largely done without the prospect of significant financial reward other than that which comes to the scholar through his or her professorial salary.²³

While the preceding discussion concludes that there are multiple outlets for the publication of legal scholarship, there has been ongoing concern about the narrowing of the competition among major publishers of law textbooks and other legal scholarship. Use of the outlets for books (and law textbooks) for publication is limited to a small number (and increasingly uncompetitive group) of commercial publishers²⁴ or to university presses that have limited publication runs and long lead times. The practitioner-oriented presses tend to be run by the same commercial ventures publishing law school texts, and attract practitioners, not scholars, to author the books. And while there are many legal periodicals publishing scholarly articles,²⁵ they too have limited circulations. Bar associations at the local, state, and national levels are frequently filled with practitioner-focused articles and reach larger audiences.²⁶

It is no secret that the book publishing industry is facing major challenges to adapt to new technologies and to find less expensive modes for delivering its product. Electronic books, the revolution in self-publishing, and the development of hardware (e.g., the electronic tablet) are all contributing changes to the traditional forms of publication and to the consuming marketplace. The legal Academy, along with the publication industry, is now faced with similar challenges. Distance-learning, open-sourcing, and e-books, are all

22. See *Bylaws*, *supra* note 2 and accompanying text.

23. This contrasts dramatically with some other legal cultures where governmentally sponsored research institutes are specifically engaged in legal research, e.g., the Max Planck Institutes in Germany; which focus on a variety of legal specializations. Among its ten legal research institutes are: Hamburg—international private law; Heidelberg—public international law; Munich—competition, intellectual property and tax law; Freiburg—criminal law. See Max Planck Gesellschaft, MAX PLANCK INSTS., www.mpg.de/institutes (last visited July 9, 2012).

24. Arguably, there are only four or five major legal publishers of textbooks today, including: Aspen Legal Education (Wolters Kluwer Law & Business); West-Thomson Academic Publishers; Foundation Press; and Carolina Press.

25. See *Law Journals: Submissions and Ranking Database*, *supra* note 6.

26. For example, most ABA Sections have a law journal to which their members, academics, and others contribute articles.

pressuring the Academy to assess the educational value of new approaches and methodologies, as well as its productive capabilities in applying these new technologies. With the rising costs of a legal education, and the possibility that new approaches may enhance the reach of the legal scholarship, it may be time for the Academy to consider whether greater weight might be given for the use of and innovation associated with such new technologies.

III. Beneficiaries of Legal Scholarship

A. SOCIETAL USE AND VALUE

Assuming any of the purposes previously described, one could posit that if the purpose was achieved, then the scholarship was beneficial. Unstated in that observation is whether the scholarship is useful to society or to the profession and whether it meets the needs of society that may be beyond those initially targeted by the scholar. An oft-used measure is the extent to which courts, other institutions, and other scholarship might cite to the journal or publication.²⁷ Other measures might include the use by legislators and legislatures and governmental agencies—the other branches of government. But what cannot be ignored is the extent to which scholarship influences and directs student learning, and the acceptance of new doctrine and approaches to legal problems. As Academia is aware, scholarship also influences tenure decisions,²⁸ and its quality (in that regard) is usually measured by its impact on the courts and others.

B. PERSONAL BENEFITS OF DOING SCHOLARSHIP

In a discussion about legal scholarship—its motivations and content—it is difficult to exclude the personal benefits that scholars derive from doing it. That internal conviction by a scholar, which can contribute valuable information or perspective, is an integral part of driving scholars to contribute their ideas and analyses to the literature of the law. Certainly compensation, as salary or provided in other forms, is an incentive and also serves as a basis for promotion or as reputational enhancement—both among peers and the professional bar. But successful scholarship also offers the personal benefits of reputational growth within the Academy and increases opportunities for collaboration with other scholars.

IV. Conclusion

Legal education in the United States is changing. The role of the scholar—so tied to the legal education establishment—is likely to be challenged by the changing nature of the process and substance. The U.S. experience evidences a need to consider the impacts of technology and the changing legal needs of society as well as the future role of lawyers.

27. See David L. Schwartz & Lee Petherbridge, *The Use of Legal Scholarship by the Federal Courts of Appeals: An Empirical Study*, 96 CORNELL L. REV. 1345, 1354 (2011). See also Steve Wilson, *Five Star Review*, FORDHAM LAW., Spring 2012, at 16, 16-21 (in which the article celebrates the century old journal and its rankings with respect to courts' citations of its articles and its articles' citation by other journals).

28. See, e.g., Katherine Barnes & Elizabeth Mertz, *Is It Fair? Law Professors' Perceptions of Tenure*, 61 J. LEGAL EDUC. 511 (2012).

APPENDIX

Outline of Legal Scholarship Queries

1. **What is the purpose of legal scholarship in your legal culture?**
 - a. Doctrinal exegesis?
 - b. Analysis of how law works and its contextual environment?
 - c. Practice oriented, how to?
 - d. Other?
2. **Primary audiences (indicate whether national, sub-state)?**
 - a. Courts
 - b. Legislatures
 - c. Executing agencies, e.g., administrative agencies
 - d. Academia (indicate whether peers/colleagues, other faculty, students)
 - e. NGOs
 - f. Students
 - g. Practitioners
 - h. Public
 - i. Other?
3. **What is form of publication?**
 - a. Law journals?
 1. *Peer-reviewed?*
 2. *Law-student run?*
 3. *Faculty-managed/operated?*
 4. *Professionally-edited*
 5. *Specialized? If so, which areas are most prominent among specialized subject journals?*
 - b. Books?
 1. *Popular distribution, i.e. general public? Nationally? Internationally*
 2. *Legal treatises?*
 3. *Practitioner guides?*
 4. *Operated by for-profit legal publishers? Practitioner focused? Legal education focused? General?*
 5. *University Presses?*
 6. *Other?*
 - c. Reports?
 1. *By Bar/ Law Society?*
 2. *For Government?*
 3. *Think-tank group studies?*
 4. *Foundation-sponsored?*
 - d. Electronic publication on the web? What type? Blogs? SSRN (Social Science Research Network)? Online journals? Newsletters?
 - e. Opinion-editorial (op-eds) in newspapers
 - f. TV/radio commentary, discussions
 - g. Public/academic/professional group (e.g., bar) conferences
4. **Who/what sponsors scholarship?**
 - a. Law school? University ?

- b. Government? At what level (national, sub-national [e.g., state, Land, province], local)
 - c. Think-tanks (e.g., Max Planck-Germany)—independent, but Government-funded? Private? Specialized interest? Industry/trade group/business? NGO?
 - d. Other?
- 5. Who are the Publishers?**
- a. Of Books
 - 1. Operated by for-profit legal publishers? Practitioner focused? Legal education focused? General?
 - 2. University Presses?
 - 3. Other?
 - b. Of legal periodicals
 - 1. Law schools
 - 2. Law societies/ bar associations
 - 3. Courts
 - 4. Government (e.g., Justice Ministry)?
 - 5. Commercial (e.g., California Lawyer)
 - c. Other?
- 6. Societal Use/Value of Scholarship (i.e., how is scholarship used by society?)?**
- a. Courts cite to it? For what purpose(s)?
 - b. Legislators use it
 - c. Governmental agencies use it to support change or status quo
 - d. To what extent does/can your legal culture's legal scholarship benefit other legal cultures? (e.g., influence internationally?)
 - e. Other?
- 7. Personal Benefits of Doing Scholarship**
- a. Compensation (by institution? Publisher? Foundation? Other? How much? For what?)
 - b. Promotion vehicle
 - c. Reputation enhancement (e.g., become "the" expert) for use by clients, law firms?
 - d. Collaboration with other scholars/practitioners
 - e. Satisfaction?
 - f. Other?