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## Enhancing Reciprocal Synergies

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# Enhancing Reciprocal Synergies Between Teaching and Scholarship

Ruthann Robson

## Introduction

No matter how many times and in how many ways it is debunked, the stereotype of dissonance between teaching and scholarship persists. The canard lingers: one can be a good teacher or one can be a good scholar, but only the rarest of persons can be both. Yet so many legal academics are both, even as we strive to be better at each endeavor. This essay, based on a presentation at the Best Law Teachers Conference, outlines some strategies for enhancing the reciprocal relationships between teaching and scholarship for their mutual improvement. It begins with a brief consideration of the empirical studies about the relationship between teaching and scholarship in legal academia. The essay then turns toward the experiential, with the simple overarching suggestion that we can enhance the synergies between our scholarly and pedagogical endeavors by paying attention to them. The essay highlights four categories—the doctrinal, the theoretical, the methodological, and the professional—and discusses ways to strengthen their mutually reinforcing aspects. The essay ends by offering three techniques to assist legal scholars and teachers to pay attention regardless of the category and thus enhance the reciprocal synergies between scholarship and teaching.

## I. The Empirical Background

The empirical scholarship exploring whether there is a relationship between teaching and scholarship in the legal academy is largely inconclusive. In Deborah Jones Merritt's excellent 1998 article, she concludes that claims "that scholarship either systematically detracts from teaching, or that it is

**Ruthann Robson** is Professor of Law and University Distinguished Professor, City University of New York School of Law. This essay is based on a presentation at the Best Law Teachers Conference sponsored by the Institute for Law Teaching and Learning (June 2014) featuring some of the 26 law professors studied in the book *WHAT THE BEST LAW TEACHERS DO* (2013) by Michael Hunter Schwartz, Gerald F. Hess, & Sophie M. Sparrow. I am grateful for the research assistance of Jacqueline Meese of CUNY School of Law, Class 2016, regarding the empirical relationships between scholarship and teaching. My own scholarship includes the books *DRESSING CONSTITUTIONALLY: HIERARCHY, SEXUALITY, AND DEMOCRACY* (2013); *SAPPHO GOES TO LAW SCHOOL* (1998); and *LESBIAN (OUT)LAW: SURVIVAL UNDER THE RULE OF LAW* (1992), as well as editing the three volume set, *International Library of Essays in Sexuality & Law* (2011).

essential for good teaching, both remain unproven.”<sup>1</sup> Merritt’s article was part of a symposium that also included work by James Lindgren and Allison Nagelberg who found a “small positive correlation between teaching and scholarship,”<sup>2</sup> and by Fred Shapiro who concluded there was a negative correlation between successful scholars and their teaching prowess.<sup>3</sup> In an empirical study published in 2008, Benjamin Barton found there was “no correlation or a slight positive correlation” between teaching effectiveness and scholarly success.<sup>4</sup> In a forthcoming article, Tom Ginsburg and Thomas Miles determine that there is “no strongly negative relationship between the volume of scholarship and the amount or quality of teaching,” and indeed there may even be a positive correlation.<sup>5</sup>

In considering these studies, the usual caveats regarding empirical studies apply. The composition of the pool varied widely. For example, Merritt looked at 832 law professors across a wide number of schools, Lindgren and Nagelberg looked at selected professors across three law schools, most unusually Shapiro considered a select group of highly-cited legal scholars, Barton considered nineteen law schools using four years of data, and Ginsburg and Miles used ten years of data and focused on a single law school (that was one of the three also studied by Lindgren and Nagelberg). Additionally, there are issues with the very definitions of teaching (default to the classroom) and scholarship (default to the law review article). Even more problematical are the measurements for “good” teaching and “good” scholarship. Student evaluations are the most common method for measuring successful teaching, although teaching awards, and again most unusually in Shapiro’s study, the mention of teaching in a law review tribute to the professor.<sup>6</sup> Scholarship

1. Deborah Jones Merritt, *Research and Teaching on Law Faculties: An Empirical Exploration*, 73 CHI.-KENT L. REV. 765, 812 (1998).
2. James Lindgren & Allison Nagelberg, *Are Scholars Better Teachers?*, 73 CHI.-KENT L. REV. 823, 824 (1998).
3. Fred R. Shapiro, *They Published, Not Perished, But Were They Good Teachers?*, 73 CHI.-KENT L. REV. 835, 840 (1998) (stating that the general import of his findings is that “in a reward system based, in law schools as in universities as a whole, on published scholarship credentials, emphasis on teaching inevitably perishes, and those who succeed admirably in the scholarship game may nonetheless have some kind of problem with the task of teaching law students.”).
4. Benjamin Barton, *Is There a Correlation Between Law Professor Publication Counts, Law Review Citation Counts, and Teaching Evaluations? An Empirical Study*, 5 J. EMPIRICAL LEGAL STUD. 619, 640 (2008).
5. Tom Ginsburg & Thomas J. Miles, *The Teaching/Research Tradeoff in Law: Data from the Right Tail*, EVALUATION REVIEW (forthcoming), draft available at <http://ssrn.com/abstract=2394114>.
6. As Shapiro explained,
 

The only practical method [for assessing teaching] that occurred to me was examining tributes published in law reviews upon the retirement or death of the scholar. Praise of teaching ability in a commemorative or obituary essay in the professor’s own law school’s law review might be suspect, as such pieces are constrained by conventions of celebration and politeness, but my theory was that a mediocre or poor teacher could be spotted by the complete absence of praise or the (presumably rare) expression of negative comments with regard to teaching. If there were no mention whatsoever of

was generally assessed by number of articles (“output”), publication venue (“top tier student-edited law review”) or number of citations by others (“scholarly impact”). Each of these measurements is deeply flawed, as the authors of the studies usually acknowledge. Moreover, the studies augment such measurements with anecdotes and intuitions alongside the statistics and regression analyses,<sup>7</sup> echoing the generality of the observations announced in essays on the topic.<sup>8</sup> Indeed, it may be as Benjamin Barton concluded, the data might be best likened to “something of a Rorschach test—people tend to read in their own preferences.”<sup>9</sup>

Additionally, the implicit political project of each study is worth acknowledging. It is the production of scholarship that is incentivized and valorized as Deborah Merritt noted in 1998, even as legislators and members of the public argue that professors should devote more energy to teaching.<sup>10</sup> The 2014 article by Ginsburg and Miles is quite explicit in its goal to disprove the notion that law schools are “failing” because the emphasis on scholarship detracts from teaching.<sup>11</sup>

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teaching excellence in a tribute, it could be guessed that the subject of the tribute was probably a mediocre or poor teacher.

Shapiro, *supra* note 3, at 837.

7. For example, Ginsburg and Miles write:  
 Subject matter makes some difference for teaching ratings. Figure 1 shows the number of courses evaluated (right scale) and median scores received in those courses (left scale) by the subject area of the course. Constitutional law and international and public law courses receive the most favorable scores. By contrast, business law, corporate law, and tax law receive the lowest scores. A common intuition is that courses with complex statutes and transactions where questions are narrow in the sense that answers can be objectively correct (or wrong) are less enjoyable for law students than courses that deal with broad issues about the proper organization of society and where answers depend more heavily on the quality of lawyerly argumentation. But we cannot, of course, reject the possibility that the latter type of course draws better teachers.  
 Ginsburg & Miles, *supra* note 5.
8. See, e.g., Erwin Chemerinsky, *Why Write?*, 107 MICH. L. REV. 881, 882-83 (2009) (“Ideally, scholarly writing offers insights that are useful to others, but at the very least, it helps the author understand an area better and clarify his or her thoughts. Frequently, that greater knowledge and understanding helps in teaching as well.”); David L. Gregory, *The Assault on Scholarship*, 32 WM. & MARY L. REV. 993, 999 (1991) (“If professors do not engage in scholarship, they cannot fully foster critical analytical skills in their students, because their own skills will atrophy. Squandering these intellectual professional resources is inexcusable.”); Edward Rubin, *Should Law Schools Support Faculty Research?*, 17 J. CONTEMP. LEGAL ISSUES 139, 154-55 (2008) (“While there is almost certainly a connection between knowledge and teaching ability, the connection between research and teaching ability is attenuated at best, and the great likelihood is that these two skills vary almost independently of one another.”).
9. Barton, *supra* note 4, at 642.
10. Merritt, *supra* note 1, at 765.
11. As they state:  
 There has been much debate about whether the performance of American law schools is failing, according to various metrics. Critics argue that US law schools subsidize

Yet even if perfected, the empirical project does not necessarily lead to a plan of action. At the conclusion of his empirical study finding that teaching effectiveness and scholarship are not strongly related, Benjamin Barton noted it was “worth thinking about why the AALS and ABA accreditation standards basically require every law school in the United States to have a sizable teaching faculty that also engages in scholarship.”<sup>12</sup> Certainly there is much thinking about systemic change regarding the allocations of law faculty responsibilities.<sup>13</sup> But whether or not such change occurs, the empirical studies do not provide a map for our individual practices. For Deborah Merritt, the task of empirical studies “is to confront the deeply held assumption that teaching and scholarship must ‘necessarily detract from one another’” and that once that assumption “is called into question, if not disproven,” an empirical study can only provide “clues” for improving our actual practices.<sup>14</sup> In Merritt’s final paragraph she encouraged individuals to use her study to examine the relationships between research and teaching in their own careers as we each struggle to find “balance.”<sup>15</sup>

While a search for balance may be quixotic at best, this Essay makes concrete suggestions for actualizing synergies between teaching and scholarship. How we each, as legal academics, engage in our pedagogical and scholarly work, is individualized and to some degree, idiosyncratic. Nevertheless, just as there are methods, tips, tricks, and best practices for improving our teaching and writing, there are approaches that can enhance the reciprocal synergies between our teaching and scholarship.

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useless research, taking resources away from the core activity of educating students. Our own school [University of Chicago] is alleged to be a part of the problem, as it is part of a set of elite schools that “set the market” for the legal professorate. A key assumption of these critics is that a tradeoff exists between teaching and scholarship: that the time and energy spent on research impairs the quality of teaching, or that professors proficient at scholarship (or scholarship that is not directly related to legal practice) are poor teachers of law.

Ginsburg & Miles, *supra* note 5. David Gregory’s 1991 essay, *supra* note 8, is entitled *The Assault on Scholarship* and has a similar project.

12. Barton, *supra* note 4, at 642.
13. For example, in a 1990 article, Marin Roger Scordato argued that the “dualist model” of law professorship should be rejected and replaced with an “alternative system, a ‘dedicated-track’ model, in which members of a law school’s faculty may pursue one of three basic paths: full-time classroom teacher, full-time legal scholar, or the current dualist model of simultaneous classroom teacher and legal scholar.” Marin Roger Scordato, *The Dualist Model of Legal Teaching and Scholarship*, 40 AM. U. L. REV. 367, 410 (1990). Some might argue that law schools already enact such a dedicated track model, with formal non-tenure track designations for certain writing, research, and clinical faculty with less formal releases from teaching loads for high scholarship producers.
14. Merritt, *supra* note 1, at 819.
15. *Id.*

## II. Starting Conversations

The bottom-line suggestion of this Essay is that we develop the conversation that already occurs between our teaching and scholarship. Even if it is true that as legal academics we are “juggling the disparate demands” of the very different “professional roles” of teacher and scholar with “one foot planted in each of two different worlds,”<sup>16</sup> both feet belong to the same body and the same consciousness. Our consciousness conducts a conversation between all of our different roles allowing us to juggle many different demands as well as joys in our lives. This Essay suggests that we pay attention to the ongoing dialogue between our scholarship and our teaching in our own professional lives. It then proposes that there are specific strategies to develop a conversation that is more lively, mutually supportive, and substantive.

The remainder of this Essay, in form and substance, is intended to be a conversation as well as a guide to facilitating an ongoing conversation between one’s teaching and one’s scholarship. An individual faculty member’s motivations or ultimate goals for engaging in this conversation are largely irrelevant. However, it might be useful to reflect upon the scholarship-teaching “balance” at this precise moment in one’s legal academic life. For the numerically minded, assigning a percentage might be convenient. What this percentage reflects—time spent, (past) success, enjoyment, anxieties, external pressures, overall confidence—is an individual matter. Moreover, what percentages would constitute a balance is also an individual matter; a 50/50 division is not mandatory. But the percentage exercise could uncover whether one believes one’s teaching or scholarship is dominant. If this dominance comes from strength, then when considering the development of a synergistic conversation, the dominant partner will most likely take the lead, but with the objective of assisting the weaker one.

## III. A Categorical Approach to Enhancing Synergies

In developing synergies between our scholarship and our teaching, there are four topics of conversation: the doctrinal, the theoretical, the methodological, and the professional. These topics are not intended to be prescriptive, but instead provide a basic taxonomy of the concerns in legal academic work. By paying attention to these specific categories, the goal is to enhance the synergies between teaching and scholarship in specific ways.

### *A. The Doctrinal*

The doctrinal category is the most obvious. The optimal situation is usually suggested as an identity between what we teach and what we write. It might be casually conjectured that writing in an area in which we teach will keep our teaching up to date; this assumes that we would not ordinarily be keeping abreast of developments in areas in which we teach just as it assumes that our scholarship is always devoted to the newest issues and never historical or revisionist. But doctrinal homogeneity does allow for a mutually reinforcing

16. Scordato, *supra* note 13, at 385.

experience of both breadth and depth. Generally speaking, course coverage is more broad than the focused thesis of an article, or even a book. The experience of teaching a course, no matter how specialized or “boutique,” is usually one of examining a wide swath of material. For example, assume a legal academic is writing an article about the evidence necessary to prove a hostile work environment in a sexual harassment case and teaching a course in Employment Discrimination. The experience of having struggled with students to grasp the range of topics and statutory regimes covered in Employment Discrimination contextualizes the challenge of the more specific scholarship. Conversely, having concentrated in a scholarly manner on a distinct topic will not only enrich the teaching for the classes covering hostile environment and sexual harassment, but can also provide a window into the pervasive issue of evidentiary proof. At the very least, one gains an appreciation for all the course material that one cannot master absent sustained research into a precise problem.

Doctrinal synergies, however, are not limited to situations in which one’s teaching and writing obviously overlap. It would be rare that an academic writing an article about the evidence necessary to prove a hostile work environment in a sexual harassment case could fulfill her teaching duties with an Employment Discrimination course; perhaps she is also teaching Contracts to first year law students. She can nevertheless cultivate synergies by consciously considering similarities and differences between her current writing and teaching endeavors in ways that can lead to fruitful understandings of both. Doctrine is not cabined by courses. Are there employment contract cases in the contracts text? Are there similar doctrines that recognize implied conditions? What are the evidentiary requirements?

In addition to similarities and differences in doctrinal content, it can be useful to contemplate doctrine more broadly, by thinking about doctrinal structures in a comparative manner. Elements? Factors? Burdens? Presumptions? As a scholar, she could be inspired—without ever acknowledging it by a citation—to propose a recommendation derived from her thinking about her Contracts course. As a teacher, she could be excited to explore a well-established rule with her students as she is considering it afresh.

Doctrine might also be thought about more narrowly. Focusing on the facts that give rise to a doctrinal rule can be instructive. Perhaps it is just coincidence that the plaintiff in a case for contracts class is described by her marital status just as the plaintiff in a case one is writing about in a sexual harassment article. Or perhaps it is a synergy worth noting. Again, paying attention to this “coincidence” could spark or deepen one’s scholarship or teaching in a manner that might not be evinced by a citation or explicit class discussion.

Thus, to enhance the doctrinal synergies between teaching and scholarship, one must be willing to pay attention to their existence. If there is recognized overlap, one should look beyond the obvious parallels. And if there is no evident resemblance, it is a mistake, I suggest, to ever say “my teaching and my scholarship have nothing to do with each other.” By construing doctrine

broadly, both in its content and in its structures, we might discover affinities that improve both our teaching and scholarship. By attending to the details embedded in doctrinal discussions, we might notice “coincidences” that can lead to a more sophisticated understanding displayed in our pedagogies and writings. Moreover, both the narrow and broad construction of doctrine can lead to theory, itself a useful category for enhancing synergies between teaching and scholarship.

### *B. The Theoretical*

The theoretical perspectives that permeate both teaching and scholarship are a fertile ground for mutually reinforcing synergies. Both established and critical theories provide tools for understanding, applying, and reforming the law. As we diagram the taxonomies and test the vocabularies of legal theory in our classrooms and in our writings, we advance the understandings of our selves and our students. Again, this is true whether our teaching and scholarship shares common doctrine or whether the content seems dissonant.

For example, critical legal feminisms can easily be brought to bear on the “gender cases” in a Constitutional Law course, with differing views of “liberal feminism” or “cultural feminism” or “radical feminism” evident in the arguments and resolutions of the major equal protection cases. Similarly, scholarship about gender issues deploys one or more of these theories, even when it does not specifically invoke them. Being conversant with these theories in the context of teaching can benefit scholarship, and vice-versa.

More provocative synergies can arise when one moves beyond the obvious parallels. For example, being conversant with critical feminist theories can allow a conversation to extend beyond the usual parameters. In teaching, one might ask whether there is an unexamined critical feminist theory in this case, even when it is about same-sex marriage rather than gender? What about when the cases are about affirmative action and seemingly only race? Or what about the cases regarding the interpretation and incorporation of the Second Amendment? And what would an observant feminist offer about our own pedagogical practices, in or out of the classroom? As to our scholarship, if the work does not have a gendered perspective, why not? Perhaps after considering the seeming absence of feminist perspectives when preparing to teach the Second Amendment cases, one might be provoked to consider the absence of such perspectives in the article one is currently writing. And what would that observant feminist offer about our own citation practices in an article we are writing, cognizant of the feminist critiques of legal scholarship?

In teaching and scholarship the role of theory can be a vexed one, with the boundaries between exclusionary jargon and useful vocabulary shifting. At its best, theoretical labels can be useful shorthand for expressing value-laden complexities. In our teaching, we can use this vocabulary of theoretical perspectives to communicate without students, but also can provide them with the critical tools necessary to understand judicial reasoning, the ability to make and counter legal arguments, and another mechanism to further the



“transferability” of knowledge across courses and across semesters. In our scholarship, this vocabulary can also be useful, not only for our readers but for ourselves in our writing. It allows us to categorize our readings, to express our criticisms, and to advance our own ideas.

Theoretical synergies might naturally arise from one’s teaching and writing, but they might also be stimulated. As a simple exercise, one could read or reread a definitional theoretical piece, preferably with an unfamiliar or incompatible jurisprudential viewpoint. This reading could be a long law review article, one of the essays in the many compilations of legal philosophy, a short blog piece on a legal philosophy site, or dare I say, even a Wikipedia page. Then one could try to articulate the reaction by an adherent of that perspective to a case one is preparing to teach and then to one’s own current scholarly project. Again, this need not lead to a Socratic colloquy in class or a brilliant textual footnote. Instead, it would serve as an additional—and perhaps provocative—topic for conversation between one’s teaching and one’s scholarship.

### *C. The Methodological*

In addition to the doctrinal and the theoretical, the methodological aspects of both teaching and writing can be used to enhance each other by using techniques from one endeavor in the other. These methods can be mundane or sophisticated; they can be ones we consider basic or ones that are quirky; they might be technical or personal. Yet however they are characterized, we can draw on the methods we use in teaching to assist our writing and the methods we use in writing to improve our teaching. Paying attention to these occasions can reinforce the habits of synergy.

For example, the practices that make us successful teachers can be prosaic, such as starting and stopping class on time, beginning class with a recap and roadmap, and ending class with a conclusion and preview. These have obvious translatability to authoring a piece of scholarship that can seem unwieldy, but often essentially mirrors a class session. Other less mundane skills such as mastering tangents in a classroom discussion—knowing when to hold ‘em and when to fold ‘em—is also transferable to writing a scholarly piece in which our page limit operates similarly to the classroom clock.

Techniques of promoting interactivity in the classroom also have some resonance to writing. Obviously, as scholars we cannot give our readers a task, tell them to get into groups of three or four, and then report back. However, remembering the goals of participatory involvement can enhance scholarship beyond pauses for rhetorical questions with obvious answers. Instead, imagining what a reader might be thinking/doing at this point in an article can enliven a piece.

Very specific methods we use, sometimes without consciously labeling them as techniques, can also be redeployed. For example, in preparing to teach a specific class, I often conjure an individual student for each session who motivates me to do my best work. This “challenging student” may be

a student who asked a provocative question about the last class or posted a query on the class website about today's readings. Or it may be the student in the class who enrolled in the course because of today's subject, such as a student who takes First Amendment driven by his concerns about Campaign Finance. It is not that this student dominates the class, but it is that this student sets a high bar that must be met. In writing scholarship, having such a demanding or particular reader in mind can similarly prompt one's best work. It can also allow one's writing to address a specific concern by "personalizing" that concern. One caveat here is that is necessary to resist the negative: Just as one risks debilitating one's teaching by focusing on the most recalcitrant student in the classroom, one jeopardizes one's writing by internalizing the most hostile critic in the cosmos.

Importantly, teaching is not limited to the classroom. If one is fortunate enough to teach writing, either in legal writing courses or upper division seminars requiring a paper, then the synergies between teaching others to write and writing one's own work can be obvious. The ways that we teach students to outline, structure, and conclude a paper are the very practices we should follow. (If not, then why are we teaching them to our students?). The counseling and feedback we provide for students whose work is not as successful as it should be is the very advice we should recall when our own work stumbles. The editing we provide our students is the editing we should be able to provide ourselves. The diagnosis and prescription for specific ills that we kindly but clearly furnish to our students should be our practice for ourselves. We might say to a student that "the organization is not working in this section, perhaps a 'reverse outline' might help you to see how the logic could be strengthened." Saying something similar to ourselves—especially as a substitute for "this is a train wreck, you obviously can't think your way out of a paper bag"—could improve our writing results as well as our general outlook.

And then there are the deadlines. One terrific suggestion that came from an interactive session at the Best Law Teachers Conference was to comply with the deadlines we set our students in an elective for completing their papers to complete our own—they are also doing other work during the semester, after all.

These writing techniques also flow in the other direction. Our own experiences in writing enable us to assist our students in their writing, no matter what stage they are at. We can tell students that we too have done a "case grid" when dealing with unfamiliar cases. We can tell students that we know how to accomplish a simple-once-you-know-it word-processing skill such as "converting" footnotes to endnotes. We can tell students the multiple ways to organize and reorganize research. That we too have encountered these issues and can discuss them candidly is often empowering for students.

The scholarly techniques we develop can also be actualized in the classroom. The text/footnote conundrum so familiar in the writing of law review articles is echoed in the construction of PowerPoints or other classroom materials in which we must emphasize the main points and de-emphasize the "merely

explanatory.” The thesis imperative of scholarly writing is reflected in the classroom skill of solidifying the “takeaway” of each class session. Likewise, the contribution imperative of scholarly writing reverberates: Just as we ask how does this piece contribute to the legal literature on the subject, we should ask (and answer) how does this specific class contribute to our legal knowledge of the course?

By paying attention to the methodologies we have developed to improve our teaching or scholarship and then redeploying them to the other realm, we can strengthen both our pedagogical and scholarly practices. If we feel especially deficient or untalented in either teaching or scholarship—as a general rule or in the moment—developing the habits of capitalizing on the methods we possess in our stronger skill set can clear a path out of a current difficulty. Additionally, recognizing the congruence of methodologies between our teaching and scholarly roles can be advantageous when encountering our roles as legal professionals.

#### *D. The Professional*

Fourth and finally, the professional framework for both scholarship and teaching multiplies the synergies. It is important to recall that as legal academics, both our legal writing and scholarship relate to the profession. This triangulation means that both our scholarship and teaching address matters that we generally believe have some relevance to the practice of law; matters we believe practicing attorneys, jurists, legislators, and policy makers do—or should—consider. Certainly, a dysfunctional psychological triangulation or a cynical political triangulation can occur: we might exploit or manipulate a pair of these aspects in order to elevate or diminish the third. But at its best, triangulation allows for a mutually reinforcing synergy between legal education, scholarship, and practice.

In our teaching and writing, we ask similar questions about legal practice, although many times these queries are implicit. Whether we are addressing doctrinal, theoretical, methodological (skills) matters—or some combination—we ask why do attorneys care and why they should; how our concerns would surface in legal practice; how a jurist should handle this problem; how law or policy might be changed for the better. In class we ask our students to role-play as attorneys representing the clients in the case we are reading or in the hypothetical we have presented. In scholarship we tacitly ask attorneys, judges, and policy-makers to follow our arguments and adopt them.

We might enhance this triangulated synergy by being more explicit and specific in our references to the profession of law. Nonetheless, this is not to suggest that all of our pedagogy and scholarship be fixated on litigation and any resultant judicial decision. The legal profession is much more diverse than that. Highlighting the multiplicity of ways of “practicing law” can be a stimulating topic of conversation between our pedagogical and scholarly practices.

The professional, like the methodological, theoretical, and doctrinal, is a fertile ground for cultivating reciprocal synergies between our teaching and scholarship. Some of this happens “naturally,” we will be able to reap the rewards if we pay attention. But there are also a few habits we might establish in order to further promote the reciprocal synergies between teaching and scholarship.

#### **IV. Habits for Paying Attention**

While the overall axiom to improve a reciprocal synchronicity between scholarship and teaching is simply to “pay attention,” this Essay offers three additional pieces of advice to adopt and adapt as habits. These suggestions seek to engage the subconscious, the written word, and the rhythms of life.

##### *A. Let Your Subconscious Work*

The first suggestion is to develop the habit of taking just a few minutes to think about the “other” activity before engaging in teaching or writing. For example, while walking to the classroom, laden with teaching materials (the notebook, the casebook, the handouts, the flash drive with the PowerPoint presentation), it is possible to take a moment to mentally focus on a specific problem in one’s present scholarly endeavor. Similarly, when starting to research or write, as one is ready to be “productive” (ensconced in front of the computer, or in the library, or at a desk with a raft of papers), it’s possible to take a moment to think about teaching a particular class and topic.

The notion underlying this is that while you are in the flow of teaching or writing, you will also be attuned to the synergies. Ideally, your subconscious will be working out some issues while your conscious is busy doing its best work. These synergies may not surface immediately, but when they do, you’ll be ready.

##### *B. Commemorate Your Thoughts*

Secondly, an essential habit is to record your insights about scholarship, teaching, and any relationships. This can be done in dedicated notebooks, in documents on laptops, in any number of “apps” (Evernote, OneNote, Wikipad, Stickies), on the backs of envelopes and napkins, real or cyber. For some, this habit comes easily. Or seems to. We see them with their trendy black notebooks and expensive pens, as if they are sipping an espresso on a languid afternoon in a perfect café, jotting down what must be a crucial insight.

For others of us—even when we arm ourselves with the perfect notebook, a pen, and some coffee—the gulf between a “thought” and an idea worth commemorating is wide and foreboding. We are often good note takers of other people’s talk, but fail to take notes of our own thoughts. Certainly, not every random thought is worth the energy it takes to record it or the risk it takes to be faced with rereading it. But just as certainly, this standard of “worth” need not be high. Instead, giving one’s self permission to “jot” can

be crucial. One tactic I have found useful is a bit of punctuation: the question mark. The *punctus interrogatives* or lightning flash or query indicator, with its hook shape ? can leave us off the hook. Just asking. Just a thought. What if? Maybe? Perhaps?

How often should such “jotting” occur? In contradiction to the usual advice, I think that should be an open question.

### *C. Do Something to Enhance Synchronicity Every Day—OR NOT*

There is much good to say about “daily practice.” But the imperative to do specific things every day, as if our scholarship and teaching is akin to hygiene, can be debilitating. It can lead not only to an unmanageable list of things to do everyday, but can also lead to a sense of failure.

The daily practice admonitions are a recognition that as humans, we have a circadian rhythm. But as legal academics, we also have other rhythms. We have teaching days. We have semesters. We have conference deadlines and grade submission deadlines. We have office hours and meeting times. We have a new preparation for teaching and we have a sabbatical. To recognize our non-daily rhythms can be just as useful as imposing difficult—or undoable—demands on ourselves.

However, this does not mean compartmentalizing. Enhancing the reciprocal synchronicities means paying attention, not sequestering our pedagogical concerns from our scholarly ones. When we compartmentalize, we re-enact the stereotype that teaching and scholarship are incompatible, making it true.

## **V. Conclusion**

Whether the pedagogical and scholarly pursuits by legal academics are inconsistent, mutually reinforcing, or not significantly correlated remains subject to debate. Likewise, in deliberations about the future of legal education the normative claims about the relationship between scholarship and teaching are unsettled. As individual faculty members in legal academia, we may have little influence on these developments. However, we can aspire as legal academics to be the best teachers and scholars possible. If that is one’s ambition, then enhancing the synergies between teaching and scholarship will be time well spent. By paying attention to the doctrinal, theoretical, methodological, and professional categories, as well as developing three simple habits, one might increase one’s chances of mutually reinforcing synergies between teaching and writing. It might make one better at both. Or perhaps even happier with both.