

Another form of work with students

I recently had occasion to publish an article in the *Northwestern University Law Review*, together with a longtime co-author. In the article, we thanked some 17 current or (predominantly) former students for their help as research assistants. This number was a bit unusual, as the article had been a few years in the making. In fact, it had taken parts of seven years, even as my co-author published numerous other things during that time, and I, too, engaged in some other projects, including not least Eckstein Hall.

But the point on which I want to focus is the contributions of these research assistants—or, more boldly, the contribution of the article (or their work on it) to their education. The sort of factual research required for the Northwestern article was

not so different from what a lawyer might do in certain instances, in the sense of requiring the uncovering and marshaling of information found in documents, books, and archives.

The legal research was similarly analogous to the sorts of inquiry that one writing a brief might undertake, according to the particular circumstances presented.

The students' work lays the foundation in other senses as well. I inform all of my research assistants up front that, whatever the particulars of their work for me, it will be tedious and inglorious. I suggest that, in that regard, it will be good preparation for much of the practice of law, and I mean that as a denigration of neither the practice nor their work (most of *most* work is tedious and inglorious).

But it is, more than anything, the opportunity for a faculty member to work with the students as colleagues, frequently one-on-one, and incidentally but necessarily to impress upon them one's professional habits, that warrants the assertion that the research can be an important part of their education. I believe that learning legal doctrine is by far the most important thing that a law student does, but developing familiarity with the legal culture and facility with legal discourse is important also. Work as a research assistant contributes to each of these aspects of formal legal education.

All of this is on my mind for two reasons. One is that recent commentary has called into question the societal value of law review articles. I am not engaging generally on that matter (my view is too nuanced for useful exposition here). Yet, to me, it is clearly a mistake to portray the work of a student writing or editing or helping research an article as necessarily (or even likely) being without direct benefit to his or her legal education.

The other is that, even more recently than the Northwestern piece, I have found myself required (required by myself, admittedly) to write and collect some essays by a few leading academics to mark the 125th anniversary of the Interstate Commerce Act. They will appear in the *Marquette Law Review* (and we will reserve space in the next *Marquette Lawyer* for a few excerpts), and the law review's outgoing editor-in-chief has dispatched the incoming editor-in-chief and managing editor to help me in the editing of the essays. Having worked with me on some of the painstaking finishing processes of the Northwestern article, he told the newcomers that it will be good for them to have a similar experience with me, as they develop their own habits. I have even persuaded myself that no part of his motivation in effecting this handoff was a desire to ensure that he did not have one last go-round with me.

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