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ON BECOMING A LAW PROFESSOR

*Terrance Sandalow**

Thirty-five years ago, when I first joined a law faculty, only one job description existed for law professors, that for the conventional classroom teacher. In the years since, the opportunities available to lawyers interested in teaching have become a bit more varied. In addition to conventional classroom teachers, a growing number of law teachers are employed by law schools to provide what I shall somewhat misleadingly call clinical instruction.¹ Although these comments are addressed mainly to men and women interested in classroom teaching, a few lines about clinical teaching may be in order because the initial question for anyone considering an academic career is which of these paths—conventional or clinical—to pursue.

The job description of the clinical teacher differs from that of conventional faculty member in a variety of ways. Here, I can touch upon only a few. Conventional law teachers typically spend only four to six hours weekly in the classroom, though, of course, they may devote many more hours to class preparation, grading, and meetings with students. On average, nonetheless, I suspect that few classroom teachers, other than beginners, devote much more than twenty hours weekly to activities directly related to teaching. The remainder of their working hours is mainly devoted to scholarly and professional activities. Clinical teachers, in contrast, are likely to spend most of their time on activities immediately related to teaching, much of it in direct contact with students. Because their teaching responsibilities are so much heavier than those of traditional teachers, they have less time than the latter for scholarly and professional activities and the demands upon them to engage in such activities are correspondingly lighter.

The differing job descriptions of clinical and conventional law teachers underscore the importance of the admonition to “know thyself.” The two modes of teaching call upon different talents and are likely to vary in attractiveness to individuals of differing personalities. Accordingly, prospective faculty members should consider carefully the kinds of activities that will bring them the deepest satis-

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1. The label is misleading because I mean it to apply not only to instruction involving the representation of clients, but also to instruction that employs simulation or that is directed to developing the writing skills of law students.

factions and to assess as accurately as possible their professional strengths and weaknesses. Thus, conventional law classes are generally quite large, a setting likely to appeal to those who enjoy performing before large audiences. Just because of their size, however, they afford far less opportunity than clinical classes to engage in one-on-one teaching and to enjoy the personal relationships such teaching permits. So, too, differing expectations concerning scholarly and professional activity suggest that different tastes and talents are likely to lead to enjoyment of and success in the two types of faculty appointments. In the main, conventional law teachers lead a solitary existence. For most, classes, committee meetings, and appointments with students occupy far less time than class preparation, grading, research, writing, and (hardest of all) thinking—all solitary activities. Some people welcome the opportunity solitude provides to dwell in the realm of ideas, to master a field, and to contribute to its development. They are comfortable with and have the capacity for systematic and abstract thought. They enjoy the process of writing in much the same way that a cabinet maker enjoys the craft of wood-working. For others, solitude means loneliness. They prefer cooperative activities and frequent interaction with others. Intellectual activity for its own sake brings less pleasure than the knowledge that their talents have assisted a client or the ability to observe measurable progress in the development of a student's skills. They work best in addressing concrete problems, not abstractions.²

A good deal more might be written about the differences between clinical and conventional law teaching, but perhaps enough has been said to persuade readers of two points: first, the importance of acquiring as much information as possible about the job descriptions for each, and second, the importance of a candid and careful assessment of one's interests and talents before deciding which path to pursue. In any event, I shall assume that readers who proceed beyond this point have undertaken the recommended inquiries and assessments and have concluded that they are interested in and have

2. Emphasis upon the differences between the routines of clinical and conventional teachers may overstate the solitary features of the latter's schedule. For many classroom teachers, my description is entirely accurate, but for those who are so inclined, many opportunities exist to devote time to less solitary activities. Law professors are often invited to consult with law firms and governmental agencies; to participate in law reform activities, bar committees, and civic organizations; and to attend conferences or give speeches. Such activities—say, preparing a brief, a conference paper, or a memo advising on a complicated tax question or law reform proposal—are in some respects similar to undertaking a scholarly project, but they also offer opportunities for working with others, opportunities which many law professors enjoy. Schools differ in the extent to which such professional activities are recognized and rewarded. When considering an offer, therefore, the fit between one's inclinations and the faculty's aspirations ought to be a desideratum.

the talents appropriate to pursue a conventional academic career. I do so not because I believe that is in some sense the “right” or “better” choice, but because it is the job I know best and because my experience is largely confined to participating in faculty decisions about whether to hire people interested in such a career.

The path to a conventional academic career begins in law school.³ Most law teachers have been very successful law students, meaning, primarily, that they have earned high grades. That is not to say that grades are the only factor faculties consider in deciding which candidates to hire. Were grades all that mattered, faculties might mechanically select those applicants with the highest grades (appropriately discounted, of course, for the quality of their schools and the degree to which the schools’ grading curves have been inflated). But schools regularly hire people whose grades are not as high as those of others whom they reject, partly because grades do not measure all of the qualities necessary to a successful academic career and partly because they are not the only evidence of even the qualities they do measure. Still, although law schools do not regard high grades as sufficient to justify an offer, they do treat grades as an important indicator of whether an applicant is likely to be successful as a law teacher. Grades provide information about whether a candidate has the intellectual qualities necessary to success as a teacher and scholar, qualities such as analytic capacity, the ability to perceive the complexity of issues, quickness, disciplined imagination, the ability to develop a coherent argument, knowledge of a subject matter, and the ability to write well. Since very few, if any, law students earn high grades without considerable effort, grades also offer a measure of a candidate’s capacity for hard work, a quality indispensable to a successful academic career.⁴

Although a strong academic record is almost always necessary to secure an entry-level position, it is not likely to be sufficient. When considering candidates, faculties also look closely at whether

3. I suppose I might as accurately have written that the path begins in college—or even at birth. Development of the personality traits and of the intellectual interests and capacities prerequisite to becoming a successful law teacher does not begin on the first day of law school. Such characteristics are the product of an individual’s entire life. Still, law school seems an appropriate point at which to begin a discussion of how to secure a position as a law teacher.

4. During the years I was dean at Michigan, I received a number of letters from lawyers who wrote that they were interested in joining the faculty because they wanted to “ease up,” “have more leisure time,” or “escape from the pressure of practice.” Needless to say, consideration of their candidacy proceeded no further than a reading of the letters. Although exceptions undoubtedly exist at most, if not all, law schools, most faculty members, and surely all successful ones, put in long hours, say 50 to 60 hours a week on average and at times more. And although the stresses of an academic career are not precisely the same as those experienced by practitioners, they are merely different, not less.

they have written and the quality of their written work. Students who think they may wish to teach are, therefore, wise to take whatever opportunities to write that their law school offers, by taking seminars that have a substantial writing requirement, by seeking out a faculty member to sponsor an independent research project, or by publishing a note in one of the school's journals. The importance of taking advantage of such opportunities cannot be overstated: first, because they provide a way to enhance research and writing skills which are indispensable to a successful academic career, and second, because the writing that candidates have done during law school provides important evidence of their capacity for success as teachers and scholars. A record of publication or other written work that demonstrates a capacity for impressive scholarship can go far in compensating for a less-than-outstanding grade point average.

Finally, and for somewhat similar reasons, law students who think they may be interested in an academic career would also do well to participate actively in class discussion. Active participation is a means by which to improve rhetorical skills, to test and refine ideas by opening them to criticism by others in the class, and to develop confidence in one's abilities. Equally important, at least for purposes of getting a job, active class participation is a means by which to develop a reputation. When considering people for entry-level positions, law schools seek and generally give weight to the views of faculty members at a candidate's law school. The latter will have had the best opportunity to observe the candidate for an extended period and thus to be capable of an informed judgment about his likelihood of succeeding in an academic career. They have been able to observe, for example, whether an individual treats students who have different views with respect and whether he has the ability to generate interesting ideas and to articulate those ideas clearly. But faculty members are likely to be able to make such judgments only about students they have come to know because of the latter's participation in class discussion.

What I have written thus far is, I think, relatively uncontroversial among experienced law teachers.⁵ I want to turn now to two issues about which members disagree, both involving questions about what aspiring law teachers should do after leaving law school. An important question for law schools—and thus for aspiring law teachers—is the importance *vel non* of experience in practice. Many faculty members regard such experience as extremely important, if not indispensable, and express reluctance to appoint people who lack it. Some go even further, arguing that at least for people hired to teach certain highly specialized subjects—say, tax or labor law—

5. Among law teachers, hardly anything is completely uncontroversial.

practice experience in the particular field is crucial. Proponents of these views generally stress the need to have more than theoretical knowledge about the ways of the law, the importance of familiarity with the careers upon which most students will be embarking, and the belief of many students that they will gain more from faculty members who have had practical experience.

Although much can be said in support of these views, my own are somewhat different. I do not believe that experience in practice is necessary to a successful career as either a teacher or scholar, although I do think that many, perhaps most, aspiring law teachers would benefit from several years away from academia before embarking upon an academic career. Even on that point, I think that an inflexible position, insisting that experience “in the world” is a prerequisite for an academic career, cannot be justified. I am confident that I could assemble one of the nation’s most distinguished faculties—distinguished by the excellence of both its teaching and its scholarly and professional achievements—from the ranks of law teachers who have gone straight from law school to an academic position or who have done so with no experience other than a judicial clerkship.

Whether or not a person interested in teaching should spend a few years away from academia before seeking a position depends, in my view, upon the individual. For many, the experience gained may be useful in developing further skills whose development began during their schooling and in building confidence in those skills. It may heighten awareness of the importance of circumstances and facts and thus enhance the capacity for wise judgment. The experience of meeting deadlines, which are more likely to be strictly enforced outside academia than within, is helpful in developing self-discipline, a character trait as important in academic life as it is elsewhere. For some, the mere passing of years may bring added—and needed—maturity.

This list of benefits that may be gained by several years away from academic life, which might easily be lengthened, leads me to two conclusions that I have already suggested. First, though many and perhaps most law school graduates would gain from the experience, it is not necessary for everyone. Some individuals may already have developed the intellectual and personal qualities I have mentioned, perhaps because they have spent some years working between college and law school, perhaps because they are among the fortunate few who appear just “naturally” to have those qualities. Second, for those who think they would benefit from such experience, law practice provides one venue in which it may be gained, but not the only one. Many of the qualities might be equally well developed in a range of other types of jobs, as an aide to a legislative or

executive official, for example, or as a staff member of a legislative committee or public interest organization that seeks to influence governmental policy.⁶

Faculty members who regard experience in practice as an important qualification tend, in my view, to give too little weight to the intellectual predispositions that shape the way an individual will approach teaching and to the learning that occurs in the course of a teaching career. Faculty members interested in practice will learn about it and bring what they have learned to their classes whether or not they have themselves practiced. Those whose concerns are highly theoretical may think the lessons they learned in practice of insufficient importance to impart to students. A personal experience may help to make the point. Some years ago, in response to a complaint by a group of students that too many members of my faculty lacked experience in practice, I listed ten faculty members and asked the students to identify those who had and those who had not practiced. The list contained five in each category. The students were wrong in every instance. Nor, when I asked them to identify which they regarded as the better teachers, did their responses correlate with practice experience.

Another question I have often been asked by law students interested in an academic career is whether they should publish an article or two before applying for a teaching position. Thirty-five years ago, I would unhesitatingly have responded that a post-graduation record of publication was not important for one seeking a faculty appointment. Although it continues to be true that many law teachers are hired each year with no publication other than a student note, and sometimes even without that, the answer to that question is not as easy as it once was. The increased scholarly aspirations of law schools and the growing number of Ph.D.'s from other disciplines on their faculties have led some schools, perhaps especially those of national reputation, to favor candidates who come to teaching with an intellectual agenda. Publication in the years after law school helps to demonstrate the existence of such an agenda, as well as providing evidence of a candidate's ability to pursue it successfully.

A decision to write one or two articles before applying for a faculty position is not without risks, however. The demands of an

6. A reader might well conclude that, even if I am right that experience in law practice is not essential for a law teacher, the contrary belief of some faculty members suggests that a few years in practice might nonetheless be useful, if for no other reason than to pick up a few votes when a faculty is called upon to make a decision. Although I would not deny that a candidate's lack of experience in practice has at times led faculties to decide against an offer, the substantial number of law teachers who have not practiced does demonstrate that practice experience is far from essential to landing a teaching position.

active professional career make it difficult, and perhaps impossible, to find time for writing, particularly writing of the quality that will be helpful in impressing a faculty. Even aside from time demands, I think it is harder to produce good scholarship while in practice or another non-academic position than it is to do so in an academic setting. First, teaching and scholarship are synergistic. Ideas can be tested and refined in the classroom. Equally important, teaching in a field provides a breadth of perspective that is extremely useful in producing scholarly work of high quality. In preparing a course, teachers are forced to consider the consistency of approaches taken by the law in treatment of different issues and have increased opportunities to consider whether the treatment of some issues in a field suggests approaches that may be advanced as a way of dealing with others. Second, law students have typically had far fewer opportunities than Ph.D. candidates to work closely with faculty members and, in doing so, to gain a well-developed understanding of the characteristics of good scholarship. Although law school is not devoid of such opportunities, many law graduates gain that understanding only after joining a law faculty, in the course of faculty meetings, in discussion with other faculty members, and by immersion in scholarly literature while preparing for class or doing research.

The risks of attempting to publish after graduation, but before applying for a teaching position, should be obvious. Applications may be postponed, perhaps indefinitely, as one attempts to find time to write while meeting the demands of a busy professional life. And even if one succeeds in finding time, the product may not be entirely successful when judged by the standards law faculties are accustomed to applying. It remains true, nonetheless, that a successful publication may significantly improve a candidate's success in the job market. So while I think there are risks associated with the effort, I do not wish to discourage anyone inclined to undertake it. For those who are so inclined, I have a few suggestions. First, do not attempt to write on a topic unless you are genuinely interested in it and think you have something interesting to say about it. A mechanical discussion of an issue, even an interesting issue, is unlikely to impress a faculty. Second, avoid on the one hand the Scylla of undertaking an overly ambitious project and, on the other, the Charybdis of writing an article that is too narrow or too technical to be interesting. No faculty expects a candidate for an entry-level position to have developed a spanking new theory of contract or to have resolved the tensions between judicial review and politically accountable government. Nor is it likely that someone at that stage of a career will successfully address such large subjects. On the other hand, faculties are unlikely to be impressed by an article that lacks

any general ideas, say, one that lists the pitfalls to be avoided in drafting a bankruptcy petition or that undertakes merely to describe a line of decisions.⁷ Third, if you think you have identified a topic that avoids these pitfalls, discuss it with one or more faculty members at a fairly early stage of your work. Nearly all faculty members are receptive to being approached by former students to discuss such ideas and are probably in a position to tell you whether your ideas have already been developed in the literature, to point out whether your topic is overly ambitious or insufficiently so, and to offer suggestions for research. Finally, once you have completed a draft that you think is in pretty good shape, ask some faculty members and friends to read and comment upon it. Subsequent drafts, and the final product, are almost certain to be improved as you go about addressing the comments you receive, even comments by those who know far less about the subject than you do.

Thus far, I have been concerned with questions about what aspiring law teachers can do before entering the market to increase their chances of securing an attractive position. The time has come to shift attention to the process by which one enters the market and, hopefully, obtains a position. In recent years, more than half of all new appointees to law faculties have been men and women who have listed themselves in the Faculty Appointments Register compiled each year by the Association of American Law Schools (AALS).⁸ The Register has become, thus, the most important vehicle for entering the market, and anyone interested in law teaching should make use of it. Schools usually begin the process of hiring in the fall of the year prior to the academic year an appointment is to begin. Accordingly, those who wish to begin teaching in, say, the fall term of 1997 should register with the AALS during the summer or early fall of 1996. To do so, one obtains from the AALS a registration form that seeks to elicit information about candidates that is of interest to law schools, including such matters as schools attended, dates of graduation, class rank (if available), prior publications, academic honors received, relevant work experience, subject matter interests, geographic limitations or preferences, and references. The AALS distributes these forms to its members, now nearly all accredited law schools, in batches several times during the fall term. When they reach the schools, members of each school's appointments

7. Some caution is necessary at this point. A gifted scholar may be able to address almost any subject in an interesting way, perhaps even my examples. There is a large difference, illustratively, between an article that merely describes a line of decisions in the terms employed by the courts and one that discerns a heretofore unrecognized pattern among such decisions, especially if the pattern has interesting implications.

8. ASSOCIATION OF AM. LAW SCHOOLS, STATISTICAL REPORT ON LAW SCHOOL FACULTY AND CANDIDATES FOR LAW FACULTY POSITIONS 21-22 tbl.8E (1995-96).

committee examine the forms to identify candidates in whom they are potentially interested. A member of the committee is, at this point, likely to contact the references of such candidates and, perhaps, other faculty members at the latter's school. One or more committee members are almost certain to read any work the candidates have published.

The AALS Registry is not the only way schools identify prospective faculty members. Some are identified from among the school's own graduates or upon the recommendations of faculty members from other schools. Because of the continuing importance of the latter route, those who wish to enter the market should inform former faculty members familiar with their work and any faculty members who have been designated by the dean to assist alumni who wish to enter teaching. Such faculty members are often willing to write or call colleagues at other schools, recommending alumni whom they regard as promising prospects. Letting the faculty of your school know of your interest in teaching is also important because many schools, in addition to examining the Registry, contact members of other faculties to obtain the names of promising candidates.

Once the appointments committee has identified candidates it regards as promising prospects, it will arrange for one or more members of the committee to meet each of them. On occasion, a candidate who appears especially attractive may be invited to visit the school forthwith or to meet with a faculty member who happens to be visiting the candidate's city. Most frequently, however, the committee arranges for a number of its members to interview promising candidates at the AALS Recruitment Conference held each November in Washington, D.C.

Candidates should prepare for these interviews. Although interviewers are in part interested in forming an impression of whether the candidate's personality and manner are suited to successful classroom teaching, the interviews are not social occasions. Their main function is to provide the faculty with information about the quality of a candidate's mind. Accordingly, candidates should come to the interviews prepared to be quizzed about their interests and to demonstrate their capacity to generate and articulate interesting ideas. Interviewers will also be attempting to elicit information about a candidate's analytic capacity, intellectual sophistication, and other intellectual qualities important to a successful academic career. The half hour or so that faculty members spend with a candidate is hardly sufficient by itself to permit an informed judgment, but taken together with other information the committee has gathered, it is quite useful in enabling the committee to decide which candidates the entire faculty should consider.

During the following month or two, as these judgments are being made, the committee will begin issuing invitations to candidates to visit the school and meet with the full faculty.⁹ Candidates should not be discouraged by the failure to receive an invitation immediately after their initial interview. Invitations may be deferred into January or February for any number of reasons that do not reflect a lack of interest. The committee may not have completed its investigation, for example, or it may have decided to give priority to other candidates because they already have offers from other schools or because it thinks that, by first inviting candidates with other interests, it can overcome anticipated opposition by a segment of the faculty especially interested in hiring people with those interests. Nor should the failure to receive an invitation necessarily be regarded as the equivalent of having failed a test. A committee may decide not to issue an invitation for any number of reasons that have nothing to do with its judgment about a candidate's merits. The school's limited budget may dictate that it confine its search to people who have certain subject matter interests or particular competencies or that it eliminate from consideration people whose interests are already well represented in its faculty. Because visits are expensive, especially in the demands they make upon the time of the faculty, a committee may even decide against an invitation because it believes that, in the end, it will be unable to attract the candidate.

Enough talk of rejection. Let us move on to the next stage of the process, the visit to the school. Candidates who have come this far run the risk of becoming so ego-involved that they forget that the visit has two functions, not only to enable the faculty to make a judgment on whether it wishes to extend an offer, but also to enable the candidate to determine whether he wishes to accept an offer. Although faculty members sometimes move from one school to another, probably most do not. So gather as much information as possible to determine whether the school and the city in which it is located are attractive environments in which to spend a life. And, when meeting faculty members, be yourself. Faculties pay a good deal less attention, if any, to a candidate's politics or other factors unrelated to professional promise than many people suppose. In any event, joining a faculty on the basis of an offer received under false

9. A few schools now invite candidates in whom they may have an interest to a preliminary meeting with the full appointments committee. The point of this preliminary visit is not merely to narrow the list of candidates to be considered by the entire faculty but to enlarge it by permitting committee members to become better acquainted with candidates it suspects may be more attractive than their records. Invitees are usually asked to give a brief talk—say, 30 minutes or so followed by an hour of questions and discussion about the talk.

pretenses is an almost certain prescription for later unhappiness.

The visit, which lasts a day or two, typically consists of two parts, a talk to the full faculty, perhaps including students, and meetings with small groups of faculty and perhaps a student group. Discussion at the small group sessions is likely to be wide-ranging, perhaps about the candidate's talk or other interests, perhaps about other legal or intellectual issues. Students and some faculty members may attempt to draw the candidate out about his or her ideas about teaching and interest in students. Whatever the subject, the object of these sessions is to enable the faculty to make a judgment about those intellectual and personal qualities of the candidate I have already mentioned.

The talk serves much the same function, but a few additional comments about it may nonetheless be useful. Because it is the faculty's only common experience with the candidate, it plays a large role in subsequent deliberations about whether to extend an offer. Candidates should, therefore, give it a good deal of thought beforehand. The subject should be one with which the candidate has considerable familiarity, and as I discussed earlier in regard to publication, it should avoid the pitfalls of being over- and under-ambitious. The most successful talks are those that demonstrate that the candidate knows what he is talking about (remember, it is very likely that an expert is in the audience), that reveal an interest in and a capacity for general ideas, and that display analytic ability. The question period following is at least as important as the talk. It provides information about not only the qualities I have mentioned previously, but several others important to success in the classroom. Does the candidate understand the questions put to him, and can he respond to them in a way that advances the discussion? Can he communicate effectively to people who are unfamiliar with the field? Does he have the ability to stand his ground under hard questioning, and conversely, does he know when to give way because the questioner has identified a defect in the argument? Has he anticipated counter-arguments, and how well does he respond to arguments he has not previously considered? The importance faculties attach to the talk and its aftermath suggests the wisdom of preparing for it by delivering or at least discussing it beforehand with friends and mentors. These need not be experts in the subject—indeed, it is probably better if some are not. Their questions and comments may reveal weaknesses in the argument and are likely to anticipate many of the issues that will be raised by the faculty and to thus furnish experience in responding.

Once the visit is over, all that remains is for the faculty to decide whether to extend an offer. At all of the schools with which I am familiar, an affirmative decision requires more than a bare majority

of those voting: say, two-thirds or the absence of "substantial opposition," with discretion in the dean to decide whether the number and intensity of the negative votes are sufficient to preclude an offer. During the time necessary for the faculty to vote, there is not much the candidate can do but wait. A decision may be delayed for any of a variety of reasons. All that I wrote earlier about the appointment committee's decision on whether to invite a candidate to visit the school applies equally here, with the added caution that the faculty's priorities may not be the same as those of the committee. At times a candidate may receive an offer from a school while awaiting a decision by the faculty of another he would prefer. The former may well be willing to hold the offer open for a reasonable time, but whether or not it is, a candidate should not be shy about informing the latter school of the offer. Not only might the school be led to expedite its decision, but its faculty may be moved by the favorable judgment implicit in the offer, especially if the offer has come from a school regarded as a peer.

The process by which one gains a faculty position is a daunting one. But there is no reason to be intimidated. There are approximately 6000 full-time law teachers in the United States. As you know from your days in law school, very few walk on water, even among those who have had years of experience. Moreover, when considering candidates for entry-level positions, faculty members know they are not dealing with experienced teachers and mature scholars. They are aware that much of what they themselves now know and can do has been learned "on-the-job" and that the same will be true for those currently entering teaching. They appreciate that their task is not to make riskless appointments, but to identify individuals whose personal and intellectual qualities offer significant promise that they will become successful, and hopefully distinguished, teachers and scholars.

Because this Journal is devoted to issues of race and the law, readers who have come this far may be surprised that nothing I have written specifically addresses members of racial or ethnic minorities. The reasons, quite simply, are that everything I have written applies equally to all prospective law teachers, regardless of race or ethnicity, and that, except to demonstrate the truth of that proposition, nothing of importance remains to be said to minority group members specifically. Some readers will regard these claims as either naive or disingenuous because they believe minority group members interested in an academic career confront special obstacles, ranging from conscious discrimination against them to greater difficulty than majority students in establishing relationships with faculty members and, therefore, in obtaining favorable recommendations that are helpful in securing a position. The available

evidence, however, demonstrates that whatever the obstacles that may once have limited opportunities for minority group members interested in teaching, membership in a minority racial or ethnic group is no longer the impediment it once was.

Of course, it would be foolish to deny that there may still be some institutions at which racial discrimination infects the hiring process, but as a frequent member of my school's appointments committee and as a frequent recipient of inquiries from other schools attempting to identify promising prospects, my firm impression is that law faculties generally are working very hard to identify and recruit promising minority law graduates. Personal impressions are not very strong evidence, however, and so I turn to hard data regarding patterns of law school hiring.

A recent study by the AALS reveals that during the five-year period from 1990-91 to 1994-95, the success rate of minority candidates listed in the AALS Registry was nearly double that of nonminority candidates.¹⁰ All minority groups had a higher success rate than Whites, but especially African Americans and Latinos, whose success rate was twenty-two and twenty-four percent, respectively, compared to an eleven-percent success rate for Whites. To be sure, nearly half of all appointees during the past five years were not listed in the AALS Registry. If minority group members are at a disadvantage in "networking" and other informal means of gaining employment, it might be expected that they would be underrepresented in this group of appointees. In fact, the percentage of new assistant and associate professors (the ranks at which most entry-level appointments are made) not listed in the previous year's Registry was significantly higher for minorities than for nonminorities,¹¹ strongly suggesting that minority group members were not at a disadvantage when hiring occurred by a less formal process than inclusion in the AALS Registry.¹² Indeed, the group of non-registrants that fared least well was the one widely thought to be the beneficiary of the so-called "old boy network," White males. Only thirty-six percent of new White male assistant and associate professors were in that category, compared with forty-nine percent of minority men, fifty-six percent of minority women, and fifty-two percent of nonminority women.¹³ The ultimate question, of course, is how well minority group members have fared recently in the academic marketplace. Not surprisingly, given the above data, the answer is "very well." Thirty percent of all new appointments at pro-

10. See ASSOCIATION OF AM. LAW SCHOOLS, *supra* note 8, at 12 tbl.7c.

11. See *id.* at 18 tbl.8c.

12. See *id.* at 14 tbl.7d.

13. See *id.* at 21-22 tbl.8e.

fessorial ranks during the academic years 1991-92 to 1995-96 were members of minority groups, and half of these were African Americans.¹⁴

In sum, the evidence is overwhelming that law schools are highly receptive—more, are eager to recruit—candidates who are members of minority groups. The latter are not at a disadvantage in the hiring process and, because of the efforts of many schools to diversify the racial and ethnic composition of their faculties, may well have an advantage. Of course, a substantial majority of minority group members who seek teaching positions will not be successful, but that is true for an even larger percentage of nonminorities. Law teaching is an unusually attractive career and, like all such careers, the competition for the available places is very keen. But take it from one who has spent the better part of a lifetime as a law professor, the rewards of that career are worth the effort to achieve it.

14. *See id.* at 7-8 tbl.4.