should you be exposed to conflicting assessments of the role of scholarship, and you will be better equipped to enter the fray. Is your next publication affiliated with any particular blueprint? This question presupposes the need for a career-enhancing game plan.

Should you publish in just one area? Some schools want to predict, at the close of the tenure-track period, whether you will be a leader in a particular field. Branching out could be disastrous. On the other hand, scholarly diversity may work for you. The world-renowned scholar who has published in multiple areas is the exception, not the rule.

What type of publication should you produce? One general list of priorities divides legal writing into four broad categories, in ascending order of worthiness: practice-oriented materials (bar journals and manuals); academic short subjects (essays, book reviews, and brief case notes); law review articles; and books. If you are dreading the process of getting your first law review article into print, remember that everyone can get an article published somewhere.

A book-length legal analysis will have a book-length impact on frequency of publication. You may not have adequate time to write a book that will be a significant contribution to your tenure portfolio. This is one of the reasons for the quantitative primacy of the article, rather than the book, at both the pretenure and post tenure stages. If you work only on a book during the pretenure period, there is nothing else to fall back on when making your case for tenure.

Ascertain expectations. Is a precise minimum number of publications required? Does your school expect to predict, at the end of your tenure-track period, whether you are likely to become a leading scholar in your chosen area? Are you expected to publish in just one area?

Traditional wisdom counsels against topics involving the practical aspects of law practice. The leading thou-shalt-not is the production of practice-oriented materials for continuing legal education, bar journals, and practice manuals.

Where should you publish? There are several layers to this question. These underlying themes involve peer-edited journals, 'second' law reviews, and electronic journals. Fortunately one has an increasing potpourri of publishing choices other than the traditional student-edited law review. Publication in a faculty-edited journal allows an author the satisfaction of knowing that professional peers made the acceptance decision. While students are knowledgeable, you are nevertheless placing your career in the hands of neophytes who have only one or two years of legal education under their belts.

As you develop a scholarly arsenal, you should keep track of your successes. Placing your publications on a Web site has its advantages. An authorised electronic version can be posted for classroom use. Another advantage is the convenience of not having to respond to requests for a print version. Scholars might also keep track of their personal publication citations, which may be one indicator of the utility of their scholarship. More seasoned scholars can use this track record when seeking book contracts, grants, or speaking opportunities.

Law reviews, as we know them, will one day be academic dinosaurs. So you might consider publishing in an electronic journal. The e-world is gradually replacing the print world.

Professional conflicts of interest and 'good practice' in legal education
P Hayden
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Good practice in legal education involves identifying and resolving professorial conflicts of interest. Therefore a broad definition of 'conflicts of interest' is not only appropriate but also essential. The essence of conflict of interest is acting with divided loyalties – loyalty involving, in this context, performing central professorial functions on behalf of all those to whom that duty is owed. Whenever, because of duties owed to someone, a teacher cannot perform work competently for another to whom duties are also owed, that teacher has a conflict of interest. Professorial conflicts of interest come in many guises: clashes between one's personal interests and core job functions; between one's outside activities and core functions; between core functions; and within a particular function. Left unrecognised and unchecked, some conflicts threaten to undermine teachers' effectiveness in performing one or more core functions. Good practice in legal education, then, requires that such conflicts gain our collective and individual attention.

When performing their core functions, law teachers owe significant ethical, fiduciary-like duties to many constituencies – their students, their colleagues, and their institutions, for example – whose interests may be compromised by professorial conflicts. Even more pointedly, law teachers depend upon the trust and respect of others – their students, their colleagues, and the legal profession as a whole – to be able to perform their core functions effectively, and some conflicts of interest may lessen such trust and respect. Additionally, law teachers must always be mindful of serving (sometimes unintentionally) as role models for their students – future lawyers and judges who will themselves be subject to rules governing conflicts of interest.

Professorial conflicts, then, are of pointed concern when they lessen materially a teacher's ability to perform any core professorial function competently. Most law schools evaluate their faculty on three such functions: teaching, scholarship, and service. While these job functions can and should overlap significantly, each involves distinct responsibilities that benefit various important constituencies in different ways.

A frequent source of potential conflict is between the non-law-related personal interests of faculty and the interests of the various constituencies served by competent performance of their core job functions. Certainly, lawyers must all deal with conflicting time demands of this kind, and teachers can effectively model how to deal with them within the context of our professional culture. Anyone with

responsibilities to children, a spouse, or aging relatives at times faces hard choices between attending to familial duties and devoting time to teaching, scholarship, or law school service.

A second category of potential conflicts is between a teacher's law-related outside activities and core professorial functions. Such activities present the greatest possibility of being harmonised, but also the greatest potential for genuine and serious conflicts.

Law teachers are increasingly asked to provide commentary on the law for media outlets. This involves potential conflicts of interest, however, which have been well recognised. Faculty who serve as commentators must also pay special attention to time conflicts created by doing too much commentary at the expense of other core functions. However, a teacher who engages in work as a legal consultant or expert witness gains exposure to aspects of law and lawyering otherwise closed off to academics. That can benefit the teacher and the teacher's constituencies by providing insights that can be brought to bear on both teaching and scholarship.

A third category of potential conflicts results from clashes between core professorial functions, such as conflicts between teaching and scholarship or scholarship and service. A fourth category of potential conflicts is clashes of interests within a single core function. Teachers owe certain duties to all of their students and may face conflicts between duties owed to two or more students. This may occur inside or outside the classroom. If a professor has some relationship with a student (even aside from the sexual kind), then fairness in evaluation and a perception of fairness may be impaired.

Only those conflicts that create a reasonable probability of material impairment of the competent performance of a core professional function (the instrumental concern) or that spring from inherently wrong or unprofessional activities (the intrinsic concern) should require any remedy.

Perhaps the most desirable way to deal with potential professorial conflicts is to avoid them by harmonising them – by turning them into congruent nonconflicts. This response will be appropriate only for conflicts implicating instrumental rather than intrinsic concerns. Only by identifying, prioritising, and harmonising choices of things to do can busy professionals achieve high competence.

Where harmonisation is not possible, the next-best option for many potential or actual conflicts is disclosure. When a conflict is problematic only because of instrumental concerns, disclosure is often an appropriate cure. The proper content of a disclosure will vary depending on the circumstances. This would seem a useful guideline for professorial disclosures as well. That is, adequate disclosure generally consists not only of an identification of the conflict but also some explanation of the reasons why the conflict may be detrimental to the person to whom disclosure is being made and mention of any options that person has other than accepting the conflict.

At times, even complete disclosure of a potential or actual conflict and its ramifications is insufficient to eliminate its negative effects. This may be because the conflict implicates intrinsic concerns and by its nature cannot be cured by disclosure, or because the disclosure cannot restore the teacher's ability to perform core job functions competently. In such situations, forbearance is the most appropriate response.

In summary, while there are very few professorial conflicts that require categorically the academic version of refusal or withdrawal, there are many kinds of conflict that can be avoided only if faculty voluntarily avoid engaging in any activities to such an excessive degree that basic competence in any core function may be impaired or called into question. Law professors are a powerful, privileged group. With power and privilege comes responsibility.

LEGAL PROFESSION

Bringing *The Practice* to the classroom: an approach to the professionalism problem

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In the 1980s many leaders of the organised bar and a few academic commentators began to complain that the legal profession was in a decade-long process of losing its professionalism. As the dialogue grew, there were disagreements about whether anything was lost; if so, what is was and whether it was worth finding. Nevertheless, concern about the 'professionalism problem' has kept the profession in an uproar for close to 20 years.

Three observations seem beyond argument: there has been a dramatic diminution over the last 20 years in the time practising lawyers spend tending to the acculturation of new lawyers into the profession; the organised bar has focused on law schools as a primary resource for solving the professionalism problem; and the faculties responsible for law school curricula have not thought much about professionalism, have not agreed about the existence or the nature of the problem when they have thought about it, and would have little idea of what to do if they could agree.

The organised bar continues to look to the legal academy to be a major force in solving the professionalism problem, despite the different perspectives on professionalism and the growing perception of increased separation between legal practitioners and the legal academy.

Professionalism receives hardly a mention in law school courses other than Professional Responsibility. To be sure, professional responsibility instruction has done no better. Despite a sustained professional lobbying campaign to infuse professional responsibility throughout the curriculum and at least one text designed to facilitate that, the pervasive approach is pervasive only in the long list of schools in which professional responsibility remains locked in a single classroom. The reluctance of teachers to address profes-