

NOW THAT I'VE GOT IT, WHAT DO I DO WITH IT? PRACTICAL ADVICE ON MANAGING A LAW REVIEW

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I. INTRODUCTION

An editor in chief (EIC)¹ must master many administrative tasks. At most, an EIC has only one year to learn how to manage a law review, do the job, and then train a replacement. Because of the workload, the relative brevity of an EIC's tour of duty is both a blessing and a curse.

Managing a law review, by anyone's measure, is a challenging task. An EIC continually must balance law review against the competing interests of education, family, work, and life's other assorted pleasantries. As I now reflect on my experience as an EIC,² I am convinced that an individual may skillfully and gracefully balance the competing interests with an appropriate degree of preparation.

More than a year has passed since I handed the EIC baton to my successor at the *Stetson Law Review*. During that time, I have reflected on the organizational reforms that we implemented. On balance, most of the reforms were successful. However, others were less than complete successes.

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I dedicate this Essay to my wife, Roxanne B. Branton, in recognition of her tolerance of my drive to succeed. I am truly indebted to her for her patience and willingness to allow me the freedom to pursue my varied personal and professional interests. Since this Essay is primarily based on my personal experiences and opinions of management, especially as applied to law reviews, I will adhere to the Honorable Abner J. Mikva's guidance as expressed in his keynote address at the annual meeting of the National Conference of Law Reviews in St. Petersburg, Florida. See Honorable Abner J. Mikva, *Law Reviews, Judicial Opinions, and Their Relationship to Writing*, 30 *Stetson L. Rev.* 521, 524–525 (2000) (discussing the use of footnotes). Therefore, I will keep the use of footnotes to a minimum.

1. Although this Essay specifically applies to editors in chief, much of the advice and guidance also may be applied to the roles and responsibilities of executive editors, managing editors, and other editors who have administrative responsibilities.

2. The Author served as editor in chief of the *Stetson Law Review* for Volume 28 (1998–1999).

At a minimum, an EIC must be able to do the following three things well: plan, communicate, and lead. First, an EIC must be able to effectively conceive a practical plan to accomplish specific goals. Without this skill, the probability of success is reduced significantly.³ Second, an EIC must be able to communicate what must be done, when it must be done, and who must do it, because an EIC must generally do things through other people. Third, an EIC must be able to lead and coordinate a team of people. Without leadership, even the goals of the best plan will never be reached.

This Essay will briefly describe the scheduling, communications, and workload management reforms that were successfully implemented within the *Stetson Law Review*, particularly as applied to the three most significant aspects of any law review — (1) the publication; (2) special projects; and (3) people. However, the methods and management techniques discussed in this Essay should not be implemented individually. They must be implemented in parallel so that each process, method, or technique can build upon the others.

II. MANAGING THE PUBLICATION

An EIC must learn and understand the law review publication process to create a workable publication plan. After learning the publication process, the EIC must estimate how long it takes to perform each step of the process and determine who should perform it. Invariably, the publication process also is comprised of steps that must be performed by people the EIC cannot control, such as the publisher, the author, or maybe even the law school staff and faculty. Therefore, time estimates should anticipate and accommodate reasonably foreseeable scheduling delays.

Typically, a law review produces more than one issue in an academic year.⁴ For each issue, there must be a production schedule that identifies the production overlap between the issues. The

3. See e.g. Marshall E. Levine, *Introduction to Applied Strategic Planning*, 1 Natl. Tr. Law. 71, 72 (Sept. 1993) (arguing that long term marketing of a law firm is “doomed” without strategic planning).

4. Richard S. Harnsberger, *Reflections about Law Reviews and American Legal Scholarship*, 76 Neb. L. Rev. 681, 682 (1997) (describing the development of law school publications and responding to typical criticisms of student-edited journals); Stetson U. College of L., *Stetson Publications, National Conference of Law Reviews, NCLR 1999 Survey Results Question 1* <<http://www.law.stetson.edu/nclr/NCLRsurvey/sld003.htm>> (last updated Nov. 15, 2000) (Ninety-six percent of the fifty-four law reviews that responded to the survey reported production of more than one issue per year.).

overlap periods are significant, because workload levels will peak during these times and members may have to work longer hours because of increased requirements. Identifying these overlap periods and providing the membership with the earliest possible warning of the potential for an increased workload is important to minimize staff tensions.

If planning a production schedule for an entire book is too onerous a task, small-scale publication scheduling should be considered as a viable alternative approach. Small-scale scheduling requires constructing a production schedule for each article, casenote, or comment in a given issue. Once each article is separately scheduled, an overall production schedule can be developed by combining the starting and ending dates of each step of the publication process for all pieces. For example, if the “author review” step is to begin on May 1st and end on May 14th for the first article, May 7th and 19th for the second article, and May 10th and 24th for the last article, the issue schedule should reflect May 1st through May 24th for the “author review” step of the overall publication process.

All plans must be effectively communicated to the people who carry them out. A successful EIC should use multiple means to communicate with the law review membership. First, calling a “kickoff meeting” at the beginning of the semester is a great way to update returning members on the status of ongoing publications. Second, periodic “all hands” meetings should be used to inform the staff about progress toward production milestones. If a milestone is missed, corrective actions to get back on schedule also should be reviewed. Third, the production schedules should be posted in the law review office or an area frequented by law review members. These schedules should detail the status of each production milestone and should be updated weekly. Finally, a “wrap-up meeting” at the end of each semester should be held to acknowledge successes, review the status of any publications in production, and discuss any actions that may be necessary during an upcoming break period.

Once the plan is hatched and communicated to the entire staff, the EIC must make sure that the plan is accomplished. Since many law review members are highly self-motivated, an EIC may be able to motivate and lead most members by simply reviewing the status of the publications. However, some members will rapidly lose interest in law review activities and will require more motivational muster. In such instances, the EIC should remain in the law review

office as much as possible to answer questions and provide support for less enthusiastic members. Additionally, the EIC must lead by example, not by dictatorship. One of the most effective leadership tools available is rolling up your sleeves and rowing with the masses. An EIC who participates side-by-side with other members demonstrates the importance of teamwork to accomplish goals.

III. SPECIAL PROJECTS

Special projects are a planning wildcard. Special projects, such as constitutional modifications, physical symposia, or hosting an annual meeting of the National Conference of Law Reviews (NCLR),⁵ arise infrequently during any academic year. Although they are exceptions to the norm, special projects must be anticipated because of the potential strain on labor.

Typically, the EIC should form a committee to lead the planning process for special projects.⁶ An editorial board member or a senior staff member should be designated to lead the committee and volunteers should be asked to participate. Of course, the EIC may have to “sell” the importance of the committee’s task to staff the effort fully. One means of increasing interest is to give credit for committee participation by allowing a committee member to avoid or defer other law review assignments while participating on the committee. Editors should consider other enticements; however, the lure of avoiding law review drudge work is often too tempting to decline.

Committee members should actively participate in the project planning process. However, to expedite the process, final planning decisions should be reserved for the committee chair. If at all possible, the EIC should resist chairing the committee. To do otherwise would defeat the purpose of forming a committee. Instead, the EIC should participate as a member of the committee and

5. The National Conference of Law Reviews is an organization of approximately 145 law reviews and journals with members from all 50 states, Canada, and Puerto Rico. Each year, the NCLR conducts a conference designed to provide a forum for the members to meet and exchange ideas with students and faculty from participating law reviews. Stetson U. College of L., *Stetson Publications, National Conference of Law Reviews, About Us* <<http://www.law.stetson.edu/nclr/about.htm>> (last updated Nov. 15, 2000).

6. “A camel is a horse designed by committee.” *The Oxford Dictionary of Quotations* 360 (Angela Partington ed., 4th ed., Oxford U. Press 1992) (quoting Sir Alec Issigonis). Beware of relying too heavily on committees. They may produce an unintended or mutated result. Therefore, special projects are one of the few reasons to form a committee in a law review setting.

support the designated committee chair. Nonetheless, the EIC should remain available as a resource for the committee chair.

Once the committee is fully staffed, the primary responsibility for communication rests with the committee chair who should ensure that all committee members are fully informed of their roles and responsibilities in the project plan. Although the communication process is generally not as onerous for committees as it is for the law review membership, the committee chair should review the committee's work periodically at board meetings and "all hands" meetings attended by all law review members. By keeping the general membership informed, the committee chair will lay the foundation for recruiting new committee participants to replace those who depart for one reason or another.

IV. PEOPLE

A law review is comprised of people who research and assemble the publication. Simply stated, people are the most significant asset and the biggest headache associated with managing a law review. Generally, law review members are some of the most talented legal minds that a law school can offer.⁷ Conversely, many law review members also are driven by individual goals and objectives that often conflict with those of the law review. For instance, many members may become enamored with job opportunities, maximizing grade point averages, or other non-law review related activities. Although many of these endeavors are necessary for a law student's ultimate success, they nonetheless detract attention from the goals and work necessary for a successful law review. Accordingly, the EIC must plan to distribute work among the membership in a fair and equitable manner to permit members an ample opportunity to pursue non-law review related interests while working effectively and efficiently. The EIC also must devise a plan to right the ship of nonproductive members who are not pulling their weight. The EIC and editorial board must develop and implement procedures for workload distribution and member discipline. If a law review has such procedures in place, it provides a systematic, equitable method for an EIC who is forced to make members more productive.

7. At least this is what legend and lore leads the profession to believe. *See e.g.* Scott Turow, *One L* 83–86 (Farrar Straus Giroux 1988) (reciting a story about law review that all first-year law students are told in one form or another).

To promote workload equity, the EIC should implement a system that distributes work evenhandedly. One method that worked well at the *Stetson Law Review* involved tracking the time each member devoted to certain activities, such as cite and sourcing, editing, special projects, and scheduled meetings. The cumulative time accrued by each member was updated weekly, and the members were then ranked from the most time to the least time worked. The rankings were posted in the *Law Review* office and identified members who were still working on assignments. If someone was working on an assignment when the rankings were updated, they were not eligible to receive a new assignment until the old assignment was completed. An editor assigned a new job to the first eligible member who had worked the least hours. Deviations were only rarely permitted.

Tracking time and ranking members on a “time reported” basis causes an EIC to rely heavily on the integrity of each member. Further, it may have a punitive effect on those members who can complete their work assignments efficiently. Although the *Stetson Law Review* experienced a narrow variance in time reported, some law reviews may need to minimize the risk of inequitable time reporting by estimating the amount of time an effective member would take to complete an assigned job. For example, if a cite and source assignment with fifty footnotes generally requires thirty hours of work for an average member, every member who completes a fifty-footnote assignment receives thirty hours work credit. The estimated time to complete the assigned task would then be used to rank the members as previously described. Although using time estimates minimizes the risk of fraudulent time reporting, the editorial board may be accused of unfairly estimating the time required to accomplish certain tasks. Pick your poison.

A law review also should have an effective means to discipline its members when necessary. A procedure that proscribes unacceptable conduct and also describes the consequences of deviant behavior is an exceptionally valuable disciplinary tool. However, discipline is a “use or lose” proposition. If a situation requires disciplinary action, and the appropriate machinery is not put into motion, the procedure will become little more than a paper lion, and its deterrent effect will be minimized. Therefore, if a law review decides to develop and implement a disciplinary procedure, it also must be prepared to use it.

Several means are available for maintaining communication with staff and editors. The obvious mechanisms of periodic staff

meetings and editorial board meetings immediately come to mind. However, other not so obvious mechanisms also are available to ensure that staff and editors get the message. One such mechanism is “required reading.” The managing editor should distribute a copy of a new policy or procedure when it is enacted. The EIC should then require each member to read the policy or procedure and sign a form attesting that the member read and understood it.

Perhaps the most overlooked communicative mechanism is an organization chart. An organization chart, similar to Figure 1, is an effective means of illustrating to members, old and new, where they fit into the organizational puzzle. The organization chart also details the path through which staff members can raise any issues they may identify.

Once an organization chart is established, the EIC should assign the staff equally among the editors who will function as “organizational supervisors.” The EIC should hold each editor responsible for the progress and development of their assigned staff members. As part of their supervisory responsibilities, the editors should meet periodically with their staff members to update them on current law review news and events, including estimated times when a new wave of work is expected.

Leading and forging a team from a group of individuals is an art. Indeed, it is sometimes difficult to tell the difference between leadership and dictatorship. However, an EIC can effectively lead the majority of law review members with a thorough plan, effective and clear communication, and leadership by example.

Like death and taxes, an incoming EIC can only be certain of one thing. Any organizational changes attempted will face a high degree of scepticism and resistance. Thus, the incoming EIC should be prepared to weather a brief storm of controversy and turmoil before assessing the effectiveness of any newly implemented modifications. However, an EIC also must be prepared to modify or change a policy if failure is obvious.

V. CONCLUSION

Although managing a law review is challenging, it also can be a rewarding experience. Anyone who has the resolve to succeed and the ability to lead a group of individuals can enjoy and thrive while leading a law review. By constructing an adequate plan, communicating with others, and exercising the leadership skills necessary to rally a group of people around a common objective, an EIC will be able to manage all aspects of a law review successfully.