Student/Faculty Collaborations: A Notable Success

On the first day of class in her *Socialist Law in Transition* Seminar, Professor Frances Foster startles her students with this announcement: “I have complete confidence,” she says, “that every one of you can produce a publishable paper.” In other words, each student is capable of groundbreaking legal research and writing an article worthy of being published in an academic journal.

However surprised Foster’s students might be, in fact, they don’t disappoint her. No fewer than eight of her students published papers in scholarly journals in 2008 alone. During the 21 years that she’s been at Washington University Law, a variety of law journals have published articles from 30 of her students.

Their success thrills Foster, the Edward T. Foote II Professor of Law—and impresses her. “They are producing some of the finest work in the country,” she says, emphatically. Some of them, she adds, “produced articles that—had the students been law professors—would have counted for tenure at the top law schools in the nation.”

Daniel Mandelker, the Howard A. Stamper Professor of Law, agrees. “One of my students won an award for the best paper published on environmental law in a contest that included law professors and practitioners,” he notes. “One article published many years ago has become a classic on its topic—vested rights in land development—and has been cited several times in court decisions.” Two of Mandelker’s other students also published in the past year.

Indeed, numerous law school faculty have mentored students as research assistants and guided them in publishing their work. An article by Elizabeth McDonald, JD ’09, titled “Sperm Donor or Thwarted Father? How Written Agreement Statutes are Changing the Way Courts Resolve Legal Parentage Issues...”
in Assisted Reproduction Cases,” began as a research paper for a seminar taught by Susan Frelich Appleton, the John S. Lehmann Research Professor for 2009–10 and the Lemma Barkeloo & Phoebe Couzins Professor of Law, and ended up being published in the April 2009 Family Court Review.

Another of Appleton’s students, Jason N.W. Plowman, JD ’08, adapted his seminar paper, “When Second-Parent Adoption Is the Second-Best Option: The Case for Legislative Reform as the Next Best Option for Same-Sex Couples in the Face of Continued Marriage Inequality,” for publication in The Scholar: St. Mary’s Law Review on Minority Issues (2008). He also worked on a research project, under the supervision of Professor Laura Rosenbury, which resulted in an article co-written with Northern Kentucky University Professor Richard Bales. Their article, “Compulsory Arbitration as Part of a Broader Employment Dispute Resolution Process: The Anheuser-Busch Example,” was published in the fall 2008 issue of the Hofstra Labor & Employment Law Journal.

Professor Pauline Kim’s student Bryan Lammon, JD ’08, published a challenging theoretical piece on judicial decision-making, titled “What We Talk about When We Talk about Ideology: Judicial Politics Scholarship and Naive Legal Realism,” in the summer 2009 St. John’s Law Review. Similarly, Noah Gold, JD ’09, wrote an article for a seminar on corporate fraud taught by Kathleen F. Brickey, the James Carr Professor of Criminal Jurisprudence.

Gold’s article, “Corporate Criminal Liability: This Is a Stick-Up! Do As We Say, and You Won’t Be Indicted,” was accepted by a handful of publications, but he ultimately decided upon the Georgetown Journal of Law & Public Policy.

These scholarly achievements happen only after a lengthy and arduous process. Typically, articles begin with a seminar paper, though some originate in independent research projects. Right from the start during topic selection, faculty work closely with students. Some students choose subjects because of a personal passion for the subject. Brett Rowan, JD ’08, had studied, worked, and traveled throughout Europe and became fascinated with immigration issues. “He wrote a really challenging piece on the impact of Slovenia’s immigration law,” Foster observes. Rowan’s article, “The Price of ‘European’ Identity: The Negative Social and Economic Impact of Slovenian Migration Law,” will appear this year in the Loyola of Los Angeles International and Comparative Law Review.

Some students choose topics because of their academic background. Foster’s student Jessica Wilson, JD ’08, had studied Russian language and literature. “She ended up,” Foster says, “writing a brilliant literary analysis of early Russian texts on law and found a tradition explaining why it is so difficult to implement the rule of law there. She was the first person ever to identify some of these early works.” Wilson’s article, “Russia’s Cultural Aversion to the Rule of Law,” appeared in the Columbia Journal of East European Law.

Faculty work closely with students throughout the research and writing process. “They begin with a topic statement. Then we talk about research,” Foster explains. “They hand in a first draft—and then the work really begins.” Foster says she is “infamous” for her red ink. Repeated revisions continue after semester’s end. They might need some additional research, and they comb repeatedly through the article to make it as “flawless as possible,” Foster explains. “They’re competing against law professors.” Faculty also help students identify likely journals and guide the students through the submission process. But at the end of this demanding enterprise, the articles are typically so good that their authors receive multiple publication offers, according to Foster.

Students have high praise for the guidance their professors provide. “Professor Appleton was a wonderful mentor to me during law school,” notes McDonald, whose paper won the Hofstra Law/AFCC family law writing competition. “She gave me valuable feedback as I wrote the paper and encouraged me to submit my article to various competitions. Throughout the writing process, she challenged me to consider how gender complicated my legal analysis of assisted reproduction, for instance, by grappling with the implications these decisions have for women and their reproductive autonomy.”

Lammon expressed similar appreciation. “Pauline Kim was phenomenal in encouraging this,” he says. “She writes in this area. It was very valuable to have someone say, ‘If you’re going to write about this, you need to read x, y, and z,’ making sure that you’re getting it right, not misinterpreting what others are saying.
or overlooking large parts of the scholarship.” He also values the working relationship that evolved through the process. “When you do this kind of research,” he notes, “you get to build very meaningful and important relationships with the faculty.”

For their part, professors find these students a joy to help. Foster says their dedication is extraordinary. “One semester I had several students hand in five drafts,” she recalls. “One student was so passionate about her topic that I had to tell her at the end of November that she was not allowed to do any more research!”

Because these topics are on the cutting edge of new law, students often find current events reshaping their articles as they work. “They are writing about the very hottest topics,” Foster says. “They’re watching law change.”

Their success in publishing demonstrates that they are making important contributions to legal knowledge. In several cases, Foster says, “the student author is literally the first legal scholar to identify sources in a foreign language, translate them, and analyze them.” Seth Bridge, JD ‘08, was “the first person to locate Russia’s new counter-terrorism law, analyze it, and put it into perspective.” His article, “Russia’s New Counteracting Terrorism Law: The Legal Implications of Pursuing Terrorists beyond the Borders of the Russian Federation,” appears this year in the Columbia Journal of East European Law.

The value of this experience to students is almost incalculable. For those planning to practice law, it hones their research and writing skills. “It makes them better attorneys,” Mandelker argues, “because they have gone through the process of perfecting their scholarship and their presentation of written concepts.” For those interested in an academic career, it also introduces them to the publication process.

For all of them, Foster believes, “the skills they learn in researching and writing and honing an argument are invaluable, whether they’re choosing government or academia or private practice.”

The students agree. “This was the defining experience of my legal education,” Bridge says. “It taught me how to critically examine my own arguments. Professor Foster was amazing in the way she kept challenging me.”

And, of course, these accomplishments enhance their résumés. “I can think of at least five of my former students who have gotten jobs in part because of their success in publication,” Foster says.

Nor is publication necessarily the end of the process for these young scholars. In some cases, they become so fascinated with their research that they want to continue to pursue their topics. Bryan Lammon, now clerking for Judge Edward Prado in the Fifth Circuit Court of Appeals in San Antonio, will join a law firm next year, but he also hopes to write more on judicial decision-making. Elizabeth McDonald, who graduated in May, is a litigation associate at Katten Muchin Rosenman LLP in Chicago, but eventually, she says, “I’d like to teach family law and continue writing articles about this area of the law. Writing this paper sparked my interest in pursuing a career in teaching and scholarship.”

### Other Recent Student Scholarship

In addition to those papers published by Seth Bridge, Noah Gold, Bryan Lammon, Elizabeth McDonald, Jason Plowman, Brett Rowan, and Jessica Wilson, a sampling of other recent student scholarship includes:


- **Lauren Smith**, JD ’10, “Alternatives to Property Tax Increment Finance Programs: Sales, Income, and Non-Property Tax Increment Financing,” The Urban Lawyer (2009)


Additionally, in 2008 and 2009, more than 50 Washington University Law students published articles in the school’s three student-edited journals, the Washington University Law Review, Washington University Journal of Law & Policy, and Washington University Global Studies Law Review. Additional notes are forthcoming in fall 2009. Recent topics in these publications have ranged from parental leave legislation to RICO and ERISA, and from water rights and environmental law in China to fair housing and online roommate selection. They also span derivative asylum claims and a daughter’s risk of genital mutilation; shareholder disenfranchisement in corporate director elections; plea bargains and non-English-speaking defendants; generic pharmaceutical regulation in the United States and Europe; and rights to ancient shipwrecks in international waters.

For a full listing of recent student scholarship, visit law.wustl.edu/news/index.asp?id=7443.

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**[Research Excerpt]**

“This article explores ‘the Japanese advantage’ in the enforcement of ex ante contract commitments in comparison with the United States, arguing that ostensible convergence of Japanese and United States contract practice in ongoing business relationships is based on very different assumptions and conditions.”

**John O. Haley, William R. Orthwein Distinguished Professor of Law**

“Rethinking Contract Law in Japan,” Journal of East Asia and International Law