

Writing Impactful Scholarship
by Nantiya Ruan
Professor of the Practice
University of Denver Sturm College of Law

Why Write Impactful Scholarship

“I simply observe that my thinking has evolved.” I recently received an email from a senior judge of our state’s federal district court, telling me that he read my law review article and it changed the way he approaches wage rights cases. Simply put, his email and the published opinion of that case has been the single proudest moment of my professional writing career.

A bit of background: I co-authored an article with a good friend of mine, Professor Scott Moss, about a problem we encountered when we litigated employment class actions together.¹ We wrote that courts confuse wage rights collective actions (a statutory creature) with other types of class actions (a rule based procedure) and the error grew to the point that all courts adopted this erroneous standard because of a “path dependence” that started with a faulty decision. While cited by a few courts here and there, as well as making its way into a few attorneys’ briefs, Judge John Kane of the U.S. District of Colorado addressed this head on in his decision in *Turner v. Chipotle Mexican Grill, Inc.*² In essence, Judge Kane, citing me and Scott, agreed with our argument that workers should be able to prosecute their minimum and overtime wage suits together in one collective action without having to prove the higher standard adopted from Rule 23 class action decisions. This change should make it much easier for employees, especially low-wage workers, to successfully challenge unlawful wage practices.

While legal scholars might write for many different reasons (self expression, remuneration, job security), writing for this audience—to change how the law operates to the betterment of social good—is what motivates me to engage in legal scholarship.

¹ The article is Scott A. Moss, Nantiya Ruan, *The Second-Class Class Action: How Courts Thwart Wage Rights by Misapplying Class Action Rules*, 61 Am. U. L. Rev. 523 (2012).

² Decision can be found at *Turner v. Chipotle Mexican Grill, Inc.*, –F. Supp. 3d–, 2015 WL 4979770 (D. Colo. Aug. 21, 2015).

Law school professors have split working personalities. As teachers, we work hard, inside and outside the classroom, to bridge doctrine, theory, and practice, and encouraging students to engage fully and actively with the skills and knowledge necessary for them to be “practice-ready” attorneys. Most of us are also lawyers. We had been or continue to be advocates in some form or other. Bringing that practice experience into our classroom enriches our teaching and feeds that part of my professional identity. As a lawyer, I have not lost my zeal to represent the voices that are underrepresented in our legal system. By maintaining my ties with the public-interest community, I am immersed in the reason I myself went to law school: to foster the public good.

Writing impactful scholarship is the third pillar of that working persona. As a scholar, my creativity sparks from the different legal issues that my students are engaged with, including the interesting authorities they uncover and their thought-provoking arguments. I have so many article ideas stemming from the work my students and nonprofit partners that I enlist in my 1L LRW class³ that I do not have time enough to write them all. This is a very good problem to have.

Some LRW professors devalue scholarship, either because they are not compensated for doing it directly or it is not part of their written job description. Others shy away from engaging in it because they don’t yet have experience of writing in that voice or to that audience and don’t know how to begin. My advice for those interested in engaging in impactful scholarship steals from a famous sneaker company: Just Do It. Find a topic or cause you’re passionate about and find a good mentor or group to encourage and support you. We are lucky here at Denver Law to be a part of the Rocky Mountain Legal Writing Scholarship Group (RMLWSG), where LRW professors from CU, DU, and Wyoming meet regularly to share and get feedback on their writing projects. LWI also has a scholarship mentoring program.

At Denver Law, our newest Strategic Plan has this goal: “Denver Law will create and disseminate high-quality scholarship that makes significant and relevant contributions to legal and social policy debates and promotes justice.”

³ For more on non-profit partners in LRW classes, see Nantiya Ruan, *Experiential Learning in the First-Year Curriculum: The Public-Interest Partnership*, 8 Legal Comm. & Rhetoric: JALWD 191, 214-15 (2011) and Eduardo R.C. Capulong, Michael A. Millemann, Sara Rankin, and Nantiya Ruan, *THE NEW 1L: FIRST-YEAR LAWYERING WITH CLIENTS*, Carolina Academic Press (2015).

We want to produce work that matters. And to be a part of a national or international conversation on important social justice issues that matter. It doesn't matter if you haven't done it before or it isn't required for your current job. Do it because it matters and because you have a voice that makes a meaningful contribution.