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Manuscript Selection Anti-Manifesto

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MANUSCRIPT SELECTION ANTI-MANIFESTO

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INTRODUCTION

An *Author's Manifesto (Manifesto)* constructively criticizes the amazingly arcane process of law review publication and affords salient suggestions for its improvement.[1] The essay treats two aspects of this process—the selection of manuscripts and the editing of articles—which sustain that venerable institution: student-edited law journals. *Manifesto* regales readers with many terrible tales of travesties which involve article editing but recounts comparatively few sordid stories that implicate manuscript selection. Because more, and more outrageous, abuses attend the wild and wonderful process of choosing articles, this piece focuses on manuscript selection—principally through the lens of my experiences and those of numerous colleagues, friends, and acquaintances. That effort has as much redeeming social value as, and is considerably more fun than, the empirical study of the publication process which Professors Gordon and Lindgren propose. I also have different perspectives than those two professors, as I teach at a law school that *U.S. News and World Report* recently ranked in the fourth quintile.[2]

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† Professor of Law, University of Montana. I wish to thank Mary Becker, Derrick Bell, Paul Brest, Guido Calabresi, Richard Delgado, Frank Easterbrook, Marc Galanter, Richard Posner, Cass Sunstein, Laurence Tribe, and Patricia Williams. The stars in this note are meant to impress you with the luminaries whom I know and to reassure you that brilliant critics have analyzed this piece. Although everyone listed would certainly have afforded trenchant suggestions, none of them has actually read it. *See* Arthur D. Austin, *The "Custom of Vetting" as a Substitute for Peer Review*, 32 ARIZ. L. REV. 1 (1990).

I also want to thank several individuals who did read the Article. These include Jim Lindgren, who wrote the essay to which I respond. *See infra* note 1 and accompanying text. Moreover, I thank Beth Brennan and Peggy Sanner—who correctly thought that my Article was sufficiently universal to warrant circulating copies to journals other than the *University of Chicago Law Review*, which published Professor Lindgren's essay—as well as those law reviews that offered to publish the manuscript. Furthermore, I thank Rod Smith and Bari Burke for their strong support of my scholarship, even though Bari expressed reservations about my choice of topic. I thank as well Cecelia Palmer and Charlotte Wilmerton for processing this piece, and the Harris Trust for generous, continuing support. Errors that remain are mine.

1 *See* James Lindgren, *An Author's Manifesto*, 61 U. CHI. L. REV. 527 (1994). Professor Wendy J. Gordon penned a response titled *Counter-Manifesto: Student-Edited Reviews and the Intellectual Properties of Scholarship. See id.* at 541. The Articles Editors contributed *A Response. See id.* at 553.

2 *See A Long Shot, At Best*, U.S. NEWS & WORLD REPORT, Mar. 21, 1994, at 72, 74. I always write for the elite law reviews, even if those journals evince little appreciation of this fact by printing my work. The enclosed curriculum vitae is meant to assuage any concerns

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MANUSCRIPT SELECTION

A. Why Manuscript Selection is a Crapshoot

Many observers consider manuscript selection to be a somewhat sophisticated crapshoot—academic law's version of legalized gambling, albeit more refined. A cluster of reasons explains this perception: Too few articles editors, who have too little time and too little understanding of the substance, style and footnotes in the submissions that they receive, must review too many pieces, too few of which the law journals can publish.

1. *Editors' Preferences*

Although editorial boards may have insufficient appreciation of submissions' subject matter, form and footnotes, they by no means lack preferences. Indeed, most editors possess strong predilections and act on them compulsively when making publication offers. One set of substantive preferences involves hot, trendy or cute topics. For a recent, but ubiquitous, example, consider editors' receptivity to the ideas of certain continental philosophers.[3] One difficulty with the apotheosis of these figures is the reviews' apparent ignorance that other disciplines had already discovered them. Many law journals thus publish articles premised on works by thinkers whose ideas have long since lost their cachet—or have even been discredited. For example, an elite review editor was apparently so transfixed by an allusion to a rather obscure modern philosopher—who was invoked in the first footnote of a manuscript but treated only incidentally in the remaining ninety-nine pages—that she nearly forgot that her purpose in telephoning the author was to make an offer.

Editors have a remarkable penchant for publishing incomprehensible ideas—especially when impenetrability is enhanced by prose so turgid that it is thicker than treacle. Numerous authors have ascribed these perverse predilections to the theory that the writing must be brilliant if the reader cannot understand it. Editors also harbor certain preferences relating to format and style. Most authors' experiences confirm *Manifesto's* view that journals prefer to publish exhaustively footnoted tomes which appear conventional. I concur with Professor Lindgren, even though I employ shorter, non-tradi-

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which you might have about publishing writers who teach at less prestigious schools by showing that I have authored articles in the *Columbia, Cornell, and Stanford Law Reviews* and many respectable journals, despite my non-elite institutional affiliation. The *Cornell Law Review* has exercised good judgment for the second time by printing this Article.

[3] A search by Fran Wells, computer reference librarian at the University of Montana Law School, on February 6, 1995, found more than 350 law review articles that cited Jacques Derrida and nearly 250 law review articles that cited Michel Foucault.

tional forms because they are more effective and easier to write and read.[4] Reviews' footnote fetishism is so pervasive, so familiar to the authors who loath it, and so skillfully recounted in *Manifesto* as to warrant little treatment here.[5]

2. *Space Limitations*

Another reason why writers find selection a crapshoot is the minuscule number of articles that the elite journals actually print. Those reviews annually receive more than 1200 manuscripts and publish a little over a dozen. The journals devote many of their precious few slots to faculty at their institutions or at schools that occupy loftier positions in the pantheon of legal education and to symposia and "recent developments" issues. Consequently, the most likely reaction to a manuscript by the editors of those reviews that are published at the 100 or so institutions which think that they are in the top ten is to send authors a conciliatory, if trite, form rejection letter.[6]

3. *Time Constraints*

The limited time that editors have for considering pieces also lends credence to the crapshoot theory of manuscript selection. For

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[4] Witness this Article. Professor Gordon cogently defends thorough, fully footnoted treatment. *See* Gordon, *supra* note 1, at 547-49. Other rubrics can be equally effective, particularly when the foundations have been developed elsewhere. *See also* Lindgren, *supra* note 1, at 531 (arguing that shorter rubrics will permit publication of twice as much work).

[5] Footnote fetishism fosters forms featuring footnote fetishism. *See, e.g.*, Arthur D. Austin, *Footnotes as Product Differentiation*, 40 VAND. L. REV. 1131 (1987); Abner J. Mikva, *Goodbye to Footnotes*, 56 U. COLO. L. REV. 647 (1985). In his Prologue to *Don Quixote*, Cervantes supplied a timeless rejoinder to this law review predeliction: "I am by nature too slack and indolent to go in search of authors to say for me what I myself can say without them." MIGUEL DE CERVANTES SAAVEDRA, DON QUIXOTE DE LA MANCHA 43 (Walter Starkie ed., The New American Library 1964) (Part I, 1605; Part II, 1615).

Novices, tenure-seekers, and others who wish to publish in elite journals ignore these preferences of editors at their peril. A final example involves appearance—which is at least as significant as reality. This means that authors should only submit manuscripts which look as complete as possible and that tendering the text without footnotes is a no-no. Articles editors who confront piles of manuscripts will obviously be more sympathetic to pieces which include footnotes.

[6] Dear Author (or your name, if you are lucky):

> Each year, authors submit approximately 1000 manuscripts to the *Elite Law Journal*. Many pieces, including yours, are of the highest quality. The *Journal* can only print twenty articles in each volume, which requires that the *Journal* forgo a number of excellent manuscripts. (Unfortunately, your piece is among the unselected 980).
>
> Although the editors found your manuscript to be very interesting and extremely well written, the *Journal* is unable to make a publication offer. Should you produce future pieces, the *Journal* hopes that you will consider it as a possible forum for your ideas.
>
> Sincerely,
> The Editors

This is a pastiche of several classics of the genre. *See also infra* note 21 and accompanying text. *See generally* D.H. Kaye, *Dear Editor*, 39 J. LEGAL EDUC. 427 (1989).

example, I have friends who committed articles to the *Fordham* and *Georgia Law Reviews* and the *Kentucky Law Journal* respectively when deadlines expired. The writers then received offers from the *Stanford, University of Pennsylvania,* and *Texas Law Reviews* that they could not accept.[7]

4. *Unpredictability*

An additional reason why authors regard selection as a crapshoot is the unpredictable nature of bargaining with the reviews. My recent ordeal in placing a fifty-page, 250-footnote, piece is illustrative, if not exemplary. After receiving an offer from a respectable review whose school *U.S. News* ranks in the top fifty,[8] I asked numerous (putatively superior) journals for expedited consideration of my piece. None of my other work has elicited such a large number of recommendations to publish from articles editors and so few offers from editors-in-chief. I received the usual litany of predictable, if inconsistent, responses: too long, too short; too doctrinal, too theoretical; too much background, not enough background; too much analysis, insufficient analysis; too many suggestions, not enough suggestions.

This manuscript also attracted an incredible number of the "editors liked your piece but": (1) we recently published a paper in that broad field, in that narrower area, on that specific topic; (2) we published an article by you in our last volume, three years earlier, a decade ago; or (3) we just assumed office and are cautious, overcommitted, studying for finals, only publishing famous authors. The difficulty in interpreting these responses lies in knowing whether the reviews are trying to blow you off, are attempting to let you down nicely, or really do like the manuscript.

I suggested to editors who did not flatly reject the piece that I would call as my deadlines approached. Realizing that they had nothing to lose, the staffs of a number of journals agreed to this arrangement.[9] When I later persisted, most of the editors politely demurred, and a few simply said forget it.

Before the odyssey of this piece was completed, it took another perplexing, if pleasant, turn. One review, which had earlier sent me a

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7 Writers and journals occasionally breach publication commitments. *See* Lindgren, *supra* note 1, at 529. Reneging, however, is very bad form. News travels fast in the legal academy, while authors never forget, and even reviews can remember despite the ostensible obstacles to institutional memory. *See infra* note 29.

8 Non-elite, but respectable, journals generally treat authors better and have less insufferable editors. These reviews accord pieces fairer and faster reads, while the editors have less need to wield a wicked red pen to justify their editorial existences.

9 Indeed, by this means, the editors probably believed that they could put off reckoning with me altogether—hoping that they could escape town before I found them, that some other journal would put me out of my misery, or that I would simply go away.

form rejection letter, actually made an offer.[10] Indeed, three other journals similarly proceeded to ignore their prior rejections and make offers! The journal that ultimately published the piece was one of those four offerors which had initially rejected it—and the review committed only after having failed to respond to five requests for expedited consideration.

B. Implications of the Manuscript Selection Crapshoot

1. *Mistakes*

The restrictions of expertise, time and space, as well as the enormous quantity of submissions, naturally foster mistakes and misunderstandings. And in fairness, the responsibility for these problems does not lie solely with editors. Authors create the manuscript glut; most writers tender multiple submissions, and some send dozens.[11] I once had the memorable experience of discovering that many, but not all, copies of a piece never reached reviews. I immediately resubmitted to every journal; however, the self-inflicted delay limited my placement possibilities because it was December and I wanted to publish promptly.[12]

When authors receive initial offers, they may create confusion if they have not mastered the fine art of talking with editors. For example, I only had to call several journals informing them that another review had offered to publish a particular piece before I realized that the editors would think that I was withdrawing my piece, unless I simultaneously requested an expedited review. Miscommunications can also result when an author fails to insist on speaking to someone who is authorized to make publication decisions.

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10 Concerns that the editor-in-chief had earlier expressed about the quantity of descriptive material, the amount of critical analysis, and the number of outstanding offers miraculously disappeared.

11 Authors figure that broad distribution maximizes placement prospects and that it's only paper. These views are gratifying because they support the wood products industry which sustains the economy of the state in which I teach. *See generally* Erik M. Jensen, *The Law Review Manuscript Glut: The Need for Guidelines*, 39 J. LEGAL EDUC. 383 (1989); William C. Whitford, *The Need for an Exclusive Submission Policy for Law Review Articles*, 1994 WIS. L. REV. 231.

12 Many writers have had similarly delightful experiences, such as learning that reviews could not find their submissions. Some authors understandably cannot relax until manuscripts actually reach the designated destination, reasoning that pieces can be dead on arrival, if journals fail to receive them.

A few writers even agonize over the preferred mode of transmission, but most authors appear content to use the United States Post Office. Writers who do not trust the postal service, who cannot meet their own deadlines, or who are anal retentive, can select from a broad spectrum of alternatives, including faxing, overnighting (Federal Express, UPS, or Express Mail and other services), and second-day delivery. Use of these measures affords the benefits of prompter, reasonably well-guaranteed receipt, but their invocation may leave editors thinking that authors cannot make deadlines or are overly anxious.

Editors, however, bear concomitant responsibility. For example, journals have lost, communicated to the wrong individual, or misunderstood both handwritten messages and ones left on mechanical contrivances. As observed above, reviews have lost, destroyed, misplaced, or failed to comprehend manuscripts. Authors have overnighted innumerable pieces to journals that were unable to locate them weeks or months later. The culprit frequently is the editor who has left the office, the school, the city, the state, or the nation with the review's only copy.[13]

2. *Editors' Ingenuity*

The temporal and space constraints, the limited expertise, and the manuscript crunch understandably lead journals to invent ingenious methods for selecting pieces. Two stories in *Manifesto* are illustrative and confirm the suspicions of many faculty who teach at non-elite schools. One review reportedly sorted submissions based on the prestige of writers' institutions, and accorded serious consideration only to those manuscripts in the better stack.[14] Another journal's editors, after much debate, decided against "taking a chance" on the non-elite school of an author whose piece they liked very much.[15]

Editors of most elite reviews frequently do not read manuscripts until writers call with an offer. A number of journals ask the offeror's identity, and a few even refuse to expedite review absent that information.[16] These editors seem content to let less prestigious journals perform initial screens, in the apparent belief that only a narrow field of high quality manuscripts will eventually float to the apex of the hierarchy. Some reviews apply other, less creative mechanisms.[17]

The above practices are predictable, given a system in which prestige is the coin of the realm. Just as editors seemingly want to print manuscripts of authors who teach at elite institutions, so do writers

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13 These anecdotes, particularly the inattention to detail, do not inspire great confidence in the treatment that manuscripts will receive should the editors actually publish them.

14 *See* Lindgren, *supra* note 1, at 530 (story number 12).

15 *See id.* (story number 10). The editors subsequently published a manuscript on the same subject by an author at an elite institution—even though they considered it inferior to the manuscript that they rejected. *Id.*

16 Authors who have offers from journals with reputations so mediocre that revealing their identities would be counterproductive attempt to finesse this situation. Savvy writers may not answer, forcing the editors to make independent judgments, or may employ humor, saying that offers are from Harvard and Yale.

17 One practice involves asking the caller's name, to which alert authors respond "Ruth Bader Ginsburg" or "Laurence Tribe." Such identification blunts journals' patented response that the editor sought is not available but the recipient would be happy to take a message. Indeed, one editor whom I surprised in the law review office on a weekend first feebly attempted to disguise his voice and, apparently recognizing the effort's tepid nature, simply dissembled by saying that he, himself, was not there.

apparently think that the truly prestigious journals are only published by schools whose zip codes begin with zero. The University of Chicago would have been an exception, if its law review had published this Article.[18]

Law reviews use many techniques for encouraging authors to accept offers, when three positive reads magically transmogrify them from simpering supplicants to wonderful writers and convert their garbled gibberish into pearly prose. One mechanism is flattery, whereby editors lavish praise on authors. Journals also employ inducements such as promises of lead article status, of responses from renowned writers, or of being published in the same issue as other legal luminaries. Additional measures, including short deadlines, are used to pressure authors into accepting an offer. This device, however, can strain editorial relationships and even backfire, as was the case with a journal which granted me one week to accept its offer. The editor, in an apparent fit of pique when I sought a two day extension of the review's deadline, accused me of "really beating the bushes"—only to have to work with me when the shrubbery yielded nothing better.

3. *Dealing With Disappointment*

Few people, least of all individuals with egos as gigantic and as fragile as those of most law professors, relish rejection. Many writers, therefore, have developed strategies for dealing with disappointment in the form of a rejection letter—or worse yet, in the form of a verbal phone rejection, for which voice mail is a welcome technological advance.

Some authors attempt to rationalize their rejections. Recognizing that the selection process is a crapshoot, writers tell themselves that quality of placement may be unrelated to quality of manuscript. Others find it helpful to determine precisely how journals reached their decision to reject a piece. I, however, derive scant solace from learning that one more vote of five would have yielded an offer from the *Minnesota Law Review*, that my manuscript sharply divided the *Cali-*

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18 The *University of Chicago Law Review's* system for expediting review—whereby the editors only call authors by their deadlines if the board has decided to make an offer—illustrates both the potential for miscommunication and the ingenuity of editors. The *University of Chicago Law Review's* peculiar form of non-communication leaves authors wondering whether the editors have affirmatively rejected the manuscript, have had insufficient time to read it, or have employed one of the evasive techniques, such as consulting the author's law school affiliation. Of course, the review's system leaves one in the awkward position of having to call the journal and appearing to question the integrity of its selection process, thereby jeopardizing the editors' unbiased consideration and possible publication of the piece. In the case of the Article before you, the *University of Chicago Law Review* did send me a form rejection letter more than a month after I accepted the *Cornell Law Review's* offer.

fornia Law Review's editors, or even that it garnered much support of the *Harvard Law Review's* editorial board.[19]

Authors also compare the quality of pieces which journals publish with those that they reject.[20] Much as I despise sports analogies, one seems apropos here. Ascertaining why the *Duke Law Journal* offered to print a manuscript but the less prestigious *North Carolina Law Review* eschewed it is like trying to understand how the University of North Carolina basketball team beat Duke twice during regular season play, even though Duke finished second in the nation. Writers who make these calculations risk the sobering realization that journals which invariably reject their exquisite manuscripts continue publishing incredibly mediocre articles on identical topics. In short, efforts to comprehend rejection are futile, because it is impossible to rationalize an irrational process.

Discouraged authors may want to recall a sordid selection story of two decades ago. Professor Marc Galanter circulated a manuscript that law reviews refused to publish, while the *Yale Law Journal* lectured him on its deficiencies.[21] Professor Galanter was vindicated when the work quickly became a cult classic in legal academia. Writers must also remember that no one perfectly places every piece. *The New Yorker* even rejected an elegant short story submitted by the legendary Chicagoan, Saul Bellow, after he won the Nobel Prize for literature.[22]

4. *Authors' Responses*

Many authors employ numerous measures to address the above problems and to maximize their publication prospects.[23] The number and type of mechanisms applied depend upon a complex constellation of variables that comprise a particular writer's situation: They include the author's school affiliation, confidence in the specific piece, name recognition, and prior publication record, as well as the submission's timing, length, and subject matter.[24] Neophytes may em-

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19 Suspend your disbelief. *See* Letter from Articles Editors, *Harvard Law Review*, to Carl Tobias (Nov. 3, 1986) (original framed in author's office). For each close call, it is sobering to contemplate the hundreds of manuscripts that fail to survive first reads. *See* Whitford, *supra* note 11, at 231.

20 Few authors can be dispassionate when the manuscripts are their own.

21 *See* Marc Galanter, *Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change*, 9 LAW & SOC'Y REV. 95 (1974); *see also* Stephen B. Burbank, *Introduction: "Plus Ça Change . . . ?"*, 21 U. MICH. J.L. REFORM 509, 513 (1988) (reproducing paragraph from *Yale Law Journal's* letter to Marc Galanter explaining reasons for rejection).

22 *See* Barbara Bauer & Robert F. Moss, *"Feeling Rejected? Join Updike, Mailer, Oates . . .*", N.Y. TIMES, July 21, 1985, § 7, at 1; *see also Talk of the Town*, THE NEW YORKER, May 23, 1994, at 35 (reporting that Bellow left Chicago for Boston).

23 A fundamental prerequisite is willingness to participate in this ridiculous enterprise.

24 Astute readers will recognize that this requires polycentric decisionmaking. *See* Lon L. Fuller, *The Forms and Limits of Adjudication*, 92 HARV. L. REV. 353, 393-404 (1978).

ploy various techniques, some of which are too sordid or silly to divulge,[25] but phone calls from Harvard professors with draft manuscripts will evidently suffice.[26] Although the full range of techniques is too broad to explore, brief examination of the more common practices is warranted.

When preparing and submitting pieces, authors invoke special mechanisms to facilitate prompt offers. Certain writers—especially scholars who are affiliated with non-elite schools but who have strong publication records—enclose copies of their resumes.[27] Quite a few authors expend enormous energy carefully crafting elegant cover letters which extol the virtues of their manuscripts. One masochistic writer even makes lemonade from pieces that journals consider lemons: He specifically solicits the reasons why law students reject his manuscripts and capitalizes on this information to improve his papers. The technique is so efficacious that it has led to publication in several elite reviews.[28]

Once writers have sent pieces, they must wait for an offer. Many authors employ strategies, which enjoy varying degrees of propriety, for accelerating the process. Some writers rely on faculty at other institutions to "walk over" the authors' work to journals at those schools, and even to recommend publication. A small number of writers depend on offers from journals published in their own institutions. Numerous authors, who do not receive expeditious commitments, tender copies of manuscripts to additional reviews. If offers are still not forthcoming, writers may wait and resubmit the same article to the same journals when new editorial boards have been selected.[29] When all else fails, a few authors apparently lie, as Professor Lindgren suggests one desperate writer did.[30]

Some authors accept their initial offers, but most attempt to secure commitments from more prestigious journals. Several factors preclude thorough analysis of leveraging. I already mentioned certain of its aspects, including the risks of divulging offerors.[31] Other features, such as targeting journals, require decisionmaking analogous to

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25 I plead guilty to protecting the guilty. Authors who will be writing long after editors have published their volume of the law review and are earning millions as practicing attorneys have more secrets, and greater need to protect them, than editors. Besides, readers might think that I actually use these techniques.

26 *See* Lindgren, *supra* note 1, at 530 (story number 13).

27 *See supra* note 2.

28 For examples of other practices, see *supra* notes †, 11.

29 Board turnover annually serves up a fresh crop of editors, thus providing boundless possibilities. Like fans of the 1950s Brooklyn Dodgers who nearly always lost the World Series to the New York Yankees, authors can take comfort in the famous cry, "wait 'til next year." *See* Carl Tobias, *Elixir for the Elites*, 76 IOWA L. REV. 353, 354 (1991).

30 *See* Lindgren, *supra* note 1, at 534.

31 *See supra* note 16 and accompanying text.

that evaluated above.[32] Limitations on the *Cornell Law Review's* space, my time, and readers' interest also obtain. In short, full treatment must await future exposition.[33]

II
AN AFTERWORD ON ARTICLE EDITING

The editing process serves up its own perverse delights.[34] Editors throughout the law review hierarchy have egregiously edited my elegant work. I once devoted weeks to a prestigious journal's first edit, effectively returning the manuscript to its original form. My crucial changes involved editorial suggestions which captured precisely the opposite meaning from that initially intended and which transformed my flawless phrasing into meaningless meandering. After several days, I reached the dreaded realization that the editors' inability to comprehend the piece necessitated my line-by-line review against the original document. I also reconverted many sentences to active from passive voice and reinserted some complete sentences.[35]

My favorite story, however, involves a manuscript that a review solicited from me as one of numerous responses to an article which it had printed earlier.[36] I spent January preparing a cogent draft. That spring the editorial staff undertook three edits, which I then revised, promptly and fully responding to all of the board's questions. In June, I received a letter informing me for the first time that my piece was much longer than the other responses, demanding that I submit many changes in one week, and intimating that the journal might miss its deadlines if I failed to comply. A prompt call to the executive articles editor literally caught her as she was going out the door for several weeks of sequestered bar examination study. The editor promised to edit the manuscript and to ensure that it went to page proofs after the bar in exchange for my making the requested modifications.

I spent another week reworking the piece and sent it to the editor who "input" my changes, which she characterized as "very helpful." I

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32 Writers who leverage apparently rely on variables such as their energy and time and offerors' perceived prestige. For example, authors who want early publication or who have limited patience inform every journal that is more prestigious than the offeror of its deadline and accept the best offer received by the deadline. *See supra* note 24 and accompanying text.

33 I have other pragmatic, and even banal, reasons, such as the need to preserve absurd topics for future work and to keep my small but select readership in suspense. *See also supra* note 25 (protecting guilty and sordid secrets).

34 For valuable treatment, see Carol Sanger, *Editing*, 82 GEO. L.J. 513 (1993).

35 Most authors have had analogous experiences with reviews at all levels of the hierarchy, but less prestigious journals generally commit similar mistakes in the name of style.

36 It would be imprudent to reveal the review's name. After all, some day the journal might actually extend me an offer and I may accept.

saw no reason to inquire further because of her clear representations and our limited prior communications. After two months passed during which I heard nothing from the review, I attempted unsuccessfully to contact the editor. In October, the journal's new board informed me that no one had sent my manuscript to page proofs and that the review would not be publishing it. The ultimate irony is that the piece eventually appeared in the leading journal of a school that is more prestigious than the one whose review solicited it.

In the final analysis, my personal experience and those of many authors compel the conclusion that no edit is the best edit. I would readily admit that I have written few manuscripts which an excellent edit could not improve; however, I must state that my work has practically never received such editing. To paraphrase Oliver Wendell Holmes' infamous aphorism in *Buck v. Bell*:[37] eighty pieces, one great edit.

CONCLUSION

Authors in law who find outrageous, or have even experienced, the travails that accompany manuscript selection and article editing should be thankful for how easily they can publish. Writers in other University disciplines consider ludicrous a process in which authors tender unlimited submissions to students who select and edit manuscripts for publication within one year. Legal scholars can rest assured that they only need, and will surely secure, a single offer, despite seemingly endless rejections. Writers in law should remember one final story of the author who circulated a piece to fifty reviews. Unfortunately, all of the journals except one rejected the manuscript. Fortunately, the lone review was the *Yale Law Journal.* Unreconstructed legal scholars need only consider the alternative: You could be practicing law and be engaged in daily combat against 800,000 attorneys, to whom law schools annually contribute an additional 40,000 budding young barristers.

37 274 U.S. 200, 207 (1927).