Legal analysis, writing, and research (“LAWR”) professors often encounter difficulty generating research ideas, in part, because of the many obstacles we face when producing scholarship. Chief among them are our heavy teaching loads, the onerous burden of providing quick yet thoughtful feedback on assignments, and the significant time invested in conferencing with students and continuously developing new exercises. Indeed, LAWR professors often spend so much time and effort providing thoughtful feedback on student drafts that we leave little time to focus on our own scholarly endeavors.

Exacerbating this problem is the fact that some institutions neither encourage nor support scholarship from LAWR professors by offering them research grants, research assistants, or reduced teaching loads. This lack of institutional support is particularly prevalent at law schools that do not award tenure to LAWR faculty. Without incentives to write or the institutional support to do so, many LAWR professors simply find scholarship too daunting to attempt. In such circumstances, it can naturally be difficult, if not impossible, to feel inspired. Therefore, this essay addresses how every LAWR professor can find his or her muse, or source of scholarly inspiration.

I. Sources of Scholarly Inspiration
The single best way to find your muse is to keep an open mind. Scholarly inspiration can come anytime from anywhere. Be equally receptive to ideas inside and outside the office. When an idea or question pops into your head, do not risk losing it; immediately email or text it to yourself. Maintain a personal idea bank to store your good ideas. Consider using a journal or an electronic email folder labeled “Idea Bank” or “Potential Projects.” Whatever you name it and wherever you store it, it will maintain a running list of scholarly ideas – your personal wellspring of inspiration. When you complete a project, review your idea bank to see if there is a new piece on which you can begin. If someone scoops your idea or you lose interest, remove it from the bank. Continuously update your file to keep it current.

While countless sources of inspiration exist, some are certainly more potent than others. These include prior work or educational experience, past scholarship, teaching, service, engagement in the field via conferences and presentations, personal interests and experiences, as well as pop culture, news, and current events.

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1 See Susan P. Liemer, The Quest for Scholarship: The Legal Writing Professor’s Paradox, 80 Or. L. Rev. 1007, 1021 (2001) (“All law professors spend time preparing for class. The typical LRW professor, however, spends some twenty hours a week providing individualized teaching for students, by critiquing papers, holding conferences, and generally answering questions. This twenty hours per week, multiplied over two fourteen-week semesters during the academic year, equals fourteen forty-hour work weeks. So during the academic year the typical doctrinal law professor may have the equivalent of fourteen forty-hour work weeks to spend on scholarship, while for the typical LRW professor that same amount of time becomes student contact hours.”).

2 See John A. Lynch, The New Legal Writing Pedagogy: Is Our Pride and Joy a Hobble?, 61 J. LEGAL EDUC. 231, 237 (2011) (“The new pedagogy increases a professor’s workload enormously by requiring review of preliminary drafts of student work and requiring that a professor spend many hours in individual conferences with students. These duties create a crushing workload for any conscientious legal writing teacher and interfere with the ability of those instructors to produce scholarship.”).
So if you seek inspiration, explore your passion. Draw from your personal past and present experiences. Use your teaching, service, and scholarship as a platform to launch an article. Put differently, finding your muse involves discovering your perfect scholarly fit. To facilitate this process, thoughtfully complete the idea inventory below to generate creative new ideas.

### IDEA INVENTORY

**Your Passion:** What is an issue or area of law that really interests you or breaks your heart? What is your passion?

**Your Teaching:** Have you encountered something in your teaching that would be the subject of a good article? This can relate to the subject you teach (e.g., discrimination law) or how you teach it (e.g., pedagogical innovation). Do any of the course books or materials you use have notable gaps?

**Your Prior Scholarship:** Did you encounter any tangential issues or questions in your past scholarship that you would like to more deeply explore in a new article? Can you turn your favorite footnote from your last article into its own paper?

**Your Presentations and Conferences:** What is the most interesting presentation that you have given recently or conference that you have attended? Why was it so interesting? Does it give rise to a question suitable for further exploration in writing?

**Your Service:** What is the most interesting service you are doing for your institution? Your field? Your community? In what ways might your service launch a scholarly project?

**Your Prior Work Experience:** What was the most interesting case or legal issue you have encountered during your prior work experience? Your current practice or pro bono work? The clinic you oversee?

**Your Education:** Think about your favorite subjects from college and/or graduate school. Would any of them provide a fresh perspective on a current legal issue? Is there any topic you would like to explore more deeply?

**Your World:** What is the most interesting article or news story that you have read recently? Could it generate an article? Can you add a unique perspective?

**Your Environment:** What kind of environment gets your creative juices flowing? Where do you feel most productive when you write?

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Il. Finding a Scholarly Synergy

Most importantly, find a productive synergy where your scholarship informs your teaching, your teaching enriches your service, your service strengthens your scholarship, and vice versa. In this way, whenever you devote time to one aspect of your profession, such as teaching, you will be simultaneously bolstering the other aspects – scholarship and service. Doing so will optimize your investment of time, energy, and resources. It will also enable you to produce higher quality scholarship while maintaining a healthy work/life balance.

Finding such a synergy in my own scholarship has proven tremendously beneficial. Perhaps the best example is my latest book—The All-Inclusive Guide to Judicial Clerking—which West Academic Publishing released in April 2017. Its origins perfectly illustrate the power of scholarly synergy.

1. The All-Inclusive Guide to Judicial Clerking

After concluding two federal clerkships in Washington, D.C., I accepted a full-time teaching position at Wake Forest and immediately joined our law school’s Clerkship Committee. A few months later, I founded Wake Forest’s D.C. Summer Judicial Externship Program (“Program”), which places select law students into unpaid summer judicial externships in Washington, D.C. In addition to the externship component, Program participants meet weekly with me to take a three-hour course tailored to judicial clerking. The course, which I designed, thoroughly explores many aspects of clerking, such as judicial ethics, chambers confidentiality, professionalism, and judicial drafting. Yet I discovered a gap in the literature when I was unable to find a single, comprehensive resource that addressed everything the course aimed to cover. While I was struggling to compile various readings to address the diverse topics we discussed, I attended an informative LWI presentation on how to draft a book proposal.

My book was a direct result of the culmination of these collective professional experiences: my clerkships, my teaching, my service, my development of the Program, and my engagement in the legal writing community.

the case, one project breeds another. Indeed, as a result of the book’s publication, I have been invited to speak on judicial clerking and book-drafting at several conferences and webinars, including the biennial LWI Conference held in July 2018.

2. The Legacy Project
My ongoing Legacy Project provides yet another illustration. I attended college at Washington and Lee University, which sits across the street from the Virginia Military Institute (“VMI”), a formerly all-male institution. During my junior year, I studied abroad at Oxford University and shared a townhouse with several VMI cadets. I got to know my housemates very well and upon our return to Virginia, even attended events at VMI. Two years later, I found myself studying U.S. v. Virginia in law school. The case fascinated me because I knew the players and had studied gender relations in college. I felt personally connected to the story behind the opinion, which was too often overlooked.5

So a few years later when I was serving as an adjunct instructor at Washington and Lee University and School of Law, I asked a sociology professor, Dr. David Novack, and his wife, Dr. Lesley Novack, a retired psychology professor, to help me conduct an empirical study at VMI. I wanted to quantitatively assess the impact of U.S. v. Virginia on the institution and its student body. Their empirical expertise and my legal knowledge shaped the scope and nature of our inquiry. Our study formed the basis of my current Legacy Project, so named because it explores the lasting legacy of the landmark litigation on VMI and its students.

Because we gathered a vast amount of data, I quickly discovered that it was both impossible and unwise to discuss all the results in a single, massive tome; instead, I explore four to five data points per paper. Consequently, I have already published four pieces from the study;6 and our rich data set will provide scholarly fodder for years to come. I could never have dreamed that my undergraduate experience would have such a profound effect upon my professional development and scholarly agenda, but it has. Moreover, since I teach Diversity and Discrimination as well as Discrimination Law: Principles and Practice, my research on the Legacy Project also enriches my teaching.

3. Other Examples
Prior work experience provides an especially rich source of scholarly inspiration, particularly for new scholars who have recently left the practice. Indeed, my first law review article and book arose from valuable connections made during a pro bono project I completed.

As illustrated above, pedagogy is another generous muse. For LAWR professors with onerous teaching loads, ask yourself whether an audience exists for scholarship regarding your unique pedagogical approaches or insights. For instance, my current book project arose from my development of a seminar inspired by my past law practice and prior scholarship. An acquisitions editor and I quickly realized that no existing text addresses the topics the seminar will cover, so she encouraged me to submit a book proposal, which I did. Once again, my prior work experience, teaching, and past scholarship culminated to inspire an exciting scholarly endeavor.

III. Seize Scholarly Opportunities
This last example illustrates another important point about scholarly inspiration—be ready to receive it. When the acquisitions editor encouraged me to submit a proposal, writing a book was the furthest thing from my mind. I was knee deep in a law review article and had a long line of other

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4 United States v. Virginia, 518 U.S. 515 (1996) (concluding that VMI’s all-male admissions policy violated the Equal Protection Clause of the Fourteenth Amendment).

5 Perhaps that is because one of my most influential law school professors—Dr. Paul Lombardo—took a unique approach to legal scholarship, which he described as “legal archaeology.” Through years of painstaking historical digging, Dr. Lombardo uncovered the disturbing behind-the-scenes story of Buck v. Bell, an infamous Supreme Court case that upheld Virginia’s sterilization law. See generally Paul Lombardo, Three Generations, No Imbeciles: Eugenics, the Supreme Court, and Buck v. Bell (2002); Paul Lombardo, Legal Archaeology: Recovering the Stories Behind the Cases, 36 J. L. Med. & Ethics 589 (2008).

IV. Other Important Takeaways

Another important takeaway that I have learned through the years is that relationships are vital. If you develop subject matter expertise and a reputation for being collaborative and dependable, then opportunities will come to you; you need not search for them. People will invite you to participate on panels or co-author articles; get more traction out of these opportunities by converting the research you conduct for them into an essay, blog article, or book chapter.

I have also discovered that the best ideas arise organically. Do not force yourself to write on topics that you believe others, namely law review editors, will perceive as important or scholarly. Instead, write about whatever interests you. Doing so will make your scholarship feel like an escape, not an obligation.

Most importantly, when you are in a writing mood, WRITE! Do not waste your day at the computer battling writer’s block simply because Friday is your designated “writing day.” Words and ideas will either flow or not; you cannot force them.

V. Finding Time to Write

But once inspiration comes (and it will), how will you find time to write without sacrificing other personal and professional commitments? This challenge, felt by all, is perhaps more difficult to overcome, but here are several suggestions.

Create an environment that facilitates creative thinking and exploration, even if this means working outside the office. Work at a noisy coffee shop or in an empty, quiet meadow – wherever you think best. Know yourself and establish a teaching schedule that will maximize your productivity. For instance, if you need long periods of time to write, then ask your Academic Dean or Director for a teaching schedule that permits you to have one to two days without class. Make those days count. Escape to your writing oasis. Wear your “writing attire,” play soft music, sip chai, or do whatever motivates you. Do not be afraid to work off campus; sometimes it is more important to be productive than present.

Get organized. Use software tools like Zotero, Dropbox, and TWEN to help you organize your research to facilitate efficient writing and editing. Create a TWEN or Sakai course page devoted to your project. Grant your research assistants (“RAs”) access to it. Then create folders and subfolders within that course page keyed to components of your piece, whether subsections of a draft article or chapters of a book-in-progress. Include other folders for “Drafts,” “RA-reviewed Drafts,” and “Final Drafts” to help you and your RAs keep track of where the document is in the various stages of the writing process.

Consider different publication formats and venues. A multitude of publication formats and venues exist that accept submissions year-round. Select the timeline and commitment that is the most suitable scholarly fit for you. During busy seasons, the best fit might be a blog post, media contribution, or short scholarly essay for The Second Draft. At other points, however, you may have more time to draft a lengthy law review article, book chapter, or book. Like publication formats, timelines also vary significantly. When drafting a book, you and

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7 See https://www.lwionline.org/resources/publications-for-scholars.

8 See https://www.lwionline.org/second-draft-call-for-submissions-fall-2017-

issue (“The Second Draft is a publication of the Legal Writing Institute (“LWI”) published online biannually. We primarily publish essays, book reviews, and short, scholarly articles on a vast array of topics.”).

9 For a ranked list of law review articles, see http://lawlib.wlu.edu/LJ/. See also The Journal of the Legal Writing Institute, http://www.

legalwritingjournal.org/about-us/ (a peer-reviewed journal established in 1988 to “provide a forum for the publication of scholarly articles about the theory, substance, and pedagogy of legal writing and to encourage a broader understanding of legal writing and the teaching of it”).

“Do not force yourself to write on topics that you believe others, namely law review editors, will perceive as important or scholarly.”
your publisher will establish a mutually convenient schedule. With other formats, however, you may be at the mercy of the editor’s timeline with far less flexibility. By comparison, with a media contribution or blog post, the timing may be entirely up to you.

To the extent that your institution provides RAs, use them effectively. One way to do this is to establish clear formatting and submission guidelines for them before they commence work so that no time is wasted redoing projects that failed to meet expectations. Require them to undergo training with a research librarian and/or your past RA. Provide them with an action item list for the month or the semester so that when the RA completes a project he or she moves directly to another, rather than waiting to receive direction from you. This requires significant planning on your part, but just like pre-writing enhances a final written product, “outlining” your scholarly agenda will significantly improve your productivity. Your RA will keep moving forward, and you can still flexibly interject time-sensitive “priority” assignments as needed. Introduce your RA to any editor(s) with whom you are collaborating and copy your RA, as appropriate, on correspondence with the editor so that he or she can hopefully resolve minor issues, such as providing a research source, before unnecessarily escalating them to your attention.

Establish a workable teaching schedule. Ask your Academic Dean or Director if you can enjoy a reduced teaching load during a semester when you are finishing a single, major project like a book. Never hesitate to request a schedule that will better fuel your productivity. For example, if you prefer to write in short bursts each day, ask your dean not to stack multiple classes on a single day so you can build in a few hours each morning or afternoon for scholarship. On the other hand, if you prefer long, uninterrupted periods of time to write, establish a teaching schedule that confines all your classes and office hours to two to three days per week. Keep at least one to two full days or afternoons to write. Then resist the temptation to saturate those designated times with student conferences, committee meetings, or other competing obligations. To avoid distractions, work off-campus on “writing days” and turn off your email and smartphone so you can exclusively focus on your scholarship.

Get traction. Maximize the value of every minute you invest in scholarship by using each piece or presentation to prompt additional opportunities. For example, if you present on a topic, convert that presentation into a written piece. If you write a piece, present on it at a conference, webinar, or workshop during the writing process. The constructive feedback you receive will strengthen the final product, while the presentation will raise awareness of your forthcoming piece. Rather than reinventing the wheel, build on past pieces. In a subsequent article or presentation, deeply explore the curious question that arose while you were writing your last law review article. Let it be the basis for your next work. Repurpose longer articles into shorter, more accessible formats like blog posts or media contributions that refer readers to the original piece; the latter will reach a new and different audience that may not have otherwise discovered your work.

VI. Conclusion
In conclusion, the best ideas often come from unexpected places. Keep an open mind and periodically complete the idea inventory above to get your creative juices flowing. Find a healthy scholarly synergy and when opportunities arise, seize them. Create a personal writing oasis that facilitates creative thinking and intellectual exploration. Most importantly, write whenever the mood hits and have fun!

10 I attribute this sound advice to my colleague and esteemed scholar Professor Ron Wright.

11 For pedagogical pieces, consider submitting to teachlawbetter.com, which posts blogs devoted to celebrating experiments in pedagogy. Other legal blogs exist, including Legal Writing Matters (Suffolk), LawProfs Blog, Appellate Advocacy Blog, and a blog for the Institute for Teaching and Learning.

“Maximize the value of every minute you invest in scholarship by using each piece or presentation to prompt additional opportunities.”