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## The Law Review Games

Miriam A. Cherry\* & Paul M. Secunda\*\*

### *Prologue*

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Assistant Professor Katniss Everdeen's stomach rumbled loudly. Another skipped meal, because who had time to eat when working on yet another law review article? Her work had consumed almost a year of her effort and vitality. But despite the gnawing hunger pains, Katniss had to keep working, honing, crafting, and polishing the writing of her article. There was not even time to go poaching with fellow faculty member, Gale, or to engage in puppy-love histrionics with another faculty member, Peeta. Since the great recession had started, resources were scarce in District Twelve. Electricity only came to law school buildings erratically, so she had to work on the article in the few stolen moments of electricity that she could obtain.

On the weekend, Katniss would duck under the fence beneath the elevated train track that some of the wealthy faculty members at a nearby top-ranked school used to ride back and forth to their homes. Sometimes, when she was down there, under the fence poaching electricity and hacking into the Westlaw grid, Katniss felt her spirit soar. She appreciated the company of her colleague Gale, who would sometimes hack into the Westlaw grid too. Sometimes, while they were hunkered underneath the tracks, a faculty member from a higher ranked school in the area would toss out a crust of bread from the high window of the train. The bread tasted bitter to Katniss, but with two hungry mouths to feed at home (her niece Petunia and their miniature daschund), she and Gale always found themselves silently accepting the bread.

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*“You Will Submit”*

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Life went on, with intermittent brownouts and other daily humiliating reminders of the twelfth tier status of her district. One day, in late February, the Great Bird Redyip of Zarcon announced on his Twitter feed that he was ready to take off for the mountains. While Katniss had long followed the mythology of Redyip, she had no hope of attracting the Great Bird’s attention. Instead, she realized that she would have to submit her article the “Old Fashioned Way”—through ExpressO. One male and female Tribute from each district would be selected randomly and have their plight during the submission process televised live on TV for the entertainment of the established law faculty members at the prestigious schools in the Capitol. Those that were eliminated from the law review selection process would know that their careers would rapidly circle the drain. It was a high pressure situation for Katniss, who was informed that she had been selected as one of the Tributes for District Twelve, along with Peeta, a clinician who was writing up the findings of an empirical study that he was using to track the outcomes of his clients. Gale promised to take good care of Petunia and her daschund for Katniss as she departed to play the Law Review Games in the Capitol. She could only pray that the odds would be in her favor.

*“The Games Begin”*

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With only two days left to submit the article, Katniss talked with Haymitch Abernathy, a faculty colleague who loved to talk about his former glory days. While Haymitch had not submitted an article in the past fifteen years, he did love to give advice, mostly based on a placement he had gotten through a friend at an Ivy League School. “Make sure your article is very long with at least 400 footnotes,” Haymitch said. “You will want the editors to know just how long that you spent on it. Plus, it can serve as your tenure piece. You still only need one piece for tenure, right?”

Katniss was not sure that this was particularly good advice anymore. Didn’t the journals want shorter articles these days (at least for those who did not have the cachet to write the normal 100-page magnus opus)? But Haymitch was supposed to be her mentor, even if he did hit the bottle pretty hard. Both she and Peeta added about another five pages to their articles, and another fifty footnotes, and turned the articles over

to Cinna, their research dean, who helped them with the styling of their cover letters and the titles of the papers. Interestingly, Cinna told Katniss that the shorter the title of the article the better. Katniss was told to title her paper "*Girl on Fire*," which, of course, had nothing to do with the topic of her paper. Peeta and Katniss both submitted via ExpressO and journeyed to the small room in the Capitol where they would live and be taped on camera while they waited for their results. Across the land, Tributes from other districts were also being sent to the same small room where they would see who would win "*The Law Review Games*." At stake, perhaps tenure or promotion, or perhaps a one-way ticket to one of those more prestigious schools.

*"Death by A Thousand Cuts"*

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Four hours after sending her article (which was about the legal and ethical ramifications of energy "redistribution," or as the citizens of the district liked to call it, "poaching"), Katniss received her first e-mail rejection, from the Top Rated Law Review. Clearly, the students on that review had taken the time to read her cover letter, her CV, and, of course, her entire article, right? Or, they could have seen she was from crummy District Twelve and rejected her on the spot as beneath their hallowed institution. Katniss knew that such journals tended to rely on proxies, such as where the professor taught, what previous articles placements the Tributes had, and whether they had friends at the law school willing to "walk the piece down" to the Journal offices. Katniss had none of these and wondered how anyone from District Twelve ever got a law journal offer anywhere.

Only a few hours later, Peeta had received rejection emails from two of the other top schools. The letters told him what a pleasure it had been to read his article, that his was a fine and worthy article, but that the journal had 3,000 submissions this year, and there was no way they were going to publish a nobody from District Twelve.

Had the editors even read their submissions? Katniss doubted it. But the camera caught all of their reactions of despair, frustration, and indignation. Who were these 2L and 3L punks anyway? What did they know about the subject on which Katniss was considered (at least in her own mind) an expert? Katniss comforted herself with the knowledge that these same law review editors would be going to the *Law Firm Games*, where they would surely die a gruesome death of unlimited billable hours and partner ass-kissing.

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As the days wore on, Katniss and Peeta received even more rejections. Although all the emails they received in the end rejected them, it *was* kind of interesting to see the number of ways one could be rejected. Their television ratings soared, since both of them seemed to take the rejections to heart and wore their emotions of their sleeves. On more than one occasion, Katniss broke up into uncontrollable sobs and screamed, “Curse you all! I am better than all of you!” Peeta was embarrassed by these outbursts. He just took to cutting himself to endure the pain.

The other Tributes, from Districts One through Four, seemed to blame the system of law reviews, in which 2L and 3L editors joined a crazy scrum to attempt to read hundreds of articles in only a three-week period. Instead of blaming themselves, the Tributes from these wealthier districts blamed the system, noting that it was “crazy” to put their submissions into the hands of law students and not even make the reviews anonymous. The professors from the Capitol would only submit to the top ten journals, since they were armed to the teeth with their fancy letterhead (and even more outlandish clothing and cosmetics). Moreover, they took comfort in the thought that if none of the other law journals would take their latest pieces, their own school would accept it. Top law journals were known to accept less than great pieces from their own professors. Of course, if Katniss or Peeta followed this tact, they would end up in a low-ranked law journal from District Twelve and decrease their chances of ever escaping.

In fact, only Katniss, Peeta, Rue, and a few other Tributes from Districts Seven through Twelve blamed themselves and gave the audience the desperate, anxious reactions that they so wanted. As a matter of reality, it was left to Katniss and Peeta to submit their articles widely and hope and pray that they would receive offers from a District One through Four law review. The audience was going wild with their grief and fear, as well as the growing love story between Katniss and Peeta. Somehow, being rejected by the law reviews only made Katniss and Peeta engage in banal dialogue fairly typical of people their age.

It was a sad day when Rue’s expedite deadline expired, and she was stuck with an Eighth Tier Placement. That night, the skies of the Capitol lit up with a projected image of Rue. Katniss cried and insisted upon covering Rue with flowers, much to Rue’s chagrin. This only served to make Katniss more popular.

Because she was so popular, fans of Katniss purchased help. The producers parachuted in an offer from a midlevel school from District Five, on the west coast, and waited to see how that would make Peeta react. Would it bring out fear of rejection? Jealousy? How would

Katniss handle the expedite process? Would she have a mental breakdown? The audience was on the edge of their seats!

Meanwhile, emails kept rolling in for both Katniss and Peeta. Gems like: “Although our editors did enjoy your article, it simply was not what we are presently seeking to place in our upcoming issues. I realize this is probably an insufficient answer, but we typically do not discuss our article selection criteria with authors and hope you can respect our current policy. Again, thank you for your interest.”

Or, a rejection that came in response to Katniss’ expedite, with the subject line “Status Article.” Although Katniss knew this was probably just a mistake, and the editors had meant to write “Article Status.” She humored herself by thinking that, perhaps, the editors had thought well of her article. Gallows humor, but at least it was humor.

Then, there were those journals that decided that it would be perverse fun to drive the knife of agony further into Katniss’ heart by telling her that her article had been selected for “final round review.” When Katniss asked the law review editors what this meant, she was told mysteriously, “3/4 of the editorial board must vote to make you an offer.” Other boards said that they required a 100% vote from the editorial board. Still, others called Katniss on the phone and told her that they were actively considering her article and that she should let them know if the status of her article changed. At one point, Katniss finally thought she had broken through because one of these law reviews where she made final round review called her back by phone. Katniss was sure this was it. The editor on the phone said, “We loved your article. Unfortunately, Professor Cato from District Two wrote a piece as well and, as you know, he is much better known than you are. We have decided to take his piece instead of yours. Sorry.” The cameras panned in as the uncontrollable tears left Katniss’ eyes. Peeta tried to make a funny joke of it all. Katniss slugged him.

*“Happier Days”*

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Even after the punch to the gut, instead of fighting, or getting jealous, Peeta’s true colors shone through. He helped stabilize Katniss through the fragile period. He even gave her a loaf of bread, which no one quite understood. While the law review editors kept trying to turn them against each other, their tricks only helped Peeta and Katniss grow closer. Yet, they never did anything more than kiss. And they certainly never had sex. (Even given all the gruesome violence done to our protagonists, this is still a children’s book after all!)

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One day, while Katniss lay listlessly in Peeta's equally listless arms, word came that Katniss had been made an offer of publication at Almost Top Law School Law Journal (ATLSLJ). Katniss was delirious with delight, and Peeta pretended to be happy for her. (Peeta wondered secretly why clinicians could never get a fair shake in this process and why doctrinal faculty always had to talk down to them, but whatever).

Katniss' delight, however, turned to be more pain as she attempted to again go through the expedite process. Like the Muttations from another dystopian Games, the expedite process was at once familiar and yet all the more horrifying and unsettling. Having secured an offer from ATLSLJ, and being given a week to find a better offer, Katniss sent emails to the schools who had not rejected her yet, about twenty schools. A number of better ranked schools wrote back immediately with promising promises to evaluate her article with new scrutiny now that she was in the much sought after "expedite pile." Other schools continued to ignore her and, to be frank, still did not even know that she existed.

With one expedite prospect, she was told that the article was being submitted to final review. Of course, she did not get the offer from this journal. And the whole cycle of anger, denial, helplessness, and acceptance started all over again. During this time Peeta, proposed to her on national television. Katniss told him to "Piss off."

### *Epilogue*

Eventually, having exhausted all the expedite possibilities, Peeta and Katniss returned from the little room in the Capitol to District Twelve, Katniss feeling OK with her offer at ATLSLJ and Peeta having secured a placement at yet another clinically-oriented law review. Not quite proud or victorious, Katniss and Peeta had done much better than most other Tributes from similar districts, and, of course, they had found each other.

What will happen next year when Peeta and Katniss submit their jointly-authored article? Will it be too much for them to write together? Will their promotion and tenure committee discount it completely because it was co-authored? And who is that blogger behind the Law School Scam anyway?

You will need to read the second installment of "*The Law Review Games*" to find out.