



PLEASE REJECT ME

AN OPEN LETTER TO THE HARVARD LAW REVIEW

Mark A. Lemley

THE *HARVARD LAW REVIEW* has rejected my articles in the past. A lot. Indeed, they may have rejected me more than anyone else in the legal academy. I'm 0 for 140 or so at Harvard.

Several years ago, though, they stopped rejecting me. I'm not saying they accepted my papers. They haven't, and probably they never will.

No, what I mean is that they just stopped responding at all. Oh, I get automated notices acknowledging that I've submitted a paper, vaguely hinting that they might read it. And I get acknowledgements when I expedite my article after getting an offer elsewhere. But it's been at least seven years since I've gotten even an automated rejection, much less contact from a human being.

Every law professor knows the automated rejection form. There are the nice ones, assuring me that they really liked my paper and just "couldn't come to consensus." There is the ever-present "we have carefully considered your paper, but we get so many good submissions that we couldn't take yours." There is the more dispassionate "unfortunately we can't publish your paper." But from Harvard? Nothing.

And they're not alone. In the last couple of years more top reviews have been ignoring papers altogether.

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As an author, this sucks. Would I like you to accept my paper? Sure I would. But even more than that, I'd just like to know. Did you read it and decide it wasn't good? Did you just not get to it in time? Did you take a look at the title, realize it's about patent law, and read no further? [As far as I can tell the *Harvard Law Review* has never in its history published a patent law article. Certainly it hasn't done so in the 31 years I've been in law.] Fine. I'm a big boy; I can take it. Just tell me, please.

Yes, I know you're busy. But you've already got an automated system; it can't be that much more work to generate an automated email telling me what I already suspected.

For starters, it would be the polite thing to do. [Think how you'd feel if authors didn't withdraw their papers when they'd accepted offers elsewhere.]

Maybe being polite to law professors isn't high on your list of things to do. I get it. But you're not just being rude to me. You're being rude to every other law review editor in the country. We law professors have all submitted our papers to you, and we all harbor the secret hope that maybe this time you'll publish our paper. And so we lobby for the longest possible expedite window and wait until the last possible moment to accept our offers, because we haven't yet heard back from you, and maybe, just maybe, that's because you're furiously discussing whether to accept it before the deadline. You're not. Of course you're not. But hope springs eternal. Thus does your unwillingness to reject us gum up the works for everyone else, slowing acceptances and making it harder for reviews to find authors.

So please, *Harvard Law Review*, reject me. Save the ghosting for parties.

