

# AALS

## New Law Professors Section

### *A Message from the Chair*

Dear Colleagues,

I have very much enjoyed serving as chair of the AALS New Law Professors Section. It seems just yesterday that I was attending my very first AALS meeting, and now I have tenure and am the chair of the AALS New Law Professors Section. As I think about mentorship – the theme of this newsletter and our AALS panel this year – I know that I would not have made it to my current position without the help of so many mentors along the way.

I can't name every one of my mentors or this letter would be too long for the space I am allotted, but I have developed mentors along every step of my career – often many in one location. Different mentors have served different purposes – forcing me to think more deeply about scholarship, introducing me to important figures in my field, keeping me on track to navigate the tenure process, and helping me to balance all the responsibilities of teaching, scholarship, service and life.

*Continued on page 2*

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#### ***Inside This Issue***

##### **Page**

<b>1</b>	<b>Message from the Chair (Jennifer Carter-Johnson)</b>
<b>2</b>	<b>A Taxonomy of Legal Mentorship (Andrew G. Ferguson)</b>
<b>5</b>	<b>Peer Mentoring and Networking: Perspectives from a "Junior" Intellectual Property Academic (J. Janewa Osei-Tutu)</b>
<b>6</b>	<b>Setting Up New Professors with an Outcomes Assessment Toolkit (Tracy Turner)</b>
<b>8</b>	<b>Junior Scholar Seeking Compassionate, Interesting Mentor for Career-Long Relationship (Nathalie Martin)</b>

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## *A Message from the Chair (continued)*

At the same time, I hope that I have been a mentor to some of those who have come behind me. I firmly believe that we can all give back to our community by supporting each other. Even at the earliest stages of an academic career, a junior faculty member can give advice to someone looking to enter the academy or comment on a colleague's scholarship. Sharing a syllabus or slides with someone who has a new prep may seem easy but can lighten a beginning teacher's load. These actions may not seem like the common concept of mentorship, but each action may begin a new relationship. In the end, that's what mentorship is – a relationship.

Our session at the 2017 AALS annual meeting is Getting By With a Little Help From Your Friends: Mentorship in Teaching and Scholarship. Mentorship comes in a variety of forms. We will hear about mentorship in both teaching and scholarship from people at various stages of their careers. Panelists will discuss how to find a mentor and how to become a mentor – even as a junior faculty member. Panelists include Martha Albertson Fineman, Emory University School of Law and 2017 recipient of the AALS Ruth Bader Ginsburg Lifetime Achievement Award, Janewa Osei-Tutu, Florida International University College of Law, and Howard Katz, Duquesne University School of Law.

There will be a business meeting immediately after the program where we will elect officers. I invite you to attend the meeting and become a member of the leadership team. The NLP Section seeks to have a diverse set of voices as we work to help you (and ourselves) become the best scholar and teacher possible.

My thanks to the officers of the section: chair-elect Eugene D. Mazo, Rutgers Law School; secretary Dov Waisman, Southwestern Law School; treasurer Mary Leto Pareja, University of New Mexico School of Law; and the members of the Executive Committee. I look forward to meeting with everyone in a few weeks!

Sincerely,

Jennifer Carter-Johnson  
Michigan State University College of Law  
Chair, New Law Professors Section, AALS

## *Mentoring And More...*

### **A Taxonomy of Legal Mentorship**

*Andrew G. Ferguson*

Being a law professor can be an isolating profession. Even surrounded by supportive colleagues and energetic law students, much of your time is spent alone in front of a computer, behind a book, or working on teaching materials. Hidden professional tests concerning tenure, the law review

submissions process, or student issues arise unexpectedly and without easy answers. Such a feeling of isolation can grow without mentors to help guide you through the challenges and uncertainties of the academic life. If you want to thrive, find a mentor (or

several) to open doors, provide advice, and give comfort.

Professor Andy Taslitz was a great law professor and an even better person. After he passed away in 2014, Howard Law School held a wonderful tribute and Symposium to his work and memory. I gave a short presentation that discussed what I called the “Taxonomy of Legal Mentorship.” I spoke in the context of honoring Andy as teaching me the value of legal mentorship. This is my not too serious take on a broader taxonomy of legal mentorship.

The first question for any taxonomy is to define our terms. Borrowing from the work of Professor Emily Sherwin in her article “Legal Taxonomy,” we could choose to use: (1) a formal taxonomy (a study of rules and logical connections), or (2) a functional taxonomy (a study of social roles), or (3) or a reason-based taxonomy (a study of justifications).

A function-based taxonomy fits best as it classifies things according to their social function or the role they play in society. Here our society is law professors. And, the function of a mentor is to support the professional and scholarly endeavors of other faculty.

So, my quick and dirty taxonomy of types of mentors in the legal academy goes like this:

1. **Friend Mentor** – The friend mentor is your former law school classmate (or equivalent) and now a slightly more experienced law professor – who you send that first draft of any article to in order to make sure you are not a complete idiot before sending the article out to others you actually need to impress. They also can help guide you through the daily stress of that first class prep, that

angsting first law review submissions cycle, or that first dramatic student issue. A friend mentor might be in your school, but can also be found at various conferences, workshops, or panels.

2. **Colleague Mentor** – The colleague mentor is a professor in your law school with the responsibility to act as a “mentor.” The mentor can be formally assigned or simply someone you trust. But, they are the person to whom you go inquire about how the promotion and tenure committee would view your explosive new empirical research into “low productivity rates of senior faculty.”
3. **Conference Mentor** – The conference mentor is the person you buttonhole every annual AALS Conference for profound career advice at the bar or coffee station (when you are both skipping the substantive meetings and finding the free cookies). Conference mentors provide valuable, if episodic feedback on your career and scholarship from someone who probably cares only at the superficial level about your ultimate success.
4. **Scholarly Mentor** – Scholarly mentors are people who write in your area of interest who you send every article to in the hopes that your article will be improved. They are probably the most important type of mentor. They can be within a school (if you are lucky) or in another school. If they say the article passes muster (or say something to the effect of “I don’t think this idea is any worse than anything the rest of us have come up with...”), it goes out.

5. **Email Mentor** – The email mentor is a new phenomenon. Many of us have realized that one can simply email people out of the blue with an article, or question, and that law professors have the time and inclination to occasionally respond. You can even do this with the biggest name in law (at least those who have email). Email mentors are helpful for substance, career advice, and many times more honest than your colleagues.
6. **Life Mentor** – Life mentors are people who you go to not about teaching, scholarship, or service, but about the all-consuming effect of teaching, scholarship, or service on your life. They provide balance and reassurance, if not the answers. They are the ones who can explain why you feel stressed even though you only teach three classes a week, and have to write at most two articles a year (with summers off).
7. **Identity Mentor** – Identity mentors are life mentors and scholarly mentors who because of a shared self-identity make the advice that much more convincing.
8. **Trenches Mentor** – This is someone with whom you started your academic career, and who is on roughly the same career trajectory. This can be someone in your specialty area or someone at your home institution who was hired at the same time you were. My trenches mentor, Kristina Campbell, came up with the idea.
9. **Teaching Mentor** – Teaching mentors are those who because of their charisma, intelligence, or intense preparation thrill a class like you only wish you could. They provide assistance by modeling good teaching, engagement with students, and passion for the subject. They teach teaching by example.
10. **Hero Mentor** – The hero mentor is a professor who combines scholarship, teaching, and life in a way that you admire. If you are lucky you can latch on to one and learn as much as you can before life tragically takes them from you. Andy Taslitz was that hero mentor to me (and others).

Finding a mentor is no easier than the other tasks and challenges of legal academia. It involves potential risk, rejection, and perhaps worse, just being ignored. But, mentors remain important for creating a supportive space to think, innovate, vent, and learn. If you study those who do succeed as law professors, you will see that a mentor led the way.

*Andrew G. Ferguson is Professor of Law at University of the District of Columbia David A. Clarke School of Law. This comment was adapted from a speech given at a Symposium at Howard Law School in honor of Andrew Taslitz. A version was posted on [prawfsblawg](http://prawfsblawg.com) (a good place for informal mentorship) on April 7, 2016, and is reprinted here with permission. <http://prawfsblawg.com/prawfsblawg/2016/04/a-taxonomy-of-legal-mentorship.html>.*

## Peer Mentoring and Networking: Perspectives from a “Junior” Intellectual Property Academic

*J. Janewa Osei-Tutu*

New scholars have a steep learning curve. Fortunately, one can turn to established scholars in the field, and senior colleagues in one’s institution for advice. Scholars who share the same field of expertise can be extremely helpful when it comes to advice about a number of things, including which conferences to attend, who are some of the scholars that write on similar matters, and which specialty journals will garner respect within your circles. Supportive senior colleagues within one’s own institution are invaluable since, as is often said in academia, all politics are local. Senior colleagues can provide guidance about the scholarship and teaching norms of the school, as well as the promotion and tenure process. This kind of advice and support is critical to one’s success.

The natural tendency, as a new scholar, is to look to those ahead of us for support and guidance. However, peers can also be an excellent source of support. Peer mentoring is common in a variety of educational settings, ranging from college and universities to middle schools. While peer mentoring is recommended as a way to promote educational success, it can lead to increased professional success as well.<sup>1</sup> More importantly, building peer relationships is fun.

Prior to joining the legal academy, I practiced law for a few years. During that time, I learned not only from my senior colleagues, but I also enjoyed sharing ideas and experiences with my contemporaries. I found this to be both emotionally and professionally beneficial. As compared to

legal practice, I spend far more time working alone in academia. However, there are various ways for peers to connect and support one another.

One peer mentoring experience that has been rewarding for me is to speak with a small peer writing group on a regular basis. We are at different schools and we write in different areas of intellectual property law. When we started these telephone meetings one summer, we were not sure whether we would continue. However, we all found the conversations to be very helpful, and so we have continued to speak every few weeks for no more than one hour. We discuss our writing projects, but also share our experiences, and encourage and advise one another.

My first exposure to formal peer mentoring in the legal academy was the Junior International Law Scholars Association (JILSA). This organization provides an opportunity for junior scholars in international law to exchange ideas and to critique each other’s scholarship. As a scholar in international intellectual property, I was interested in engaging with international law scholars, but also with intellectual property academics. Another intellectual property scholar, Patricia Judd, and I thought it would be great to have something similar for newer intellectual property academics. There are numerous intellectual property meetings, but we were not aware of any forum for junior scholars to critique the work of other junior intellectual property scholars. Our goal in establishing the Junior Intellectual Property Scholars Association (JIPSA) was to create an inclusive forum for junior scholars in intellectual property law to exchange ideas and to get to know one another. We

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<sup>1</sup> Meera E. Deo and Kimberly A. Griffin, *The Social Capital Benefits of Peer Mentoring Relationships in Law School*, 38 Ohio N.U. L. Rev. 305, 308-309.

consulted with the JILSA leadership to discuss best practices, and came up with a structure that we thought would work best for our proposed group.

I have found the experiences at the JIPSA workshops to be quite rewarding. Like most other academic meetings, those who participate in these workshops come from a range of schools, including those that are well ranked and those that are not ranked. The workshops, which are hosted by a different school each time, bring together a small group of newer intellectual property academics in a relaxed setting. During and after each workshop, the group revises and improves upon the format. The workshops have been intellectually stimulating and a tremendous amount of fun because the

participants tend to be a dynamic and collegial bunch. We started with annual workshops but the group suggested that it would be worth having spring and winter workshops each year.

There is already a high level of collegiality among the intellectual property academic community. However, connecting with other “juniors” who are dealing with similar issues has been a valuable experience. For me, engaging with my peers has helped to create friendships and a strong sense of community that extends far beyond the walls of my law school.

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## **Setting Up New Professors with an Outcomes Assessment Toolkit**

*Tracy Turner*

Along with syllabi, course plans, and roll sheets, outcomes assessment must now be an essential part of a mentor’s checklist. In 2007, the *Best Practices* guide urged law schools to join the global movement toward outcomes assessment in professional education.<sup>1</sup> The ABA heeded that call and now requires, in standards 301, 314, and 315, that all law schools engage in outcomes assessment. To embrace this new requirement, law schools must train new professors on the effective integration of learning objectives and assessment. This article will suggest a toolkit to enable new professors to hit the ground running.

**What is outcomes assessment?** Mentors should portray outcomes assessment not as an external accreditation requirement but as a fundamental aspect of teaching. Excellent teachers never assume that their teaching

techniques are working but constantly seek feedback and opportunities to improve. Outcomes assessment is an essential aspect of this quest for improvement. We target a set of desired results, we synchronize our evaluation of students to those results, and we reflect on our effectiveness in steering our students toward success.<sup>2</sup> When we see that our students are not achieving our targeted results, we investigate the cause and self-correct. Without this process, we are like a baker who assumes her ingredients will come together to make a tasty treat without ever taking a bite of her own goods and then stares in disbelief as her customers run out the door. Like intuitive baking, intuitive teaching can only get us so far. Excellence requires that we test the effectiveness of our methods.

**Tool #1: School’s mission statement, core values, and/or learning objectives.** The

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<sup>1</sup> Roy Stuckey, et al, *Best Practices for Legal Education: A Vision and a Roadmap* 45-49 (Clinical Legal Education Association 2007)

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<sup>2</sup> *See id.* at 55 (explaining the need to connect goals to assessment).

first step facing a new law professor is to identify the learning objectives for her courses. An institution looking for cohesiveness in its program of education will want the new professor to start with the institution's goals for its students including the institution's learning objectives for its JD program, its mission statement, and its core values, if available. Of course, a mentor would not want to stifle innovation by the new professor and should expect the new professor to create additional objectives and perhaps more specific articulations of the institutional goals. However, drafting individual learning objectives for a course without considering the overall goals of the institution is a bit like building a bed before you have considered whether it will fit through your child's bedroom door. Mentors should provide the institution's goals and encourage new professors to create symbiotic course objectives and even carry over some of the language when possible. Law schools that are part of a larger institution may also want to provide the broader institutional mission statements, core values, and learning objectives.

**Tool #2: Sample learning objectives.** Like any other aspect of teaching, setting useful and achievable learning objectives takes experience. Which skills or legal concepts can a professor reasonably expect to cover in a three-credit course at the particular institution? What degree of mastery should a professor expect most students to attain? Can certain key words help or hinder the reflective component of outcomes assessment? New professors cannot be expected to answer these essential questions without help. Mentors should seek good sample learning objectives from colleagues, preferably in similar courses, to provide to new professors. Mentors unfamiliar with outcomes assessment may want to ask for help in identifying good sample learning objectives from the administrator who is most directly involved in overseeing

outcomes assessment at the school. *Best Practices* also provides some sample learning objectives for a variety of courses.<sup>3</sup>

**Tool #3: Sample rubrics.** To become a full participant in outcomes assessment, a professor must also assess her students' achievement of her courses' learning objectives. Rubrics, or "criteria-referenced assessments," are a key tool.<sup>4</sup> Each stage of assessment should use a rubric that is tied to the course's learning objectives.<sup>5</sup> For example, if one of the learning objectives is that students will be able to organize a legal analysis in IRAC form, then the professor should have IRAC in the rubric she uses to grade an exam answer or to provide feedback on a practice question. The professor can have various categories of achievement in IRAC organization including, for example, "not competent," "inconsistently competent," and "consistently competent." Ideally, the mentor could provide sample rubrics used by the same professors who created the sample learning objectives that the mentor provides to the new professor so that the new professor can appreciate the symbiotic relationship between rubrics and learning objectives. Mentors can refer new professors to Sophie Sparrow, *Describing the Ball: Improve Teaching by Using Rubrics – Explicit Grading Criteria*, 2004 Mich. St. L. Rev. 1-55 (Spring 2004), which includes several sample rubrics from a variety of law school courses.

**Tool #4. Training on effective feedback techniques.** Although ABA standard 314 does not require that every professor engage in formative assessment, it does require law schools to ensure that all students are receiving formative feedback. Mentors

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<sup>3</sup> *Id.* at 56-59.

<sup>4</sup> *Id.* at 243-45.

<sup>5</sup> *See id.* at 235 (stating that the main purpose of assessment should be to discover whether students have mastered the learning objectives of the course).

may, therefore, want to train new professors in effective feedback techniques including the following: 1) growth-oriented feedback that conveys strategies to correct mistakes rather than judgmental feedback that merely pronounces the worth of the student's current work; (2) inclusion of sincere praise of a student's more successful efforts; (3) feedback that is sufficiently specific to empower the student; and (4) feedback that encourages independent thought rather than simply providing answers and corrections. Some great articles on feedback that can be helpful to new professors include Elizabeth Blum, *A Law School Game Changer: (Trans)Formative Feedback*, 41 Ohio Northern Univ. Law Rev. 227-259 (2015); Paula J. Manning, *Understanding the Impact of Inadequate Feedback: a Means to Reduce Law Student Psychological Distress, Increase Motivation, and Improve Learning Outcomes*, 43 Cumberland Law Rev. 325-357 (2103); and Carrie Sperling and Susan Shapcott, *Fixing Students' Fixed Mindsets: Paving the Way for Meaningful Assessment*, 18 J. of Legal Writing 39-84 (2012).

**Tool #5. Sample student surveys.** Finally, since outcomes assessment is fundamentally a process of improving as teachers, a mentor should encourage new professors to use student surveys at least once in the middle of a semester to receive feedback on their teaching in time to make an adjustment if needed. Student surveys can be generated

through Survey Monkey, Westlaw's TWEN, Lexis's Blackboard, and similar online programs. However, less formal methods of surveying students can be equally effective. For example, a professor can end class a few minutes early and ask students to write down a few questions about that day's lesson or can ask each student to jot down a few suggestions about the course. Mentors should obtain some sample student survey instruments and techniques to share with new professors.

For veteran teachers raised in the era of input-focused legal education, the transition to outcomes assessment can be daunting. We have to change our syllabi, create formative assessment opportunities, convert to rubrics, and start holding ourselves accountable for our students' successes and failures. Mentors can save new professors from the same fate by making outcomes assessment a natural component of their orientation. New professors can become "assessment natives" and usher in a new era of legal education in which students and professors understand how the pieces will come together to foster excellence in the legal profession.

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## **Junior Scholar Seeking Compassionate, Interesting Mentor for Career-Long Relationship**

*Nathalie Martin*

This article is about finding mentors to help you traverse your career. Before I begin, I thought I'd share a bit of history about the New Teachers Section of the AALS. I and four others started this section fifteen years ago, when we first started attending the annual conference. We all found the conference to be incredibly intimidating and

hierarchical. We started the section to help people find friends to hang out with at the conference, help them navigate the challenges of the tenure process with peers from other schools, and help them navigate law school politics, all in a safe non-threatening environment. As one of the founders, I was excited to be asked to write



about mentoring. In my 20 years in the academy, I have had and continue to have many wonderful mentors. I also have wonderful mentees.

We can all use mentors for both teaching and scholarship, and I will warm up with a few thoughts on teaching. Studies show that students are drawn to teachers who possess two traits: one, they have a mastery of the subject matter, and two, they genuinely care about students. Needless to say, showing students you care about them is far easier for new teachers than mastering the subject matter. So what specifically can you do to show students you care? Stick around after class and show up a little bit early for the class. Walk through common areas, and also encourage students to come to your office hours. Many more senior teachers will have stopped doing these things long ago. All of this can take time but can build amazing rapport in your classroom. Students will like you and want you to succeed. They'll participate more in class discussions. They may even assume you know what you are talking about. Studies also show that regardless of how much a teacher knows about the subject they teach, teachers at all levels (high school through graduate school) get better teaching evaluations if they learn their students' names. Doing so shows both respect and intellect. Even if this takes you a bit longer, learning student names definitely shows that you care.

Now on to scholarship and mentoring. We all know we need mentors, but how do these critical mentoring relationships develop? I was a Temple Law School grad fellow before becoming a tenure-track law professor at the University of New Mexico. This is a law professor training program in which one earns an LL.M. in Legal Education. This program itself provides invaluable mentoring advice, some of which I share here.

My mentor at Temple insisted that I send my early drafts of law review articles to a few people he knew in our field who were writing about similar things. I had no idea how to write a law review article and honestly, the thought of sending my work in progress to these people (some of whom were quite well-known) was about as appealing as a difficult dental appointment. How could I find a good job and get tenure when I was sending my unfinished work to people who were giants or potential giants in my field? Nevertheless, this mentor more or less controlled my future opportunities so I did what he said.

Some people I never heard from again, but two, I did. One (arguably now the biggest name in my field) sent me a few written comments by mail, complimented the piece, and sent me various opportunities thereafter. In various indirect ways, this person got me where I am today. Another person became a true life-long mentor. She commented extensively on the phone and in writing, and gave me a great deal of very helpful feedback. My article drew on her work so she was interested in seeing the development of her ideas by a new scholar. I later asked her to meet me for a coffee at the next AALS conference and she said yes. Although she was rushed and I had literally *no* other plans for the entire conference, we had a great time. We were very much alike, and this sweet relationship continues to this day.

While outside mentors (meaning mentors from other schools) come in handy in all aspects of our careers, outside mentors for scholarship are the most indispensable. People at our own schools have a vested interest in seeing us carry our own weight in the classroom and through meaningful community service. While they also want each of us to become great scholars, it is a specialized world so most of our colleagues

at our own schools are in other fields. Sending your work to senior colleagues at your own school can also be downright scary. Sending work to outsiders is much less so. If you send an article out for comment, and the recipient does not respond, so what. Most people are so busy, they likely will not even recall that you sent it, if indeed they don't respond.

But what if it is real dreck, you might be wondering? Forget that thought and send it! I have never once read a piece by a junior person and thought to myself, "Wow, this person is dumb." Some of the pieces I have read by junior scholars were quite well developed, others were quite rough, but we all are familiar with these stages of writing. Rough is fine. The less developed the piece is, the more influence the mentor or reader

can have. It can feel really good to have that kind of influence.

So my advice is, just do it. Reach out to people whose work you admire or whose work you use in your writing. They will frequently be flattered at the attention and excited to help the next generation. If they aren't, move on. And one other thing. Mentoring relationships are just like all other relationships. You need some common ground and some common interests, often outside of writing law review articles. Sometimes you find a good mentor right away and other times it takes a while. Be open and make the effort and you will likely find just the right ones for you.

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*Many thanks to all of our contributors. If you have suggestions or ideas for future newsletters, please feel free to e-mail the incoming secretary, Mary Leto Pareja, at [mpareja@law.unm.edu](mailto:mpareja@law.unm.edu).*