

UVA LAW | Want-to-be-law-prof-podcast

RICH SCHRAGGER: So I thought we'd just start by both of us talking a little bit about why we became academics, what we like about the job, and our route. So Kathy, do you want to start with that? And then I'll say a little bit more. And then we'll go through kind of the nuts and bolts of that and then talk a little bit about what you can do as a student if you're thinking about this career path.

CATHY HWANG: Yeah, so I was going to make you go first, because I'm genuinely curious. But fine. If you call on me, I will speak. So this is my first semester here at UVA, so I haven't gotten to meet a lot of you. So I teach business law. So I'm teaching corporations this semester.

So the question is, how did I end up deciding to be a law professor? I didn't, actually. When I was in law school, I came to one of these events, except there was free pizza. And I really wanted the free pizza, actually. So I went to the event. And I remember being like, yeah, whatever. I'm just going to go to a law firm-- I think I was a 2L, maybe. I was like, I'm going to go to Skadden and I'm going to make a lot of money. And then I'm going to go in-house.

And that's probably what a lot of people are thinking, especially since we don't offer you food bribes to come here now anymore. So I'd gone to this thing. And the good thing is I got some background about, like, what I was supposed to do if I wanted to be a professor.

And then I just tucked that away in my mind and went off on my merry way. I did one independent research project when I was a law student. And I probably told the professor that I was interested in academia, because he remembers this. But really, I just really needed to finish my student note. And I thought that if a professor was grading me, I would be more incentivized to finish it in a timely manner.

So that's what happened. Then I went to practice and, like many people who go into practice, I had some time. I had some soul searching about what I wanted to do with the rest of my life. I at some point decided that I wanted to be a professor because I wanted to-- I really enjoyed mentoring and working with junior people and working with legal assistance.

And I really wanted to work on bigger questions faster. I wasn't really sure how I was going to become an academic. But I thought, like, the first thing I could do was I would apply for a fellowship that I saw, like, randomly come up. It was off-cycle. I applied for this fellowship-- no expectations, didn't think I would get it. It was the

only one I applied to. I applied over a weekend.

That weekend I billed 102 hours. But I still did it. And then I got it. And I was like, well, this must be a sign. So I guess I'm going to give this a shot and see how it goes. And I kind of say this in a self-deprecating way, but honestly, when I got it, I was like, this is it. I'm going to do this. Like, I know how hard it is to get this job. I know how lucky I am to get this fellowship. This is insane.

I remember calling some of my old professors and being like, what just happened? And they were like, you just say thank you, and you take it, and you go. And you try your best. And hopefully, you'll become a professor. And I was like, thank you. I will move to Palo Alto and I will be paid \$55,000 a year. And I will make it happen. Let's go.

And that's what I did. I figured the worst thing that could happen is I would do my fellowship for a couple of years, and if I was really bad at it or something, I mean, at least I'd live in California for two years. And then I would go work at Cooley or something like that.

Like, there wasn't going to be the end of my life if I had tried this for two years and it didn't work. And I was really lucky that it did work, so. The end. I think, Rich, you're on mute.

RICH You just stumble into academia, and here you are. It's all just-- that's not quite how it works. And I think--

CATHY HWANG: Sorry. That wasn't the answer you were looking for.

RICH No, it is. In fact, there are lots of routes. And so that's one of them. And it's, in fact, a route, I think, more common for folks thinking about, say, corporate law or in some cases, tax law or other areas in which in fact, most of those folks come out of law school and then go into practice and then transition to law teaching through a fellowship opportunity like the one that Professor Wang is talking about, which is-- there are a bunch of these kinds of fellowships.

You just apply a number of years-- how many years was it, Kathy, that you were in practice before you--

CATHY HWANG: I was in practice for three years.

RICH OK.

SCHRAGGER:

CATHY HWANG: And I will say that, like-- so, to back up, I was in practice for three years. And I was a fellow for two and a half years. And I always-- it sounds like it was kind of an accident, but the pieces were always kind of there, right? So when I was in college, I had this little side hustle where I edited academic papers for business professors who weren't native English speakers.

So I'd actually read a lot of research by accident, by being this copy editor, having this copy editor job. I was a research assistant for a professor in undergrad, and I did that for four years, mostly just doing citations and stuff like that. So I'd always done that stuff. I just never really imagined that as a career for myself.

And then it kind of was. And I mean, the pieces were all there. I just didn't see it.

RICH And in law school, would you say you did some things towards that end, or not really
SCHRAGGER: specifically? Did you publish anything? Did you work on a journal? What kind of stuff did you do there?

CATHY HWANG: Yeah, so I was an editor of an international law journal. I wrote a student note, but I didn't try to get it published because I didn't finish it until I was a second-semester 3L. I did an independent research, which caused me to get to know Tom Ginsburg, who is a really well-known comparative constitutional law scholar. And I just didn't know that at the time.

I had taken a couple classes with him, and I thought he was nice. And I was writing a paper on an international law topic, so I asked him to supervise me. And I must have made up some story about why I wanted him to supervise me on this independent research, because he remembered it. And he was like, yeah, I remember you were interested in this and you did a good job and whatever. And I was like, oh, well, I really just needed to get it done.

And I was an RA for a couple of professors as well. But I just don't-- I guess I just kind of checked the boxes as I went along. But if you look back, it looks very planned, but it really wasn't planned. I just got very lucky. I just kind of picked these things

up.

RICH Yeah, after graduation, did you go right to the firm? Or did you do any clerking or
SCHRAGGER: anything in between?

CATHY HWANG: I didn't clerk. And I would say-- usually when I advise people who are thinking about an academic career, I would say that there is a collection. The thing you almost-- you have to go to law school, right? You have to go to law school. And you have to-- almost everybody gets a fellowship at some point as their capstone item for a couple of years.

And that's like where you go to a school, not necessarily the school where you got your degree, and you do research. You get paid a very small amount of money, and you do research and you teach, potentially, for somewhere between two and four years as average, I would say. So those are the two things you have to pick up in your buffet. You have to pick up law school, and you have to pick up a fellowship, almost always.

And then you can pick up a combination of other things. Like, you could get a PhD. You could get some practice experience. You could do a clerkship. And you have to pick up some combination of these things to, like, fill your plate. And then at some point, your plate is full. And then you go on the market.

RICH It's a buffet.

SCHRAGGER:

CATHY HWANG: It's a buffet. It's a joyful, happy thing.

RICH It's a buffet. So the two of us are folks-- just to start on my story a little bit-- we're
SCHRAGGER: both folks with just JD degrees, maybe similar to a bunch of you here. We do have on our faculty a number of faculty-- I don't know what the numbers look like. I would think a third, maybe, who have JDs and PhDs.

The JD-PhD route involves, usually, going to law school first-- either first or second, usually first, I think. And then doing the PhD as an adjunct to that experience. So doing two years of law school, then doing, say, two years in the master's program that leads to a dissertation. And so that is for the general run of a research

university the traditional route to getting into academia.

You'd do a PhD, and then you'd go get a teaching job. Traditionally in law schools, you didn't need to get a PhD. You got a JD, and then you maybe clerked or did some other things or worked. And then you came back to the academy.

And often law schools would just take their best student, right, their number one student. And they'd turn them into a law professor. That's how Alan Dershowitz became a law professor at Harvard. He was the smartest. He clerked. He clerked for the Supreme Court. And he goes back to teach.

He didn't write anything. He didn't do anything else. That has changed over time. What we now see are PhDs in the market. But again, JDs are still, I think, dominant. And you can come out of JD, come out of a practice, and still go into academia. You don't need the PhD. But if one is interested in the PhD, there are routes, ways to do that and then go onto the market. It's a more conventional route.

My route to academia was, I was thinking about academia after undergraduate. I did a fellowship abroad for a year, which got me a master's. If I had been a little more savvy about it, I would have spent two years and got a British PhD kind of equivalent. But I wasn't that savvy about it. I just went, did a year, and got a master's in legal and political theory.

It was mostly to live in London and to see what that intellectual life might be like. I came back, went to law school, then clerked after law school for a judge on the Third Circuit. Clerking is a signal that you're kind of a serious student. It's not, again, necessary, depending on what field you're in.

But like lots of signals, it can be helpful in any kind of job search. And it's also a pretty cool job to have. And I encourage people to do it if they're interested. It's nice to see the law get made from that perspective. After clerking, I went to a law firm that I had summered at, because I thought I wanted to be a trial lawyer.

It's a relatively small but private-side trial law firm. But it did a lot of different kinds of litigation. And I spent two years there, and wasn't quite sure what the next step would be. I met my spouse-to-be, who turns out to be the dean now.

And she was pursuing both a JD and a PhD. She was pursuing a JD at Yale, and she

was pursuing a PhD at Princeton in history at the same time when we met. So she was on the academic career track. And so we needed to move to New Haven, Connecticut so that she could finish her law degree part of her education.

And so I decided at that point, that might be a way for me to transition as well. And I started by teaching legal writing-- really, one section of legal writing-- at Quinnipiac University at the law school there. That's up in Hamden, Connecticut, down the street from Yale outside of New Haven.

And they needed a legal writing instructor. They were willing to hire me. It did not pay anything.

CATHY HWANG: It's like \$3,000 or something, right?

RICH SCHRAGGER: Yeah, ridiculous. But I had some money saved up from the firm. And the firm continued to let me work for them a little bit, remotely. And because they were willing to pay me enough, we were able to survive as, basically, graduate students.

So that was my transition. I used that year and the next year to write something, which is what you have to do to go on the market. You have to have some kind of-- not a publication, necessarily, but at least a draft. Lots of people now have more than one draft, so that's why these fellowships are important.

So for me, teaching legal writing-- and then they let me teach some substantive classes the next year-- was a way of having, basically, a fellowship, in the way that Kathy describes. And so then we jointly-- the dean and myself-- went on the market together.

And we were lucky enough to get-- we looked all over the country to find jobs in the same place. And we were lucky enough to get jobs in the same place here.

At that point, when you go on the market, what you do is you basically-- there's a process whereby you just apply to all the law schools in the country. And the way you do this is through-- the Association of American Law Schools runs a entry-level teaching market process, which starts in the summer there.

And then they send out your resume, or a version of your resume, to all the law schools in the country. And those law schools have committees that meet. And they

look at your resumes. And then if they want to talk more to you, they call you and they set up a 20-minute interview in a hotel room in Washington, D.C.-- though not this year, because of the pandemic. So all those interviews are being done on Zoom.

You go to this hotel room. It's sort of like OGIs. And you talk to them for 20 minutes. And then if they like you, then they call you back for what's called a job talk. And that job talk is usually an all-day process-- again, usually in person, though we're not doing them in person anymore-- in which you present a paper to the faculty.

You talk to a bunch of faculty in a bunch of different interviews. You might talk to some students. And then they decide whether they want to give you a job or not. That's the process. It's actually pretty straightforward and fairly clean. Getting there is a little trickier.

And getting there, again, does require having-- for most law schools. Not all, but for most, and this is for, again, tenure-track research faculty, not necessarily clinical faculty, tenure-track teaching faculty-- they need to see that you are willing to do scholarship.

And the way they do that is by you giving them a draft or having a couple of drafts out there, some of which might be published, some of which might not be. My piece that I presented to the faculty at Virginia was not published. And it didn't get picked up until after I got a job.

So I had done a note in law school. I'm not sure how much that weighed in their decision-making. I had clerked for a judge. But otherwise, the evidence of my scholarly potential was not necessarily high. Or at least there weren't a ton of indicia of it, at least at the outset.

OK. So what kind of things should you do in law school if you kind of have this in the back of your head? Well, Kathy, you want to talk a little bit about that?

CATHY HWANG: Yeah. I should also say that, at any point, if you all feel like you have questions, you're welcome to pop them into the chat or raise your hand. Or if you don't want to-- if you have a question that you'd rather just ask, you can always chat to one of us, and we'll just read it out loud. And I'm sure that if you have the question, that

other people will as well.

What you should do in law school is-- I think there's basically two things, right? So one is try to do research or get a sense of what research looks like. And you can do this in a lot of ways. You can do an independent research. You can be an RA for a professor. You can take seminar classes where you have to write papers. But those are some ways that you just want to get an idea of what the research process looks like.

I will say that I agree with everything that Professor Schragger has said. But like everything in academia and everything in all places, it's a little quirky, right? So when you probably started law school, people were talking about outlining. And you're like, what's outlining? And you're like, no, it just means taking your notes and putting them into one very large Word document. But it has a special name.

So when you go on the academic job market, people have all these different things. Like, they'll talk about the meat market, which is just national OCIs for all law professors. Or like the far forum-- it just means answer questions, and we will spit out a resume. Like, there are all sorts of little quirks.

And writing research articles is also quirky. So if you're thinking about who to take a seminar class from or who to ask for an independent study, what you want to do is try to find somebody who you think will edit the crap out of your work and will give you lots of hard to hear comments about how things should be.

And then confide in that person that you're really writing this not just to try to get an A in the class, which would be awesome, but you're really trying to write it so that you can start building your portfolio. Because in the back of your mind, you're thinking about being a law professor. And then they will direct you toward topics that are less just a great student paper for a seminar and more toward being a law professor. So that's thing number one-- research.

The other thing I would do is just get to know your professors. It's not fatal if you don't really-- you don't have to hang out all the time, but somebody should see your name in, like, three or four years and be like, yeah, yeah, that person was my RA. Or that person was in my class and did really well. Like, somebody should remember you.

Because at some point when you go onto the job market, you'll need references. And you'll need people like Professor Schragger or me to call people and say, like, Alex is really great. He would definitely go to the University of Connecticut.

And then other than that, you can collect a bunch of other things, right? So you can be on *Law Review*. I think probably 80% to 90% of candidates on the market were on *Law Review* or on some other journal. Many people write student notes. What else? That's kind of it, right? Publish, collect as many-- as with any legal job, collect as many fancy goodies as you can.

But if you don't collect that many, it's not the end of the world. It's collect as many as you can while staying sane. And get to know your professors.

RICH
SCHRAGGER: Yeah. Yeah, so what I say to folks is, if you're a first-year student, focus on doing as well as you can in your classes. That's helpful for any future jobs. That's going to also get you noticed by some professors who might be helpful to you in writing recommendations for the various stages at which you would need recommendations-- at summer jobs, but also fellowships.

People need writers, basically. And then I think in your second and third year, you should think, yeah, a lot about where can I get some writing experience, writing and researching experience. And again, at UVA, you can do independent studies, research projects, classes, obviously, with longer papers. And all of that is very helpful.

And sometimes those papers then become the origins or the beginnings of the larger research project that you will work on, say, in a fellowship or after you've come out of practice for your first job talk paper. So my first paper was about a topic that I had thought a lot about in law school, because I took a local government law class that was really interesting.

And so that became the thing that I wanted to do after--

CATHY HWANG: Do you love it?

RICH What's that?

SCHRAGGER:

CATHY HWANG: Do you love your first paper? How do you feel about your first paper?

RICH I think it's still awesome.

SCHRAGGER:

CATHY HWANG: Really? I want to light my first paper on fire.

RICH I try not to go back and read it. It's not the paper I go back and read.

SCHRAGGER:

CATHY HWANG: No, definitely. Like, I always tell people-- the number of academics who will agree with this. I just want to see if you agree with this. Is hell being stuck on a deserted island with only your first paper as reading material?

RICH The first paper is tricky. You know, the first paper was, in some ways, more

SCHRAGGER: interesting, because I wasn't as constrained by a whole set of things.

CATHY HWANG: You didn't know enough, right? You didn't know enough to know that you were wrong.

RICH Yeah.

SCHRAGGER:

CATHY HWANG: So it was more interesting.

RICH But I'll tell you how the first paper went, just because this is helpful too, I think, to

SCHRAGGER: folks thinking about this. So I went to Harvard Law School. And Harvard Law School is a very big place. You don't really get to know your professors, because many of them-- there are few that care about you, but many of them do not. I don't know if that's changed in the last 20 years. But it was the case then.

These are very large classes. You went to office hours. They barely recognized you. It's very, very different from UVA, where I would hope, at least, that folks are having an experience where they get to know at least some of their professors. And so then I went and clerked, and then I practiced for two, two and a half years.

And then I decided I'm going on the teaching market. But I didn't know who to talk to. I didn't have any buddies on the Harvard Law faculty. I really didn't know

anybody very well.

CATHY HWANG: You didn't reach out to, like, Alan Dershowitz?

RICH Yeah, I had a couple of seminars, but they were-- I didn't have a lot of small classes.

SCHRAGGER: So I was interested in local government law. So I reached out to a guy named Gerry Frug, a prominent local government law professor. I was in a class with 150 students with him. I had done well in the class. I got an A, but 150 students.

And I said, you know, I was in your class. But I don't think you'll know me. But I'm interested in going on the market. Here's my situation. Would you look at a draft that I'm working on, which is in this field? And he was kind enough to say yes.

So I sent him a draft. I was working furiously on this draft. I sent him this draft. I was very proud of it. And then we talked on the phone, which was kind of him to do. And he was gentle, but not too gentle, about the draft. And rightly so, because it was terrible. It was a terrible, terrible paper, really, really bad.

And he kind of let me know that. He didn't have to tell me anything. He could have been like, whatever. And I went and I rewrote the whole thing. Some of the ideas were still in there, but basically rewrote the whole thing. So I had written a 60-page draft with lots of footnotes.

He looked at it, and it was embarrassing. And so I rewrote it. And the second one was much better. And he looked at that one too, and he said, this is, you know, and gave me comments on it. And then I said, well, would you be willing to recommend me? Because you have to put down some recommenders. And he said, sure. That was it.

That's what he knew about me, but he was willing to do that. And the UVA professors are much more willing. We are all-- I tell this to everybody. Listen, even if you didn't know them that well or you were in a class of 30 or 60-- if you did decently in the class, if they've recommended you before, let's say, for some other things, or even if they haven't, we want to help you succeed. And we want to help you get academic jobs.

So you're going to reach out to us. And you're going to do it because you're not going to go right into academia after either graduating from law school or clerking.

You're going to go into academia two or three or five years out from that. And so you will be alums who are reaching back in order to talk to the faculty about how to do this.

And so the reason we're talking to you now is because we want you to have that in the back of your head. So in three, five, seven years, you'll remember this conversation and you'll come back and let us know.

CATHY HWANG: We have some questions in the chat.

RICH Professor Hwang, are you on top of these chats?

SCHRAGGER:

CATHY HWANG: Yeah, so why don't I pitch one to you? Here we go.

RICH Yeah.

SCHRAGGER:

CATHY HWANG: Does the pedigree of your law firm help with the hiring process for VAPs and fellowships? So VAPs, by the way, are visiting assistant professorships. So I think some schools-- I mean, I don't perceive a big difference, by the way, between VAPs and fellowships. Some schools call them VAPs. Some schools call them fellowships.

They're generally a low-paid position in which you do research, you get a Westlaw password, an office or a cubicle, and you might teach a class or two. So that's what a VAP is, or fellowship. And the question is, does your law firm help with the hiring of that?

I think not too much. If you were at a Supreme Court practice-- if you were like, you want to do First Amendment, and you were a Supreme Court lawyer at a firm with a very strong First Amendment practice, then yes, right? But otherwise, I don't think there's a big difference between Sullivan and Sidley and, you know, Simpson and whatever.

RICH Yeah. There are signals of-- I think that's right. The firm gives a signal as to your

SCHRAGGER: success in some ways, your success in law school. So to the extent that there is a question-- questions could be raised if you're at a regional firm that no one recognizes the name of, type of thing.

But only if that's a signal that's incompatible with the application process to the fellowship itself. You do not have to go to a law firm. You can go do lots of different things in order to set yourself up for a fellowship. And in fact, some of those other things might be more interesting to the fellowship-- the ones who are doing the hiring on the fellowship end.

But again, with lots of things, there is some hierarchy in the law. And it does have some effects. It's not-- again, as Professor Hwang said, I don't think it draws fine distinctions between two, say, large law firms in New York City. It might draw some other distinctions between, say, a large law firm in New York City and a small law firm in Cleveland, depending on what that is.

CATHY HWANG: I think that's right. I mean, I practiced at Skadden. And I'm an M&A person, and Skadden is an M&A firm. And so that's something I trade on. But if I were a First Amendment scholar, it wouldn't have mattered if I had gone to Skadden or Sullivan or whatever-- unless I was in a Supreme Court practice, right?

Like, if you were, like, I was at WilmerHale doing the Supreme Court practice and did these big First Amendment cases, then that would become-- but if you were a First Amendment scholar and you didn't practice at a big practice like that, that would just not be something that you emphasized. That wouldn't be part of the plate that you would show people.

The next question is, did you both write your drafts or research them while in practice? How did you balance your time? So I wrote my draft for my fellowship, my fellowship writing sample, when I was in law school. It was my independent study from law school. And I kind of copy edited it and then sent it.

It was not at all-- it was about CIETAC arbitration and the convergence in arbitral rules. So it wasn't at all about what I do now. And then I published one and a half papers when I was in my fellowship and then had another draft. And I did that during my fellowship, and I wasn't practicing.

So people, once you switch over to the fellowship, you're generally not practicing. So that was kind of 100% of what I was spending my time on, was writing and some random fellowship stuff. What about you?

RICH Yeah. It's almost impossible to write while you're in legal practice. I just don't see.

SCHRAGGER: There are some folks that have done it. We actually have some folks who are advising on the market now who've done some writing. And it's quite impressive, because it does take a long time to get your head wrapped around a paper topic and then do a nice job.

So it's very, very hard to balance that time. And that's why we see lots of fellowships and people moving into fellowships as a way to transition.

CATHY HWANG: Yeah.

RICH It's not impossible. I have seen some folks save up a lot of money in a law firm and
SCHRAGGER: then take four months off or something like that. But even that can be a little tricky. And then just work very exclusively on a draft. So that's a possibility, too.

But most people do some kind of fellowshippy type of thing for the transition.

CATHY HWANG: I think it's incredibly hard, in particular because if I asked you-- if you were a student, let's say you majored in math in undergrad. And I was like, now let's write some math papers. Like, write some math papers and publish them.

It'd just be incredibly hard to know what the norms are, like when you submit things for publication, like what kind of lit review you should have, like all of this kind of like norms and stuff. It's just stuff that's very hard to get until you're in a fellowship with some particular time and space to think about those issues. It's just very hard to produce scholarship in a vacuum by yourself, doing it as a second job.

So I think maybe-- and I do think the monetary challenge, the financial issues are real. So if you're thinking about how to plan for things-- like one of the reasons I worked at a firm was that I needed to have some money, because I had a lot of student loans. So I did that and then partially self-funded my fellowship.

Next question is, to clarify, is the trend now that you don't necessarily have to clerk if you're interested in teaching tax or corporate law? If you're in practice for a longer time, is that helpful? Ooh.

So for all tax law questions, I would direct you to Professor Mason or Professor

Hayashi or Professor Curtis, one of the tax people, because I think tax is its own beast. They have their own separate additional degrees that you get and all of this other stuff. So tax is like a different beast.

So I can talk about corporate. I would say that corporate lawyers in general, or transactional lawyers, are less likely to have clerks to begin with, right? So litigators tend to clerk if they're like-- if you're graduating near the top of your class, you'll try to get a clerkship.

And transactional lawyers-- I think I knew, like, one transactional lawyer who clerked on Delaware Chancery. So I think if you're going into a transactional field, it's probably less important. In terms of how long you're in practice, I also wouldn't stay in practice for too long.

I would say that when you stay in practice for too long, you get good at that other job. And it's harder to retrain your brain to be good at this job. So that job is like client service, it's like arguing for a particular thing, designing deals. This job is like a rabble-rouser kind of thing, right? You're talking about how things are wrong and you hate them and they should be this other way.

So I wouldn't stay in practice for too long. I think that three to five years-- five is, probably you want to max out there. Like, you don't want to be in practice for, like, 12 years. What do you think?

RICH
SCHRAGGER: Yeah, I agree with that. So yeah, the corporate tax folks-- again, not as important to clerk. I think that's right, and important to have some experience in those fields to some degree. And again, yeah, the window that people talk about is kind of five to seven years out at the most.

If you stay out 10 or 12 years, then a lot of folks just think that you got tired of being a lawyer in practice and you want to retire to an academic job. And that's the last thing that--

CATHY HWANG: We're very easily offended like that. We're like, you think you can retire and have our job? No.

RICH
SCHRAGGER: Yeah, no way. But you know, that being said, there are folks who transition after a longer period of time.

CATHY HWANG: Oh, I should say, one quick thing here is that if you are interested in transactional work, whether or not you want to be a professor, there are clerkships out there for you. Delaware Chancery clerkships are really great for people who are interested in corporate.

So if you're interested in a Delaware Chancery clerkship, please talk to me or talk to Ruth Payne or talk to whoever you're taking corporations with. I think we would want to help you get one of those.

RICH SCHRAGGER: Yeah, and again, the clerkship, like lots of the goodies that you sort of collect in the buffet, is a signal of seriousness and potential. And that goes to the next question, I think. I notice most professors are circuit or SCOTUS clerks. Is a clerkship at the US district court or state Supreme Court not as helpful? Or does this depend on the school field of scholarship?

Again, I think, as with lots of elite jobs, there is a hierarchy. So if you're a Supreme Court clerk, that's really good. Circuit courts and the federal district courts, sometimes it depends on the judge. So there are more elite district court clerkships that look like the equivalent of circuit court clerkships. It just depends.

Lots of people are stacking clerkships now in the federal system. This seems to be a pattern. In any given year on the market, there might be 30 ex-Supreme Court clerks. I say that just so that people understand who's in this marketplace.

CATHY HWANG: They're all over. Why are there so many?

RICH SCHRAGGER: There's so many. These are alums of-- because they stack up. It used to be that was a real-- again, as I said before, that was all you really needed. But just being a Supreme Court clerk doesn't get you an academic job unless you have some evidence of writing.

But it does give the hiring committee some pause to see that on a resume, because it's, again, an indicia of success in law school and an impressive resume, just like anything else. It's not-- it's far from a necessity. Obviously, there's lots of us who have gotten academic jobs without clerking on the Supreme Court.

But as you will notice, there are many ex-Supreme Court clerks out there on the

faculty. And there is a reason for that. In terms of a district court or state Supreme Court, I think any clerkship is great. Again, it depends what you do with it.

So you could go on the state Supreme Court and clerk for a state Supreme Court justice. Depending on the court, that has a certain cachet as well. So I think it depends what you do with it. And it depends a little bit on the field. But if you're doing anything other than economic-based, say, corporate tax, some economic-based stuff, clerkships are going to be helpful to the academic career.

CATHY HWANG: I would also say one thing I've noticed in just talking to individual students about their interest in academia is that it's very scary when you're at a place like UVA where, overall, your professors look super impressive, right? Like, every time I look at someone like the dean or like Vice Dean Kendrick, I'm like, oh, my gosh.

Like, look at this person, right? It's like a Yale graduate, Princeton PhD, who got some award with-- it's just like a Guggenheim or something like that. Like, goodness gracious. Like, how am I ever going to-- like, this is a person who was turned off the shiny, going to grow up to be a law professor assembly line. And I'm like, oh, my goodness.

But then you realize that a school like UVA-- you came here because your professors are amazing and it's a top 10 school. And so really, you're looking at the professors from a top 10 school. And I would say that academia is very much-- there are many people in academia who start at Quinnipiac, right?

Or I started teaching at the University of Utah. And it's a career where people tend not to necessarily start and end at the school where-- they don't end their career at the place where they started. It's more like baseball, where you might start at, like-- you might have to prove your chops and move on up.

So it's not super accurate to look at the faculty here and think about the kind of career-- the goodies that they've collected from the buffet. It's more helpful, I think, to-- if you just Google, there's something called PrawfsBlawg, and every year, they put out a list of entry-level hires. So just look at the places, the schools that are hiring entry-level people.

And then you can usually Google-- like, Jane Smith was hired at the University of

Colorado. And then look up Jane Smith's CV and see what she has. Because that's more in line with what you'll need to have than looking at someone who you adore here.

RICH Yeah, I think that's important to emphasize, which is the range of law schools that
SCHRAGGER: are looking for law teachers is much broader than the range of law schools you maybe were looking at to attend. And those law school teaching jobs are almost the same.

CATHY HWANG: Yes.

RICH Because the people do the same things at Utah and at Quinnipiac where I taught
SCHRAGGER: property and legal writing and [? local ?] law--

CATHY HWANG: Yes.

RICH --and did writing in the summers. It's the same job. And so the benefits of the job are
SCHRAGGER: the same, basically. And so when you're looking for a teaching job, you're just looking for one job. You're not looking for running the whole list of top 10 law schools. That's not going to happen.

So you're looking for one job. When I applied, I applied to every law school in the country. Anybody that would interview me, I interviewed with. That was--

CATHY HWANG: Same.

RICH --Quinnipiac, Widener, Iowa, whatever it was-- Texas, right? Anyplace. And that's
SCHRAGGER: what folks are doing. Then there's what Professor Hwang said, is there's some mobility after you're in the business. People move from place to place.

But that being said, people have long careers in law schools all across the country. And those law schools are great places to work. And the teaching and the scholarship is basically the same. We're doing the same thing.

CATHY HWANG: Yes, it's the same job. Yeah. Let's see. What else do we have? If you don't get a JD-PhD at first but get a PhD after law school, will you be docked for time out of law school/age? Age, I kind of doubt it. I feel like law faculty tends to be kind of an oldish bunch. And so anyone aged, like, 40 and under, I want to say feels like a

whippersnapper.

I don't think there's widespread age discrimination that I have discerned. But in terms of having spent time out of law school, I guess there's a world in which, if you practiced for seven years and then you went and got a history PhD and then you decided you wanted to be a law professor, people would be like, why? Like, it's been 11 years since you were thinking about the law.

But if you went and got a history degree that was specifically about legal history, for instance, then I think that would tell a more compelling story. And I don't think that would necessarily be a problem.

RICH Yeah, it's a little tricky, only because the PhD-- in that example, you're trying to
SCHRAGGER: switch careers all of the sudden. And there's going to be some skepticism of that. If you were to, say, clerk and then go back for the PhD, right? Take a year clerking. That's probably not a huge problem and might be fine. Because that PhD gives you a chance to write.

CATHY HWANG: Yeah.

RICH And so we've seen some of that, where until you do your JD, you clerk for a year and
SCHRAGGER: then you apply for a PhD. And you go and get that PhD. It depends what the field is, in some ways, right? Is this a teched-up PhD, like an economics PhD where you're doing kind of empirical stuff? Is it a humanities-side PhD?

CATHY HWANG: Yeah.

RICH But I wouldn't put a lot of space between those two degrees. I think that's probably
SCHRAGGER: not a great idea.

CATHY HWANG: Plus, it just strings out the amount of time that you're trying to pursue this career that, ultimately, is-- it's a little hard to land it, right? Like, there's a good amount of luck there. So I don't know that you want to invest 11 years of your life in hopes of landing it. You want to have a backup.

Does an MBA--

RICH What do you think? I don't think so, but--

SCHRAGGER:

CATHY HWANG: I don't think so. But I think it could-- an MBA is a little bit of a weirder one, I guess. It's a little bit of a weirder finishing degree, a little bit of a weirder thing to add to your plate. But that said, Professor Geis has an MBA and was a consultant instead of a lawyer. And I think that makes him weird-interesting.

But I think that there's probably-- for every one of him, there's probably 30 more traditional candidates. And in this case, I don't think traditional is necessarily a bad thing. But for every 30 traditional candidates, you're going to-- an MBA would be cool.

RICH Yeah, and again, the MBA doesn't help you, I think, unless you're really focused on
SCHRAGGER: corporate law. And you'd want that MBA to give you some tech skills, because corporate laws has become a more tech-heavy kind of-- so bringing that to the table is something that the MBA would be helpful.

If you're super-serious about that, a PhD in economics might be a stronger thing--

CATHY HWANG: Right.

RICH --but obviously more time and more challenging.

SCHRAGGER:

CATHY HWANG: Or even, potentially, some people just take some time and do training and machine learning or statistical analysis or something like that. I think that might-- if you're just thinking, how can I get the most bang for my buck in a couple of years? I think that might be a better way to spend that time than an MBA.

RICH Next one. Is it possible to pursue an undergraduate teaching job with just a JD and a
SCHRAGGER: few years in practice? And what are the differences? Oh, interesting.

CATHY HWANG: And transferable. Interesting.

RICH Is it transferable? So my reaction to that is-- depends on what kind of
SCHRAGGER: undergraduate teaching you're trying to do. In a research university, it's not really possible. And you have to do a PhD to get, say, a job at UVA. There are liberal arts colleges who don't require, necessarily, a PhD, though many of them probably do.

CATHY HWANG: Yeah, I [? think ?] some.

RICH But there may be some that don't. And the JD might be sufficient, particularly if
SCHRAGGER: you're teaching in, say, a legal studies program. And in fact, I guess now that I think about it, I know some folks who teach at Wharton, at Penn-- the business school part of Penn, in the undergraduate, maybe graduate too-- and they just have JDs.

So they've come in to teach undergrads this kind of legal studies. They're kind of unique because they are JDs when the academics around them are PhDs or MBAs. So you do see a little bit of that. But for undergraduate, I'm not sure it is transferable. I don't know. Thoughts?

CATHY HWANG: I think it's very challenging. So I think at one point there was a legal teaching position at my beloved undergrad, Pomona College, and I wanted to apply for it. And I was advised they were looking for a PhD. And they, in fact, hired a PhD.

So I think at a lot of the liberal arts schools, research universities, you're going to have trouble getting a job with just a JD-- in part, because people don't really understand it. Like, a PhD who gets a PhD in politics has struggled for, like, seven years, and they understand that feeling. So I think it's really challenging.

I think that the only place of transferability is, as Professor Schragger said, if you teach business law in a business school like Wharton or Indiana or something like that. In a business school, you're teaching business students, undergrad, in the legal studies program, that's maybe the only place where you see some movement. And, I would argue, maybe even just from Wharton, maybe.

RICH Yeah, interesting.

SCHRAGGER:

CATHY HWANG: Like, I don't know that if you taught-- I don't know that we have a legal studies program here at, like, McIntire. And if we did, I don't know that we would ever look at that. Like, we would never think about who at McIntire would be good to bring over to the law school. I don't think so.

RICH What's the breakdown of your time nowadays, between scholarship and teaching?

SCHRAGGER: And two, what's your favorite and least favorite parts of being a professor? Professor Hwang, what do you say to that?

CATHY HWANG: I think people do it different ways. So I think that when I'm teaching during a teaching semester, I will say I spend, like, 80% of my time on teaching. And that broadly means, like, teaching class-- so I'm teaching four credits this semester, so that means four hours of class.

But it's on class, office hours, prep-- like, we have a guest speaker on Monday, so I spent about an hour with our guest speaker, prepping the guest speaker. And thinking about class notes, I do my class notes again. I read all the cases again.

I would say that one thing that people are always surprised to find is how much time it takes to prep for one hour of class. So it probably takes me a day to prep for two hours of class. So that's just two days on straight notes prep. And then the rest of the time, students, that kind of thing. So all of that, right?

And then the rest of the maybe 20% of my time, I guess, I'm spending chugging along very slowly on research projects. So doing things like having calls with my coauthors, talking to my RAs, reading, that kind of thing. And then during school breaks, like winter break and summer break, that's when I get the bulk of my research.

Yeah, I would say-- but I mean, maybe it's more like 60-40. But I will say I feel like the bulk of my time during when I'm teaching is taken up by teaching. And my favorite part of teaching is all of it. This is, like, the best job in the whole world. I love the scholarship. I love students. I love teaching.

A related question is sometimes people ask me if I work less now that I'm a law professor. And I tell them that I work more. I work way more now than when I was a lawyer. Like, on average, I work way more. I once tried to count, and I think I bill a 3,000-hour year every year.

And my least favorite parts of being a law professor are faculty meetings.

RICH Because you get to see me.

SCHRAGGER:

CATHY HWANG: No, it's because I came from a school that had very long faculty meetings. And poorly-run meetings are like group therapy, and everyone talks about what makes

them sad and why are we voting this way. And it just makes me want to perish in my chair.

Like, sometimes I just sit in faculty meetings dreaming of the giant piranhas that will open up under my chair and eat me so I no longer have to be there.

**RICH
SCHRAGGER:**

You know, the time question is a helpful one. You know, much of our time is spent doing scholarship, certainly if you count the summer. So I just spent all summer kind of sitting and writing and reading. You just do a lot of reading and writing. And if you think about-- my kids say that I'm just a professional student, right? I write papers.

So if you are a person who enjoys writing papers, right? You've got to be ready to do this. And paper writing takes a long time. The art of writing is hard. The art of generating ideas, of making sure you're covering the ground, of editing.

I go through 25 drafts of a paper. It's just a lot. And so you need big chunks of time to do that. And so that's during teaching, again. I agree with Professor Hwang-- there's a lot of focus on the teaching in those semesters that are teaching-heavy. And that might be the bulk of the time at that point.

There's administrative stuff. There's reading other people's work. There's workshops and keeping up. But in fact, this is what lawyers do, too. Lawyers do, at least in certain fields, a lot of writing. They're writing briefs. They're writing memos. They're writing and they're doing a lot of research in the library. And so in some ways, there's a kind of a similar thing.

The difference between academia and being in practice is the phone in academia never rings. Nobody's calling you to ask you stuff until later in your career. But in practice, you might have clients who are eager. What is happening is you're interacting with students, which is terrific. That's the best part of the job, is the interaction with the students. And that's my favorite part of the job.

I don't like correcting exams. No one really does like correcting exams. But that might be the least favorite.

CATHY HWANG: Ooh, what about doing edits on your papers? Like, on a paper that you're just over

it. You're like, I wrote this a year ago. It's gone through edits. And like, are you serious? OK, here we go. Read it one more time.

RICH The provost--

SCHRAGGER:

[SIRI VOICE]

CATHY HWANG: I just accidentally turned on my Siri, sorry.

RICH Help me, Siri! The provost, Liz Magill, who's on our faculty and continues to be on
SCHRAGGER: our faculty but is currently the provost-- she was the dean at Stanford, but she's on the law school faculty and was a colleague and is a colleague now-- but she would say you've just got to put your butt in the chair. And you got to do it, right?

So writing is not so easy. You've got to actually put your butt in the chair and do it. And editing and all that stuff is part of that process. So I have known folks who really wanted to be academics, and then they go become academics, and then the writing-- they're not geared up for that.

They're not that excited by that. And so I've known folks who've then left the academy after finding that it wasn't exactly what they wanted to do. So you want to just be aware of that, that one of the big parts of the job is the butt in the chair. Now, that's a big part of a lot of our jobs, anyway.

CATHY HWANG: I agree with that, yeah. Like, the research that I get done during the teaching semesters-- they happen at night, right? They happen at night on weekends. Like, I just started this thing. I do this every semester with a couple of my friends. We have this Google Docs spreadsheet, where we have to write a certain number of words a week. And if we don't write it, then we shame each other.

And you think, like, one day you grow up and you're just able to magically spend two hours a day writing. And then you'll spend two hours a day getting a latte. And then you'll teach a little class, and then you'll do more writing-- like, it just doesn't happen like that.

I'm like, OK, well later after this, I'm going to prepare for class. And then when I'm done preparing for class, maybe I'll do a couple hours of writing. And then it'll be,

like, 3:00 in the morning.

RICH Time passes.

SCHRAGGER:

CATHY HWANG: Yeah.

RICH What kind of resources are available to us as alumni when we decide to go on the
SCHRAGGER: market? All of the resources that we have at UVA's disposal. The main resource is we have a committee that-- our job is, and we are members of that committee-- the academic placement committee.

And what we want you to do as alums when you are starting to think about possibly teaching or transitioning out of a legal practice job, a firm, or otherwise into a fellowship, we want you to reach out to us. Contact career services. They will then reach out to whoever's on the academic placement committee.

And then we will help you get that fellowship. We will help you then get the-- and then when you go on the teaching market, we will help you put together your materials for the teaching market, make sure you have recommenders, and then we will moot you. That is, we do regularly-- we've done a bunch of these. We're doing one tomorrow, where we do a moot interview, a moot 20-minute interview for you.

And then if you get a job talk, we do an hour moot job talk for you. So we're available. We're also available before that to read drafts of your work. Although what we will probably do is point you to somebody who's an expert in the field on the faculty. So those are the people to reach out to. But we can help you. We can facilitate that conversation, too.

So our hope is to get-- we don't have a huge number of UVA people that go on the teaching market every year. We've often had between 7 and 10, maybe, in any given year. But we'd like to increase that number. We think our students are great, and we want them to be on the market. And we think we can help place them in pretty good jobs.

We're doing OK. Not everybody gets a job every time they go in the market, but I think our students who have thought about this and are pretty geared up to do this

do very well. We hire our own at Virginia. For example, we have a lot of Virginia graduates who work for us on the law faculty.

And our graduates get hired elsewhere, too, on a regular basis. So we want to make sure that there are resources available to all of you when you do decide to go on the market.

CATHY HWANG: We would like to talk to you. Probably the next thing you're going to do is go out for a clerkship or a firm or whatever. And then, probably in like two to five years, you will say, man, what was that stuff that they said about being a law professor again?

We would like to talk to you at that point, before you start groping around in the dark. We'd like to have a 15-minute conversation with you and remind you that it's time to start thinking about a paper or whatever. Like, this is how you apply for-- these are the main fellowships that are hot right now. And we know people there. We can call them for you, et cetera, et cetera. That's what we'd like to do.

The other thing I would encourage you to do is really think about research projects while you're here, bounce them off with people-- your professors-- while you are here. In part, because I think you still get free Westlaw while you're here, so just try to do some of that research while you have free Westlaw.

RICH
SCHRAGGER: So other questions. I think we've got all the ones in the chat. Are there folks who have questions? I know we're a little over time, because we started late, too. Again, my apologies for that. Kimberly?

KIMBERLY: Hi, professors. Just quickly on that note on research in school-- how developed, how mature should an idea be before you pitch it to a professor? Like, should you go through an entire preemption check? Like, how fully-baked should these ideas be before you pitch them as an independent research project, do you think?

RICH
SCHRAGGER: Not baked at all. I mean, I guess it depends. So students who come to me, where they say, I want to do an independent study or an independent research project or something, sometimes come with pretty vague topic areas. Like, I want to write about, I don't know, housing or zoning or local government power in various ways. Or I do religion, too.

It's a little helpful to come in with at least some thinking about it, right? Oh, I've looked around. I see there's some notes on this. But a lot of times, that professor can immediately say to you, oh, this has been written on. Or this hasn't been written on, or this is where you need to look. Or don't write about that-- write about this other thing.

And then you're off to the races without having wasted six months trying to-- So you don't want to come in, like tell me a topic. You want to have a couple of ideas in your head. So you can say, well, I have two or three ideas. What do you think? That shows that you've made some investment.

But I think at the end of the day, they're going to be more helpful to you earlier, rather than spending a lot of time trying to figure out. But a little research isn't a bad thing, I think. What do you think, Professor Hwang?

CATHY HWANG: Yeah. So the worst way to go in is to be like, I would like to write a paper. Do you have any ideas? And I'm like, friend, if I had ideas, I would be writing them. I'm always looking for new ideas. Do you have any ideas? I would like to write them.

So I think the easiest way to do this-- I think the most successful students have come in two varieties. So variety one is like, I would really like to work with you. I really want to write about local government. In particular, I'm really worried about gentrification or segregation in small cities. And can I work with you this semester on this project?

And then Professor Schragger will probably be like, yeah, that's fine. Why don't you come up with 10 preliminary ideas and bring them to my office and we'll talk about them? So kind of like general subject area thing. Or alternatively I sometimes have students who are like, I would like to write about Delaware appraisal cases from 2005 to 2010. And I'm like, OK, then. That's fine, too.

So you either do quite a bit of research on one topic, and you're sure it's preemption checked and all of that. Or you do relatively little-- maybe like three hours of generic Googling-- and you come with a lot of potential ideas. So maybe an hour of Googling per idea to just see if somebody has written literally the same paper.

RICH Yeah, and this is why doing, say, taking a seminar in which there's a substantial
SCHRAGGER: paper requirement can be a helpful way to structure writing. And then that
substantial paper, if it's only 30 pages, let's say, you can expand that. You can then
stack some research on top of that.

I've had students who do a substantial paper, and I say, you should expand this. Or
you should write the second version of this. And we can do that together also, right?
We can expand it and do more on it. But that kind of classroom component gives
you a bunch of the literature.

So it's helpful to you, because you're reading law review articles at the same time
that you're formulating-- with some guidance in the classroom-- at the same time
that you're formulating your paper topics and ideas. It's not necessary, but it can be
helpful to do it, obviously as an adjunct to a class.

Again, I've had tons of students who come in and they're like, let's work together on
some of these areas. And they produce terrific stuff. Yeah, and if it's really good, I'll
try to co-author with them by stealing-- steal their--

CATHY HWANG: There will be hop-ons, as they say in *Arrested Development*.

RICH Yeah, but that's fun too, to co-author with students. I've done a little bit of that

SCHRAGGER: recently that I hadn't done before, and that's been really great.

CATHY HWANG: A fun idea I'd never thought of as a student was co-authoring with a fellow
classmate, maybe. I think that might be fun. So the first three years of my career, I
did not really co-author. I did, like, one co-authored project. And now I've switched
to like, I don't know, maybe half my projects are co-authored. And I really like it.

I think I'm a social person. I think sitting by myself is not-- that doesn't make me
that happy. As a transactional lawyer, you're usually bouncing-- you work on the
draft, and then your friend works on the draft, and then you work on the draft, and
then they work on the draft. And that's kind of how I do a lot of my research now,
and I kind of like it.

So if you have a friend, and you guys are having a chat thread about this dumb
thing that happened in the seminar and how you think it really should be this way.
Then maybe think about writing a short paper about it, just putting both your names

on it and slapping it together and seeing what happens.

RICH All right. So we're coming to the end.

SCHRAGGER:

CATHY HWANG: We are.

RICH Other questions?

SCHRAGGER:

CATHY HWANG: You should feel free to reach out to us if you have questions.

RICH Yeah, if you have questions, email. We're available. The committee is available.

SCHRAGGER: Thanks for coming. Tell your friends and neighbors that we're looking for other folks who want to pursue this kind of career path. I'm always surprised that more folks aren't interested. It is, as Professor Hwang said, the best job in the world by far. And I've had some crappy jobs.

CATHY HWANG: Yes.

RICH So I encourage it. I encourage it. And again, don't be dismayed by the qualifications
SCHRAGGER: of various folks that you see who are professors. It is true, they are highly qualified folks. But there are lots of ways into academia, and there are lots-- we want to be realistic about it, certainly. But there are lots of levels at which you can teach, and those jobs are good jobs, too.

So I encourage you all, as you're going through-- we're available to answer questions. And then as you go out in the world, make sure you come back and talk to us if you're still interested.