

INCORRIGIBLY SCHOLARLY

To the *Bag*:

I read Bridget J. Crawford's article last spring about SSRN's inscrutable classification procedures, as well as her follow-up letters, with a combination of solidarity and chagrin. I, too, was the recipient of a surprising classification-decision regarding a *Green Bag* piece – though my case resolved the opposite way from Prof. Crawford's. Years ago, the powers-that-be at SSRN determined that my article "Going Through the Motions" was not a "scholarly paper," and so was unfit for display on my author page.

Without belaboring things too much, "Going Through the Motions" was about my experience as a first-year law student, trying to publish a Note called "Night of the Living-Dead Constitution: Of Zombies, Vampires, and Jurisprudence," only to have the editors at the *Yale Law Journal* determine that (to paraphrase slightly) it was not a scholarly paper. In doing so, however, the editors acted out the very sort of blind formalism that "Night of the Living-Dead Constitution" sought to analyze: proceeding somewhat like zombies – going through the motions – they sent me a formal-and-really-quite-serious "revise and resubmit" letter, outlining the changes that I might contemplate for the next time around, including, for example, shoring up the link between George Romero's work and judicial minimalism. (The letter was reproduced in the *Green Bag* article.)

I'm sure you can see the punchline. The lingering question, it would seem, is whether the SSRN editors or the YLJ editors were more or less (or equally) to blame for their zombic predilections. My sense, especially in hindsight now that I interact somewhat frequently with the student-editors of the law review at my own institution, is that the students deserve a pass – since they were, after all, students, learning the mores of an incorrigibly formal vocation and understandably prone to overcompensation. Yet in another sense, as aspirants to a profession that also prides itself, or once did, on soundness of judgment, perhaps the students ought to have known better.

Yours,
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