

## Making Our Work *Work*

Jonathan Barry Forman<sup>1</sup>

Over the course of my career, I have received a lot of good advice that I want to share with my colleagues in the labor and employment law academy. Specifically, I want to share my thoughts about how to disseminate our research outside the legal academy by testifying before Congress, state legislatures, and government agencies; writing op-eds and magazine articles; and speaking to the general public.

### I. SOME GENERAL ADVICE

At the outset, I want to offer some general advice. Some is based on things that I was told early in my academic career, and some I have learned on my own.

#### A. *Make Your Research Count at Least Three Times*

Perhaps the best advice that I ever received was to “make your research count at least three times.” For me, this has often meant using my research in various capacities: for law review and bar journal articles, for the classroom, for chapters in practitioner-type treatises, for continuing legal education programs, in testimony and submissions to government agencies, for op-eds, and for speeches to community groups like local chapters of the AARP and Kiwanis clubs.<sup>2</sup>

For example, in the early 1990s, I became interested in how the Social Security system works. Pertinent here, the Social Security system is a system that uses payroll tax “contributions” to fund a wage “insurance” program of sorts. Social Security provides disabled or elderly and retired individuals with benefits that replace their lost wages.<sup>3</sup>

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1. Alfred P. Murrah, Professor of Law, University of Oklahoma; B.A. 1973, Northwestern University; M.A. (Psychology) 1975, University of Iowa; J.D. 1978, University of Michigan; M.A. (Economics) 1983, George Washington University; Vice Chair of the Board of Trustees of the Oklahoma Public Employees Retirement System; author of *MAKING AMERICA WORK* (2006).

2. Currently, I also try to post my articles on my Web page—<http://jay.law.ou.edu/faculty/jforman/>—and on [ssrn.com](http://ssrn.com).

3. The Social Security Act of 1935 also created the unemployment compensation program, which provides unemployment benefits for those who lose their wages when they lose their jobs. See 42 U.S.C. § 303 (2006). In addition, it created the Aid to Dependent Children program, which provided welfare benefits to

I spent about a year figuring out how the Social Security system worked and published my first law review article on the subject in 1992.<sup>4</sup> Building on that initial research, I have since published several more law review articles,<sup>5</sup> multiple chapters,<sup>6</sup> numerous op-eds,<sup>7</sup> and a bar journal article<sup>8</sup> about Social Security and Social Security reform; and, of course, a chapter of my recent book, *Making America Work*, is devoted to the question of how to make Social Security work.<sup>9</sup>

I also testified about Social Security taxation before the Senate Finance Committee in 1993,<sup>10</sup> and I submitted statements for inclusion in the record of House Ways and Means Committee hearings about Social Security in 1991, 1992, 1998, and 2005.<sup>11</sup> Furthermore, I submitted comments to the President's

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replace the wages for families with dead or otherwise absent fathers. *See id.* § 304.

4. Jonathan Barry Forman, *Promoting Fairness in the Social Security Retirement Program: Partial Integration and a Credit for Dual-earner Couples*, 45 TAX LAW. 915 (1992).

5. Jonathan Barry Forman, *Comparing Apples and Oranges: Some Thoughts on the Pension and Social Security Tax Expenditures*, 5 EMP. RTS. & EMP. POL'Y J. 297 (2001); Jonathan Barry Forman, *Making Social Security Work*, 65 OHIO ST. L.J. 145 (2004) [hereinafter Forman, *Making Social Security Work*]; Jonathan Barry Forman, *Making Social Security Work for Women and Men*, 16 N.Y.L. SCH. J. HUM. RTS. 359 (1999) [hereinafter Forman, *Making Social Security Work for Women and Men*]; Jonathan Barry Forman, *Reforming Social Security to Encourage the Elderly to Work*, 9 STAN. L. & POL'Y REV. 289 (1998); Jonathan Barry Forman, *Social Security: What Can Be Done About Marriage Penalties?*, 75 TAX NOTES 270 (1997) and 6 S. CAL. REV. L. & WOMEN'S STUD. 553 (1997).

6. Jonathan Barry Forman, *Saving Social Security With a Cash Balance Plan*, in NEW YORK UNIVERSITY 59TH INSTITUTE ON FEDERAL TAXATION-EMPLOYEE BENEFITS & EXECUTIVE COMPENSATION 3-1 to -29 (Alvin D. Lurie ed., 2001); Jonathan Barry Forman, *The Social Security Cash Machine*, in ESTATE PLANNING STRATEGIES: A LAWYER'S GUIDE TO RETIREMENT AND LIFETIME PLANNING 3-10 (Jay A. Soled ed., 2002). Previous versions of *The Social Security Cash Machine* were published in THE LAWYER'S GUIDE TO RETIREMENT: STRATEGIES FOR ATTORNEYS AND THEIR CLIENTS 111-16 (David A. Bridewell and Charles Nauts eds., 3d ed. 1998) and THE LAWYER'S GUIDE TO RETIREMENT: STRATEGIES FOR ATTORNEYS AND THEIR CLIENTS 70-74 (David A. Bridewell and Charles Nauts eds., 2d ed. 1994).

7. *See, e.g.*, Jonathan B. Forman, Op-Ed, *Who Should Pay Social Security's \$4 Trillion Debt?*, 107 TAX NOTES 633 (2005); Jon Forman, *Individual Accounts, Yes; Privatization, No: A Social Security Investment Alternative*, PLAN SPONSOR, June 2005, at 106 [hereinafter Forman, *A Social Security Investment Alternative*]; Jon Forman, Op-Ed, *No Surplus at Social Security*, J. REC., Mar. 17, 2003, at 8; Jon Forman, Op-Ed, *Rescue in the Balance: Here's a Plan to Save Social Security That Will Work*, BARRON'S, Dec. 18, 2000, at 54 [hereinafter Forman, *Rescue in the Balance*].

8. Jonathan Barry Forman, *Reforming Social Security*, 76 OKLA. B.J. 657 (2005).

9. *See* Jonathan Barry Forman, MAKING AMERICA WORK ch. 8 (2006).

10. *President Clinton's Proposal to Tax Social Security Benefits Would Subject Many Elderly Workers to Confiscatory Tax Rates: Taxation of Social Security Benefits Before the S. Finance Comm.*, 103d Cong. 24-25, 73-80 (1993) [hereinafter *Taxation of Social Security Benefits*] (testimony of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law).

11. *Reforming Social Security: Hearing on Alternatives to Strengthen Social Security Before the H. Comm. on Ways & Means*, 109th Cong. 174-177 (2005) (statement of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law); *Privatizing Social Security for Elderly Workers: The Future of Social Security for This Generation and the Next Before the Subcomm. on Social Security of the H. Comm. on Ways & Means*, 105th Cong. 139-44 (1998) (statement of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law); *An Income Tax Credit for Dual-earner Couples: An Alternative to Earnings Sharing: Women and Social Security: Families are Changing, the Workplace is Changing, Should Social Security Change Too?: Hearing Before the Subcomm. on Social Security of the H. Comm. on Ways & Means*, 102d Cong. 151-60 (1992) (statement of Jonathan Barry Forman, Professor of Law, University of

Commission to Strengthen Social Security in 2001 and to the President's Advisory Panel on Federal Tax Reform in 2005.<sup>12</sup> Finally, in addition to teaching about Social Security in my classes on Elder Law, Pensions, and Basic Income Tax, I regularly take advantage of opportunities to speak about Social Security reform outside the classroom.<sup>13</sup>

*B. Always Say Yes to Opportunities to Write or Speak*

The second best advice I ever received was to "always say yes to opportunities to write or speak, lest people stop asking." You will always have something new to say, and if you write two articles on a subject you will be an "expert." For example, as a result of my early publications on Social Security, I was invited to participate in symposia at Chapman University School of Law in 1998 and at Ohio State University in 2003.<sup>14</sup> Both of these presentations resulted in additional articles on Social Security.<sup>15</sup> I also got to meet other academics in my field of expertise, got reimbursed for my travel expenses to attend those symposia, and received modest honoraria.

*C. Sow the Seeds for Future Opportunities*

Along the same lines, the third best advice I ever received was to "sow the seeds for future opportunities." It helps to attend the same meetings every year and offer to help committee chairs with service and topics. This advice has worked for me many times before with the Association of American Law Schools (AALS) and the American Bar Association (ABA). As I was working on and completing articles, I often offered to share my research at committee meetings of the ABA and AALS.

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Oklahoma College of Law); *Treat Social Security Retirement Benefits Like Annuities: Tax Social Security Benefits Like Annuities, Repeal the Social Security Retirement Earnings Test, and Immediately Raise the Delayed Retirement Credit to 8 Percent: Social Security Trust Fund Integrity and Benefits Improvement Act of 1991: Hearing Before the Subcomm. on Social Security of the H. Comm. on Ways & Means*, 102d Cong. 162-71 (1991) (statement of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law).

12. Jonathan Barry Forman, *Integrate the Income and Social Security Payroll Taxes into a Comprehensive Income Tax System*, available at <http://www.taxreformpanel.gov/comments/commentstwoindividual.html> (submitted to President's Advisory Panel on Federal Tax Reform, April 29, 2005); Jonathan Barry Forman, *Saving Social Security with a Cash Balance Plan*, available at [http://jay.law.ou.edu/faculty/jforman/SSCB\(soa\).doc](http://jay.law.ou.edu/faculty/jforman/SSCB(soa).doc) (submitted to President's Commission to Strengthen Social Security, August 15, 2001).

13. In 2007, for example, I spoke on the topic "Social Security: How it Works and How to Fix It" for the Lucent Retiree Association, in Oklahoma City, Oklahoma, on September 5, 2007; and for the Ardmore Optimist Club, in Ardmore, Oklahoma, on January 11, 2007.

14. Jonathan Barry Forman, Speech at Ohio State University Symposium on Public Policy for a Secure Retirement in the Twenty-First Century: Making Social Security Work (April 10, 2003); Jonathan Barry Forman, Speech for the Chapman University School of Law Second Annual Tax Law Institute: Universal Pensions (November 13, 1998).

15. Forman, *Making Social Security Work*, *supra* note 5; Jonathan Barry Forman, *Universal Pensions*, 2 CHAP. L. REV. 95 (1999) [hereinafter Forman, *Universal Pensions*].

For example, early in my academic career, I wrote an article about the earned income tax credit,<sup>16</sup> which led to my speaking about it at an ABA Tax Section meeting,<sup>17</sup> and that, in turn, led to my being invited to serve on an ABA Section of Taxation Child Care Credit Task Force.<sup>18</sup> That ABA service led to even more presentations<sup>19</sup> and articles.<sup>20</sup> Of particular importance, the ABA Tax Section often reimbursed a portion of my travel expenses so I could attend more professional meetings.

Another way to sow the seeds for future opportunities is to submit abstracts and proposals whenever you see a pertinent call for papers. That approach has led to my participating in numerous law review symposia,<sup>21</sup> chapters,<sup>22</sup> and interdisciplinary conferences;<sup>23</sup> it worked for me in applying for and being selected to participate in this AALS Section on Labor Relations and Employment Law program and symposium. The upsides of publishing in a symposium are that you can often write a shorter article, you are virtually assured of a solid placement in a volume with similar articles, you may get a chance to participate in a conference with the other participants, and, I have

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16. Jonathan Barry Forman, *Improving the Earned Income Credit: Transition to a Wage Subsidy Credit for the Working Poor*, 16 FLA. ST. U. L. REV. 41 (1988) [hereinafter Forman, *Improving the Earned Income Credit*].

17. Jonathan Barry Forman, Address at the ABA Section of Taxation Committee on Low-income Taxpayer Problems: Evaluating the Earned Income Tax Credit (May 14, 1988).

18. See Jonathan Barry Forman, *Report of the Child Care Credit Task Force*, 46 TAX NOTES 331 (1990).

19. See Jonathan Barry Forman, Presentation to the ABA Section of Taxation Committee on Low-income Taxpayer Problems: What to Do About the Child and Dependent Care Credit (February 11, 1989).

20. See, e.g., Jonathan Barry Forman, *A Modest Proposal for Refundable Children's Allowance Tax Credits*, 47 TAX NOTES 853 (1990); Jonathan Barry Forman, *Beyond President Bush's Child Tax Credit Proposal: Towards a Comprehensive System of Tax Credits to Help Low-income Families with Children*, 38 EMORY L.J. 661 (1989); Jonathan Barry Forman, *Using Refundable Tax Credits to Help Low-income Families*, 35 LOY. L. REV. 117 (1989).

21. See, e.g., Jonathan Barry Forman & Amy Nixon, *Cash Balance Pension Plan Conversions*, 25 OKLA. CITY U. L. REV. 379 (2000); Jonathan Barry Forman, *Designing a Work-friendly Tax System*, 2 PIERCE L. REV. 131 (2004); Forman, *Making Social Security Work for Women and Men*, *supra* note 5; Jonathan Barry Forman, *Making Universal Health Care Work*, 19 ST. THOMAS L. REV. 137 (2006); Jonathan Barry Forman, *The Income Tax Treatment of Social Welfare Benefits*, 26 U. MICH. J.L. REFORM 785 (1994); Jonathan Barry Forman, *What Can Be Done About Marriage Penalties?*, 30 FAM. L.Q. 1 (1996).

22. See, e.g., Adam L. Carasso & Jonathan Barry Forman, *A Mandatory Universal Pension System*, in NEW YORK UNIVERSITY REVIEW OF EMPLOYEE BENEFITS AND COMPENSATION 5-1 to -34 (Alvin D. Lurie ed., 2006); Jonathan Barry Forman, *Making Pensions Work*, in NEW YORK UNIVERSITY REVIEW OF EMPLOYEE BENEFITS AND COMPENSATION 5-1 to -60 (Alvin D. Lurie ed., 2004); Forman, *Saving Social Security With a Cash Balance Plan*, *supra* note 6; Patricia L. Scahill & Jonathan Barry Forman, *Protecting Participants and Beneficiaries in a Phased Retirement World*, in NEW YORK UNIVERSITY REVIEW OF EMPLOYEE BENEFITS AND COMPENSATION 1-1 to -48 (Alvin D. Lurie ed., 2002).

23. See Jonathan Barry Forman & Adam L. Carasso, Address at the 2006 Re-Envisioning Retirement in the 21st Century Symposium: Tax Considerations in a Mandatory Universal Pension System (May 4, 2006). This presentation was eventually published as Carasso & Forman, *supra* note 22, and as Adam L. Carasso & Jonathan Barry Forman, *Tax Considerations in a Mandatory Universal Pension System*, in RE-ENVISIONING RETIREMENT IN THE 21ST CENTURY SYMPOSIUM (2006), available at [http://www.soa.org/library/monographs/retirement-systems/re-envisioning-retirement/m-as06-2\\_VIII.pdf](http://www.soa.org/library/monographs/retirement-systems/re-envisioning-retirement/m-as06-2_VIII.pdf).

found, symposium editors are less intrusive.<sup>24</sup> The downside is that you miss the chance to float the article and possibly place it in a more prestigious journal.

#### *D. Promote Yourself*

As a fourth bit of advice, I want to encourage you to promote yourself in almost every way that you can think of. Send at least 100 reprints of every law review article that you write to professors, government officials, and reporters who might be interested. Have current business cards, a one-page vita, a full vita, and a Web page.<sup>25</sup> Participate in, create, and manage listservs to remain connected to colleagues in your field.<sup>26</sup> Ask to speak, apply for grants, ask committee chairs to put you on programs, and offer to participate in all manner of symposia. Although this strategy does not always work, it is certainly worth trying—that is how I was chosen to participate in this symposium.<sup>27</sup>

Additionally, you should write and send press releases whenever you do anything especially noteworthy. Talk to reporters and be generous with them. I get press almost every year and so can you.<sup>28</sup>

To be sure, you will want to temper your self-promotion efforts with your colleagues. Be generous in your praise of them and celebrate their successes. Help them promote themselves, and by so doing, they too, will promote your law school.

#### *E. Work on a Hot Public Policy Issue*

Fifth, keep track of what is hot on the national and state public policy agendas, and always work on at least one hot topic. Help legislators and their staffs draft legislation; help agencies formulate policies and regulations; and submit statements for the record of hearings. You may even get the

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24. On rare occasions, you may even get a small honorarium.

25. The University of Oklahoma provides me with a basic Web page at <http://www.law.ou.edu/faculty/forman.shtml> (last visited Mar. 21, 2008). From there you can link to the Recent Articles and Personal Web page that I maintain, to my publisher's page for my book, *Making America Work*, and to my high-resolution press photograph.

26. I participate in a number of listservs, two of which I created and manage: AGINGPROF (for the AALS Section on Elder Law) and BENEFITSPROF (for the AALS Section on Employee Benefits).

27. As you can probably tell by now, I am really a tax expert with some pension expertise. I have a serious, but arguably tangential, interest in employment law issues. I am not even a member of the AALS Section on Labor Relations and Employment Law. Still, when I saw this Section's call for papers, I was intrigued by the prospect of sharing what I have learned about disseminating my ideas with the honorable members of this Section and the readers of the *Suffolk University Law Review*. I commend the Section's leadership for the blind review process that allowed me to earn my way onto its podium.

28. See, e.g., Meg Shreve, *Panel Debates Using Refundable Tax Credits to Replace Welfare*, 113 TAX NOTES 637 (2006); Steven Brill, *Ohhhklahoma*, INSTITUTIONAL INVESTOR, Aug. 13, 2006, at 28; Randall Turk, *What Makes America Work? Forman's Formula*, NORMAN TRANSCRIPT, Oct. 29, 2006; *Financial Forum* (ABC radio broadcast on AM 1520, Oklahoma City, Okla., July 21, 2006).

opportunity to testify or to serve on an advisory committee.

In that regard, in addition to serving in all three branches of the federal government before I entered full-time academia, I have found many opportunities to serve government since then. I have testified before Congress,<sup>29</sup> before the Oklahoma Legislature,<sup>30</sup> and before a number of task forces and agencies.<sup>31</sup> I have submitted numerous statements for inclusion in the record of hearings before Congress, commissions, and agencies.<sup>32</sup>

I have also had many chances to serve directly in both the federal and state governments. For example, at the federal level, I was appointed by President George W. Bush, Secretary of Labor Elaine L. Chao, and leaders of Congress to be a delegate to the 2002 National Summit on Retirement Savings,<sup>33</sup> and previously, I was appointed by President Clinton to be a delegate to the 1998 National Summit on Retirement Savings.<sup>34</sup> I was also appointed by Secretary of the Treasury Paul O'Neill to be a founding member of the Internal Revenue Service's Advisory Committee on Tax Exempt and Government Entities (ACT), on which I served from 2001 through 2003.<sup>35</sup>

At the state level, in 2003, Oklahoma Governor Brad Henry appointed me to be a member of the Board of Trustees of the Oklahoma Public Employees Retirement System (OPERS), and he reappointed me for another term in

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29. See *How to Reduce the Compliance Burden of the Earned Income Tax Credit on Low-income Workers and on the Internal Revenue Service: Earned Income Tax Credit Hearing Before the Subcomm. on Oversight & the Subcomm. on Human Resources of the H. Comm. on Ways & Means*, 104th Cong. 141-66 (1995) (testimony of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law); *Taxation of Social Security Benefits*, *supra* note 10.

30. See *The Taxation of State Tax Rebates: Testimony Before the H. Comm. on Revenue & Taxation*, 50th Leg., 2d Sess. (Okla. 2006) (testimony of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law); *Should the Oklahoma Public Employee Retirement System Offer a Defined Contribution Plan Alternative?: Testimony Before the H. Comm. on Retirement Law*, 48th Leg., 1st Sess. (Okla. 2001) (testimony of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law).

31. See, e.g., *Making Federal Pension Policy Work: Testimony Before the Working Group on Preparing for Retirement, United States Department of Labor Advisory Council on Employee Welfare and Pension Benefit Plans* (May 3, 2001) (testimony of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law); Jonathan Barry Forman, Presentation to the Oklahoma Teachers' Retirement System Task Force: Choosing Between Defined Benefit and Defined Contribution Plans (December 5, 1997); *The Impact of Shifting to a Personal Consumption Tax on Pension Plans and Their Beneficiaries: Testimony Before the Work Group to Study the Impact Various Tax Proposals May Have on ERISA Employer-Sponsored Plans, United States Department of Labor Advisory Council on Employee Welfare and Pension Benefit Plans* (May 8, 1996) (testimony of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law).

32. See *supra* notes 11-12.

33. See U.S. Dept. of Labor, Employee Benefits Administration, 2002 National Summit on Retirement Savings Appointed Delegates, <http://www.saversummit.dol.gov/2002appoint.html> (last visited Apr. 16, 2008).

34. See U.S. Dept. of Labor, Employee Benefits Administration, 1998 National Summit on Retirement Savings Appointed Delegates, <http://www.saversummit.dol.gov/1998appoint.html> (last visited Apr. 16, 2008).

35. See INTERNAL REVENUE SERVICE, ADVISORY COMMITTEE ON TAX EXEMPT AND GOVERNMENT ENTITIES (ACT), PUBLIC MEETING (2003), available at [http://www.irs.gov/pub/irs-tege/tege\\_act\\_rpt2.pdf](http://www.irs.gov/pub/irs-tege/tege_act_rpt2.pdf); INTERNAL REVENUE SERVICE, ADVISORY COMMITTEE ON TAX EXEMPT AND GOVERNMENT ENTITIES (ACT), PUBLIC MEETING (2002), available at [http://www.irs.gov/pub/irs-tege/tege\\_act\\_rpt.pdf](http://www.irs.gov/pub/irs-tege/tege_act_rpt.pdf).

2007.<sup>36</sup> Since 2005, I have served as Vice Chair of OPERS. Serving on the OPERS Board has offered me many new perspectives on pension plans and investments, and I have benefited from numerous additional continuing education opportunities and speaking opportunities.<sup>37</sup>

## II. TESTIFYING, WRITING, AND SPEAKING

The remainder of this essay explains the nuts and bolts of testifying before Congress, state legislatures, and other government bodies; writing op-eds and magazine articles; and creating opportunities to speak to the general public.

### A. *Testifying and Other Public Service*

Working for the federal government, and especially for Congress, gave me a good understanding of how laws and government policies are made. The key here is that committees and agencies want all the help they can get from outsiders, and there are many opportunities for academics to get out of the ivory tower and help our governments. As most of my research is on law reform, I am always trying to keep up on many of the hottest issues in my areas of interest. In that regard, I often feel that I have special expertise on a couple of hot topics, and I am always willing to share that expertise with government officials from both parties.

Despite the availability of these opportunities, however, one does have to make an effort to get noticed. I recommend sending copies of your new and relevant articles to key staffers in the appropriate agencies and legislative committees. I have found it helpful to publish timely articles in newspapers and in the trade journals that those staffers are likely to read. More specifically, I have published articles in *The Washington Times*,<sup>38</sup> the *Los Angeles Times*,<sup>39</sup> *Barron's*,<sup>40</sup> *Roll Call*,<sup>41</sup> and *Tax Notes*.<sup>42</sup> It is also beneficial to meet agency and legislative staffers at professional meetings and presentations. For example, I have met key government staffers at meetings of the AALS, the ABA Section of Taxation, and the National Tax Association.

What follows is a description of my testimony and other service for the

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36. Oklahoma Public Employees Retirement System, Board of Trustees, <http://www.opers.state.ok.us/board-of-trustees> (last visited Mar. 30, 2008).

37. For example, I spoke on "An Analysis of Defined Contribution (DC) Plans" for the Great Plains Public Employees Retirement System Forum in Kansas City, Kansas, on November 14, 2007; and I spoke on "Topics in Investment Management: Perspectives from the U.S." and "Defined Benefit versus Defined Contribution," at the Canada Cup of Investment Management in Toronto, Canada on June 13, 2007.

38. See Jon Forman, Op-Ed, *What's in a Name?*, WASH. TIMES, April 16, 2001, at A17.

39. Jon Forman, Op-Ed, *Bill Gates and I Pay Equally-and This Is Supposed to Be a Fair System?*, L.A. TIMES, Dec. 25, 1998, at B9.

40. Forman, *Rescue in the Balance*, *supra* note 7.

41. See Jon Forman, Letter to the Editor, *Repeal Check-off*, ROLL CALL, Feb. 5, 2007, at 4.

42. See Forman, *Who Should Pay Social Security's \$4 Trillion Debt?*, *supra* note 7.

federal and state governments, which is intended to illustrate some of the innumerable ways that academics can assist our governments. At the federal level, it has been my privilege to testify before the Senate Finance Committee,<sup>43</sup> the House Ways and Means Committee,<sup>44</sup> and the Department of Labor ERISA Advisory Council.<sup>45</sup> I have also spoken before the Government Accountability Office and served as an academic advisor to the Joint Committee on Taxation.<sup>46</sup> I also served as a delegate to the National Summits on Retirement Savings in 1998<sup>47</sup> and 2002,<sup>48</sup> and as already mentioned, I served as a founding member of the Internal Revenue Service's Advisory Committee on Tax Exempt and Government Entities (ACT).<sup>49</sup>

Along the same lines, I have submitted statements for inclusion in the record of numerous hearings of the Senate Finance Committee, the Senate Special Committee on Aging, and the House of Representatives Ways and Means Committee.<sup>50</sup> I have also submitted written comments to the Department of Labor, the President's Advisory Panel on Federal Tax Reform, the Internal Revenue Service, the National Commission on Restructuring the Internal Revenue Service, the Bipartisan Commission on Entitlement Reform, and the Welfare Simplification and Coordination Advisory Committee.<sup>51</sup>

At the state level, I have testified before the Oklahoma House of Representatives Revenue and Taxation Committee, the Oklahoma House of Representatives Retirement Law Committee, and the Oklahoma Teachers' Retirement System Task Force. I also served as a member of the Task Force for the Study of Public Retirement System Benefit Design and Equity in 2004 through 2005, and as an advisor on two state tax reform studies. Finally, as

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43. See *supra* note 10.

44. *How to Reduce the Compliance Burden of the Earned Income Tax Credit on Low-income Workers and on the Internal Revenue Service: Earned Income Tax Credit Hearing Before the Subcomm. on Oversight and the Subcomm. on Human Resources of the H. Comm. on Ways & Means*, 104th Cong. 141-66 (1995) (testimony of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law).

45. See U.S. DEPARTMENT OF LABOR, EMPLOYEE BENEFITS ADMINISTRATION, REPORT OF THE WORKING GROUP ON PLANNING FOR RETIREMENT (2001), available at [http://www.dol.gov/ebsa/publications/AC\\_111401\\_report.html](http://www.dol.gov/ebsa/publications/AC_111401_report.html). The Advisory Council on Employee Welfare and Pension Benefit Plans was established pursuant to ERISA § 512. See U.S. Department of Labor, Employee Benefits Administration, *ERISA Advisory Council*, [http://www.dol.gov/ebsa/aboutebsa/erisa\\_advisory\\_council.html](http://www.dol.gov/ebsa/aboutebsa/erisa_advisory_council.html) (last visited Mar. 21, 2008). For those interested in serving on the ERISA Advisory Committee, see U.S. Department of Labor, Employee Benefits Security Administration, Advisory Council on Employee Welfare and Pension Benefit Plans; Nominations for Vacancies, 144 Fed. Reg. 41,355 (July 27, 2007).

46. See Jonathan Barry Forman, *Simplification for Low Income Taxpayers: 2001*, in JOINT COMMITTEE ON TAXATION, 3 STUDY OF THE OVERALL STATE OF THE FEDERAL TAX SYSTEM AND RECOMMENDATIONS FOR SIMPLIFICATION, PURSUANT TO SECTION 8022(3)(B) OF THE INTERNAL REVENUE CODE OF 1986 10, 14-18 (2001), available at <http://www.house.gov/jct/s-3-01vol3.pdf>.

47. See *supra* note 34.

48. See *supra* note 33.

49. See *supra* note 35.

50. See *supra* note 11.

51. See *supra* note 12.



already mentioned, I serve as Vice Chair of the Board of Trustees of OPERS.

Needless to say, I am always on the lookout for opportunities to serve. I have learned about many of these opportunities in the weekly trade press (e.g., *Tax Notes* and the *BNA Pension and Benefits Reporter*), and through my subscriptions to a number of listservs (e.g., the *BenefitsLink Retirement Plans Newsletter*).<sup>52</sup> These publications review the *Congressional Record*, *Federal Register*, and press releases that announce hearings and calls for nominations to advisory committees. I also read a variety of newspapers and magazines, watch the evening news, and listen to National Public Radio. Finally, I periodically check the Web sites of various congressional committees and agencies to see what is new. All of these sources provide useful information about opportunities to serve the federal and state governments.

At the federal level, *The United States Government Manual*<sup>53</sup> outlines the operations of all three branches of the federal government, and the *Plum Book*<sup>54</sup> identifies virtually all of the presidential appointments and other top jobs in the executive branch.

At the state level, the Oklahoma Statutes comes with a list of all of the Oklahoma state agencies, boards, and commissions.<sup>55</sup> The governor's Web page also has a list of boards and commissions to which the governor can make appointments.<sup>56</sup>

Of course, if you want something, you usually will have to ask for it. Although I have sometimes been invited to testify because staffers or legislators were aware of my work, most of my other opportunities came about because I applied or got myself nominated. Law school deans and university presidents can often supply influential recommendations and contacts. The dean of my law school<sup>57</sup> and the president of my university<sup>58</sup> have always been willing to send letters on my behalf.

If you are invited to testify before Congress, you will probably be on a panel. Each panelist will have five to ten minutes to speak, and then committee

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52. See BenefitsLink, <http://benefitslink.com/index.html> (last visited Mar. 30, 2008).

53. OFFICE OF THE FEDERAL REGISTER, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. GOVERNMENT MANUAL 2007/2008 (2007).

54. COMMITTEE ON GOVERNMENT REFORM, U.S. HOUSE OF REPRESENTATIVES, 10TH CONG., 2D SESS., UNITED STATES GOVERNMENT POLICY AND SUPPORTING POSITIONS (2004), available at [http://a257.g.akamaitech.net/7/257/2422/05jan20051520/www.gpoaccess.gov/plumbook/2004/2004\\_plum\\_book.pdf](http://a257.g.akamaitech.net/7/257/2422/05jan20051520/www.gpoaccess.gov/plumbook/2004/2004_plum_book.pdf).

55. OKLAHOMA DEPARTMENT OF LIBRARIES, ABC: OKLAHOMA STATE AGENCIES, BOARDS, AND COMMISSIONS: INCLUDING ELECTED OFFICERS, CABINET, LEGISLATURE, HIGH COURTS, AND INSTITUTIONS (2005), available at <http://www.odl.state.ok.us/sginfo/abc/abc.pdf>.

56. State of Oklahoma, Office of the Governor, *Boards and Commissions*, [http://www.governor.state.ok.us/docs/boards\\_and\\_commissions.pdf](http://www.governor.state.ok.us/docs/boards_and_commissions.pdf) (last visited Mar. 12, 2008).

57. University of Oklahoma College of Law Dean Andrew M. Coats is, among other achievements, a former mayor of Oklahoma City.

58. University of Oklahoma President David Boren is, among other achievements, a former governor of Oklahoma and a former U.S. Senator.

members will have an opportunity to ask questions. Many congressional hearings are now videotaped and available for live and archival viewing.<sup>59</sup>

The typical hearing starts at around ten in the morning, ends at lunch, and consists of two or three panels. The first panel is often composed of government officials, which means you will probably be on the second or third panel. Do not be disappointed if there are only a few members present when you speak. The staff of the missing committee members will often be there or will get copies of your prepared remarks. By the way, the committees do not reimburse travel expenses, but I have never had a problem getting my dean to pay those costs.

Your prepared remarks may look about the same whether you actually testify or instead submit a statement for inclusion in the record of those hearings that permit submissions. For example, I submitted a statement for the record titled *Making Taxes and Welfare Work Together* for the April 26, 2007 House Ways and Means Committee's Subcommittee on Income Security and Family Support hearing on Proposals for Reducing Poverty.<sup>60</sup> The guidelines for submitting written comments to the House Ways and Means Committee are outlined in a "Hearing Advisory" notice issued by the committee or subcommittee that calls the hearing. The guidelines typically provide that:

1. All submissions and supplementary materials must be provided in Word or WordPerfect format and MUST NOT exceed a total of 10 pages, including attachments. Witnesses and submitters are advised that the Committee relies on electronic submissions for printing the official record.
2. Copies of whole documents submitted as exhibit material will not be accepted for printing. Instead, exhibit material should be referenced and quoted or paraphrased. All exhibit material not meeting these specifications will be maintained in the Committee files for review and use by the Committee.
3. All submissions must include a list of all clients, persons, and/or organizations on whose behalf the witness appears. A supplemental sheet must accompany each submission listing the name, company, address, telephone, and fax numbers of each witness.<sup>61</sup>

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59. See U.S. Senate Committee on Finance, Hearings, <http://www.senate.gov/~finance/sitepages/hearings.htm> (last visited Mar. 12, 2008). For example, I have watched portions of the Finance Committee's May 10, 2007 hearing on "Can the Middle Class Make Ends Meet? Economic Issues for America's Working Families."

60. *Making Taxes and Welfare Work Together: Proposals for Reducing Poverty: Hearing Before the Subcomm. on Income Security and Family Support of the H. Comm. on Ways & Means*, 110th Cong. (2007) (statement of Jonathan Barry Forman, Professor of Law, University of Oklahoma College of Law), available at <http://waysandmeans.house.gov/hearings.asp?formmode=view&id=606>.

61. Advisory from the Committee on Ways and Means Subcommittee on Income Security and Family Support: McDermott Announces Hearing on Proposals for Reducing Poverty (April 26, 2007), available at <http://waysandmeans.house.gov/hearings.asp?formmode=view&id=5809>.

If you testify, you will almost certainly be required to have your written remarks submitted before the hearing date. Even if you are just submitting a statement for the record, you might want to try to get it in before the hearing takes place. You might even be able to arrange to have your written comments made available to committee members and members of the public at that time. In any event, the record of the hearing is usually closed about two weeks after the hearing takes place.<sup>62</sup>

Other committees and agencies that seek testimony or written comments have different requirements. For example, if you wanted to comment on the United States Department of Labor's regulation project on 401(k) plan fee and expense disclosures to participants, the April 25, 2007 notice in the *Federal Register* provided relatively detailed, but straightforward, formatting requirements:

**DATES:** Written or electronic responses should be submitted to the Department of Labor on or before July 24, 2007.

**ADDRESSES:** Responses: To facilitate the receipt and processing of responses, EBSA encourages interested persons to submit their responses electronically by e-mail to e-ORI@dol.gov or by using the Federal eRulemaking portal at <http://www.regulations.gov> (follow instructions for submission of comments). Persons submitting responses electronically are encouraged not to submit paper copies. Persons interested in submitting written responses on paper should send or deliver their responses (preferably, at least three copies) to the Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N-5669, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Attention: Fee Disclosure RFI. All written responses will be available to the public, without charge, online at <http://www.regulations.gov> and <http://www.dol.gov/ebsa>, and at the Public Disclosure Room, N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.<sup>63</sup>

The ERISA Advisory Committee also has a relatively open format for comments. For example, an August 29, 2007 announcement for a September 18, 2007 hearing of the ERISA Advisory Committee's Working Group on Participant Benefit Statements stated that:

Organizations or members of the public wishing to submit a written statement

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62. For the April 26, 2007 hearing, submissions were due no later than May 10, 2007. *Id.*

63. Fee and Expense Disclosures to Participants in Individual Account Plans, 72 Fed. Reg. 20,457 (Apr. 25, 2007) (to be codified at 29 C.F.R. pt. 2550).

pertaining to the topic may do so by submitting 25 copies on or before September 12, 2007 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5623, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Statements also may be submitted electronically to [e-mail address omitted]. Statements received on or before September 12 will be included in the record of the meeting. Individuals or representatives of organizations wishing to address the Working Group should forward their requests to the Executive Secretary or telephone [telephone number omitted]. Oral presentations will be limited to 20 minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact Larry Good by September 12 at the address indicated.<sup>64</sup>

Often one can submit comments in the form of a letter, and recently many calls for comments seem to prefer e-mail submissions. Be aware that your letterhead seals and special formatting may get altered or disappear if the committee or agency posts your electronic submission on its Web site.<sup>65</sup>

At the state and local levels, you can often nominate yourself for positions on boards and commissions. In Oklahoma, for example, you can download an Appointee Application from the governor's Web page.<sup>66</sup> Of course, in getting appointed to the OPERS Board of Trustees, it probably helped that Governor Henry is one of my former students.<sup>67</sup> When I saw Governor Henry recently, he advised me that he always needs good people to serve on the many boards and commissions to which he makes appointments. Your state and local officials are likely to be in similar need of talented volunteers.

To be sure, Oklahoma is a small state,<sup>68</sup> so I know a number of officials and legislators, more and more of whom are my former students. Consequently, when a pension or tax reform hearing or task force comes up, I am sometimes called, and I sometimes ask to become involved after I have read about something interesting in the local newspapers. You should look for similar opportunities in your state.

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64. Meeting Notice, 72 Fed. Reg. 49735 (Aug. 29, 2007).

65. But it worked perfectly for Jonathan Barry Forman, *Written Comments on Suggestions for the Agenda for the 2006 National Summit on Retirement Savings*, submitted to the Office of Participant Assistance, Employee Benefits Security Administration, U.S. Department of Labor, June 30, 2005, [http://www.dol.gov/ebsa/regs/cmt\\_saversummit.html](http://www.dol.gov/ebsa/regs/cmt_saversummit.html).

66. Governor Brad Henry, *Appointments/Appointee Applications*, [http://www.governor.state.ok.us/appoint\\_app.php](http://www.governor.state.ok.us/appoint_app.php) (last visited Mar. 12, 2008). In Oklahoma, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Supreme Court also make appointments to many of the same boards and commissions, but their appointment procedures are less formal.

67. It is not that I am that old, but rather that he is that young.

68. Oklahoma just turned 100 years old on November 16, 2007, and it has a population of about 3.5 million. See *Oklahoma's History*, <http://www.ok.gov/osfdocs/stinfo2.html> (last visited Mar. 12, 2008); U.S. Census Bureau, *State & Country QuickFacts*, <http://quickfacts.census.gov/qfd/states/40000.html> (last visited Mar. 12, 2008).

### B. Writing Op-eds and Magazine Articles

Just before entering full-time academia, I had the good fortune to work for a few months as a reporter for one of the premier trade publications for tax lawyers, *Tax Notes*. I learned to write short articles for a general audience under deadline, and I have been doing so ever since.<sup>69</sup>

Early in my academic career, I often reworked my tedious law review articles into shorter special reports for *Tax Notes*. For example, I was pleased to place my first law review article as a professor in the *Florida State University Law Review*,<sup>70</sup> but I was also pleased to publish a shorter, more readable version in *Tax Notes*.<sup>71</sup> At the time, the *Florida State University Law Review* had a general circulation of just over 300, while *Tax Notes* sold thousands of copies each week to tax professionals.<sup>72</sup> Thus, I was able to expand the reach of my scholarship by publishing in two different formats.

I also sent (and continue to send) reprints of my law review articles to academics, government officials, and reporters. I always hope that reporters will pick up on what I have written, and sometimes they do. After a while, however, I realized that I would get more reaction to my ideas if I started writing columns and op-eds myself.

Since then, I have published more than 150 columns and op-eds, and my best placements include *Barron's*,<sup>73</sup> the *Los Angeles Times*,<sup>74</sup> *The Dallas Morning News*,<sup>75</sup> *The Washington Times*,<sup>76</sup> *The Cleveland Plain Dealer*,<sup>77</sup> and *The Daily Oklahoman*.<sup>78</sup> Also, for the past eight years, I have written a monthly column for *The Journal Record*, the business newspaper in Oklahoma City.<sup>79</sup>

The ideal length for most op-eds is approximately 650 words, although they can be as long as 1,100 words. At a minimum, they take a few hours to write

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69. See Jonathan Barry Forman, *Treasury's Interest Indexing Proposal: Either a Bank or a Net Lender Be*, 26 TAX NOTES 856 (1985).

70. Forman, *Improving the Earned Income Credit*, *supra* note 16.

71. Jonathan Barry Forman, *Expanding the Earned Income Credit to Help the Working Poor*, 40 TAX NOTES 851 (1988).

72. To be sure, both of these publications are also available through LexisNexis.

73. See Forman, *Rescue in the Balance*, *supra* note 7.

74. See Forman, *supra* note 39.

75. See Jon Forman, Op-Ed, *Let's Pay Taxes Without Filing Return*, DALLAS MORNING NEWS, Apr. 15, 2001, at 5J.

76. Jon Forman, Op-Ed, *Social Security is Hurting Working Women*, WASH. TIMES, Dec. 17, 1996, at A19, reprinted as Jon Forman, Op-Ed, *How Social Security Cheats Women*, CLEV. PLAIN DEALER, Jan. 22, 1997, at 11B [hereinafter Forman, *How Social Security Cheats Women*].

77. Forman, *How Social Security Cheats Women*, *supra* note 76. This was particularly sweet because I grew up in Cleveland.

78. Jon Forman, Op-Ed, *A National Strategy for Work*, SUNDAY OKLAHOMAN, Sept. 3, 2006, at 17A. This article was also published in the *Pittsburgh Tribune-Review*, *Albany Times Union*, *Fort Worth Star-Telegram*, *Arkansas Democrat-Gazette*, *Wilmington Morning Star*, *Raleigh News & Observer*, *Arizona Daily Star*, *Contra Costa Times*, *La Crosse Tribune*, *Akron Beacon Journal*, and *The Norman Transcript*.

79. See Jon Forman, *Fixing the Taxation of Mortgage Foreclosures*, J. REC., Sept. 10, 2007, at 6A.

and often take at least as much time to place. Indeed, placing an op-ed can be a somewhat frustrating process, especially because the top five or six papers demand exclusive rights and sole submission. The top papers are also very competitive, and national columnists are gobbling up more and more of the op-ed pages. That will always exert at least a subtle or not-so-subtle influence on what to write and where to send it.

Over the years, almost every op-ed I have written has been published somewhere. On the other hand, I still have not placed so much as a letter to the editor in *The Wall Street Journal*, *The New York Times*, or *The Washington Post*, and I do not know many people who have. That means an op-ed that is timely when you send it to *The Wall Street Journal (Journal)* may be obsolete before the *Journal* has even rejected it. Therefore, try to write your op-eds in a somewhat timeless fashion or shoot for lower-level papers.

On the upside, you can actually sometimes get paid for a column or op-ed. I have received anywhere from \$60 to \$250 for some of my op-eds, and I even got \$500 for the somewhat longer article I placed in *Barron's*. Unfortunately, that *Barron's* piece was published over a year after I wrote it, having first run the gamut of sequential rejection by all of the top newspapers. I certainly would have starved if I were a freelancer.

To be sure, I am mostly interested in influencing people,<sup>80</sup> so I do not mind all that much that I do not get paid for my monthly column in *The Journal Record*,<sup>81</sup> or that I do not get paid when a wire service picks up an op-ed and it ends up in several newspapers.<sup>82</sup>

If my proposed op-ed is not too liberal, I usually start by submitting it to *The Wall Street Journal*, with its very large circulation.<sup>83</sup> The *Journal's* op-ed guidelines are typical:

If you would like to submit an article for consideration, it must be exclusive to the *Journal*. Your article should be a strong argument about an issue in the news. And it should not be a response to a *Journal* article; that is a letter to the editor. For an idea of what we are looking for, read the *Journal's* editorial page on a regular basis.

We prefer that the submission be between 600 to 1,200 jargon-free words, submitted as the body of an email rather than an attachment. A cover note giving a brief summary of your article should be included along with the author's day and evening phone numbers.

We will contact authors on timely articles that are of interest to us as soon as

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80. Admittedly, I also like to see my name in print.

81. See Forman, *supra* note 79. The *Journal Record* also puts my picture in the paper.

82. See Forman, *supra* note 78.

83. If time is of the essence, however, I might instead offer the article to the conservative, but less competitive, *Washington Times*.

possible. Otherwise, due to the large volume of submissions, for articles that we are not able to use, we will respond within 10 business days. Again, due to the large volume of submissions, please do not call to confirm receipt or check for a status until 10 business days have elapsed.<sup>84</sup>

If my proposed article is more liberal, I usually start with *The New York Times*<sup>85</sup> or *The Washington Post*.<sup>86</sup> Other top papers that expect sole submission of op-eds include the *Los Angeles Times*,<sup>87</sup> *USA Today*,<sup>88</sup> and *The Washington Times*.<sup>89</sup>

*The Washington Post* also accepts longer articles for its Sunday Outlook sections,<sup>90</sup> and other papers may as well. Additionally, you can try shopping longer opinion pieces to traditional magazines like *The American Prospect*,<sup>91</sup> *Atlantic Monthly*,<sup>92</sup> *Commentary*,<sup>93</sup> *Dissent*,<sup>94</sup> *Mother Jones*,<sup>95</sup> *The Nation*,<sup>96</sup> *National Review*,<sup>97</sup> *The New Republic*,<sup>98</sup> *The Progressive*,<sup>99</sup> and *The*

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84. Op-Ed Guidelines for The Wall Street Journal, <http://www.opinionjournal.com/guidelines> (last visited Mar. 12, 2008). "All op-eds should be directed to the Editorial Features Editor, Robert Pollock, at [edit.features@wsj.com](mailto:edit.features@wsj.com). If you are responding to an article that has appeared in the *Journal*, please send your comments to Tim Lemmer, the letters editor, at [wsj.ltrs@wsj.com](mailto:wsj.ltrs@wsj.com)." *Id.*

85. The New York Times, How to Submit an Article to the Op-Ed Page, <http://www.nytimes.com/ref/membercenter/help/opedsubmit.html> (last visited Mar. 12, 2008) (suggested length 600 words).

86. The Washington Post, Submitting an Opinion Article, <http://projects.washingtonpost.com/opeds/submit/> (last visited Mar. 12, 2008). *The Washington Post* will usually reject your op-ed within a couple of days.

87. Send proposed op-eds to [oped@latimes.com](mailto:oped@latimes.com).

88. USA Today, News: Submission guidelines, [http://www.usatoday.com/news/opinion/2005-08-10-guidelines\\_x.htm](http://www.usatoday.com/news/opinion/2005-08-10-guidelines_x.htm) (last visited Mar. 12, 2008).

89. Send proposed articles for the Commentary section to Deborah Simmons, Editorial Page Editor, through the portal at <http://www3.washingtontimes.com/functions/staffdir.php#form> (last visited Mar. 12, 2008).

90. Send your proposed article to [outlook@washpost.com](mailto:outlook@washpost.com). See Customer Care Center: Can I Submit Freelance Work to The Washington Post?, [http://www.washingtonpost.com/wp-srv/admin/help/popup/frame\\_page.html](http://www.washingtonpost.com/wp-srv/admin/help/popup/frame_page.html) (search "freelance" and follow hyperlink) (last visited Mar. 12, 2008).

91. About the American Prospect: Submitting Articles to the American Prospect, [http://www.prospect.org/cs/about\\_tap/submissions](http://www.prospect.org/cs/about_tap/submissions) (last visited Mar. 12, 2008).

92. The Atlantic.com, Letters to the Editor & Submissions, <http://www.theatlantic.com/a/submissions.mhtml> (last visited Mar. 12, 2008).

93. Commentary, <http://www.commentarymagazine.com> (last visited Mar. 12, 2008).

94. Contact Dissent Magazine, <http://dissentmagazine.org/display.php?id=contact> (last visited Mar. 12, 2008).

95. Mother Jones Writer's Guidelines, [http://www.motherjones.com/about/admin/mag\\_guidelines.html](http://www.motherjones.com/about/admin/mag_guidelines.html) (last visited Mar. 12, 2008).

96. The Nation, Submissions, <http://www.thenation.com/contact/smis> (last visited Mar. 12, 2008).

97. National Review Online, Contact Us, <http://www.nationalreview.com/contact> (last visited Mar. 12, 2008).

98. The New Republic, Contact TNR, <http://www.tnr.com/contact.html> (last visited Mar. 12, 2008).

99. The Progressive, Submission Guidelines, [http://www.progressive.org/mag\\_guidelines](http://www.progressive.org/mag_guidelines) (last visited Mar. 12, 2008).

*Washington Monthly*.<sup>100</sup> But you will probably have much more luck with trade magazines. For example, in 2007, I placed articles in *Benefits Quarterly*,<sup>101</sup> *Tax Notes*,<sup>102</sup> and *The Tax Executive*.<sup>103</sup>

When I submit an op-ed by e-mail, I give the proposed title for the article, the number of words,<sup>104</sup> a summary of the op-ed, and my major credentials in a three to four sentence introduction. The proposed op-ed then follows my signature. Your school may have an office that will submit op-eds on your behalf. If so, take advantage of it. Alternatively, your school may have a contract with a public relations firm to try to place faculty articles. It can certainly help to have somebody else “sell” your work for you. For instance, my book publisher, the Urban Institute Press, helped me place two op-eds.

Not all the papers or magazines get back to you, but most at least give you a time frame. Notably, *The Wall Street Journal* and *The Washington Post* will usually reject proposed op-ed pieces within a few days. On the other hand, *The New York Times* does not bother. You must wait a whole week before sending the piece to the next paper on your list.<sup>105</sup>

Another possibility is to submit proposed op-ed pieces to a wire service. The wire services do not pay for content, but your article might get picked up in several papers around the country. For example, my article entitled *A National Strategy for Work*, written for Labor Day 2006 (and to coincide with publication of my book, *Making America Work*) was picked up by *The Sunday Oklahoman*, *Pittsburgh Tribune-Review*, *Albany Times Union*, *Fort Worth Star-Telegram*, *Arkansas Democrat-Gazette*, *Wilmington Morning Star*, *Raleigh News & Observer*, *Arizona Daily Star*, *Contra Costa Times*, *La Crosse Tribune*, *Akron Beacon Journal*, and *The Norman Transcript*.<sup>106</sup>

It can easily take a month or more to work your way through the top papers. Fortunately, for me, if I get tired of trying to place a proposed article nationally and it is still timely, I can usually use it for my monthly column in *The Journal Record* of Oklahoma City<sup>107</sup> or in the trade press.<sup>108</sup> More often than not, that

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100. Washington Monthly, Writers' Guidelines,

<http://www.washingtonmonthly.com/inside/writersguidelines.html> (last visited Mar. 12, 2008).

101. Jonathan Barry Forman, *How Universal Health Care Would Influence Decisions About Work and Retirement*, 23(3) BENEFITS Q. 22 (2007).

102. Jon Forman, *Measuring the Trade-off Between Tax Expenditures and Tax Rates*, 114(12) TAX NOTES 1255 (2007).

103. Jon Forman, *Let's Combine the Income and Payroll Taxes into a Rational System*, 59(1) TAX EXECUTIVE 55 (2007).

104. When I am ready, I cut and paste the body of the op-ed into a separate Word document, and use the word count feature under File, Properties, and Statistics.

105. The New York Times, How to Submit an Article to the Op-Ed Page, *supra* note 85.

106. *See supra* note 78.

107. *See* Jon Forman, *Invest in industry, not huge houses*, J. REC. (Okla.), June 4, 2007, at 6A. This article was rejected by several top papers along the way.

108. *See* Forman, *A Social Security Investment Alternative*, *supra* note 7; Jon Forman, *Reform DB plans, using personal accounts and big-fund advantage*, PENSIONS & INVESTMENTS, Mar. 7, 2005, at 13.



is what happens, but eventually, almost everything that I write gets published somewhere.

### C. *Speaking to the General Public*

Finally, I want to discuss how to create opportunities to speak to the general public. Of course, the better known you are, the more you will be invited to speak. So writing op-eds and scholarly articles and performing public service may lead to invitations to speak to public audiences.

Many of my speaking opportunities come from my participation in the University of Oklahoma's Faculty Senate Speakers Service, which offers community groups a list of speakers and topics from which those groups can choose.<sup>109</sup> I am currently listed as available to speak on Social Security reform, tax policy, retirement policy in the twenty-first century, and law and economic justice. In 2007, I spoke on Social Security reform for the Lucent Retiree Association in Oklahoma City, Oklahoma, and for the Ardmore Optimist Club in Ardmore, Oklahoma. Similarly, the University of Oklahoma's Osher Lifelong Learning Institute runs a "Mornings with the Professors" program for adult learners, and on December 9, 2008, I will deliver a speech entitled *Retirement Law and Policy*.<sup>110</sup>

I also try very hard to disseminate my research, and I always indicate that I am interested in talking about it. In 2007, for example, I got to speak about my book, *Making America Work*, to the Government Accountability Office in Washington, D.C.; the Central States Law School Association in Detroit, Michigan; the University of North Carolina's Center on Poverty, Work, and Opportunity; the Democratic Party's Cornbread and Beans Luncheon in Norman, Oklahoma; the Oklahoma City Economics Roundtable in Edmond, Oklahoma; and the Section on Socio-Economics at the 2007 AALS meeting in Washington, D.C. I also spoke about pensions at the Great Plains Public Employees Retirement System Forum in Kansas City, Kansas, and to the Canada Cup of Investment Management in Toronto, Canada.

As with so many things, you often need only ask and opportunities will present themselves. I have made it a point to participate in a number of interdisciplinary and cross-disciplinary conferences. That has exposed me to other points of view and forced me to hone my message beyond the legal academy. For example, the National Tax Association brings together economists, lawyers, and accountants with an interest in tax policy; the Society

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109. University of Oklahoma Speakers Service 2007-08, <http://www.ou.edu/admin/facsen/speakers.htm> (last visited Mar. 12, 2008). Note, unless you have a household name, private speaker's bureaus are not for you. They may charge you money just to look at your bio, and even if you get on a list, you may not get any speeches, let alone any paid gigs.

110. Osher Lifelong Learning Institute, University of Oklahoma, [http://www.olli.outreach.ou.edu/mornings\\_professor.html](http://www.olli.outreach.ou.edu/mornings_professor.html) (last visited Mar. 12, 2008).

of Actuaries often holds conferences that bring together actuaries, economists, lawyers, accountants, and social scientists to examine issues of demographic change and retirement policy; and the Law and Society Association holds an annual conference that brings scholars from law, sociology, political science, psychology, anthropology, economics, and history together to talk about a range of law-related topics. As a result of these interdisciplinary conferences, I have co-authored several articles with actuaries and political scientists.<sup>111</sup>

Teaching in the international arena also presents unique opportunities to expand the reach of your academic efforts. For instance, the University of Oklahoma College of Law has a summer program at Oxford University, and I taught there during the summer of 2004.<sup>112</sup> The University of Oklahoma also has partnership agreements with 174 universities in sixty-six countries.<sup>113</sup> So far, I have lectured at our sister universities in Clermont-Ferrand<sup>114</sup> and Bordeaux<sup>115</sup> in France and in Yamaguchi, Japan.<sup>116</sup> In order to get these kinds of speaking opportunities, you will probably have to be flexible about what you teach. In my case, I lectured more about business enterprise law and less about pension, Social Security, and tax law. Fortunately, I found that I could often lecture from Wex (formerly "Law about . . .") summaries available at the Cornell University Law School's Legal Information Institute (LII),<sup>117</sup> from government reports,<sup>118</sup> and from some of the free LexisNexis Capsule Summary Outlines.<sup>119</sup>

I also recommend occasionally meeting and speaking with foreign visitors to your university and state. In 2006, for example, I provided an overview of the United States tax system to visitors from the South Korean National Tax

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111. See Carasso & Forman, *supra* note 22 (Adam L. Carasso has a Masters in Public Administration); Scahill & Forman, *supra* note 22 (Patricia L. Scahill is an actuary).

112. Cf. University of Oklahoma College of Law, Oxford Program, <http://jay.law.ou.edu/oxford/index.cfm> (last visited Mar. 12, 2008).

113. Personal communication with the University of Oklahoma International Programs Center, in Norman, Okla. (Sept. 20, 2007); see also University of Oklahoma, *OU International Programs*, <http://www.ou.edu/ipc/home.html> (last visited Mar. 29, 2008).

114. Visiting Professor, Université d'Auvergne (Clermont-Ferrand I), Clermont-Ferrand, France, March 9-14, 1998 and March 16-20, 1999. I taught United States Taxation and Tax Policy for the Faculté de Sciences Economiques and for the Institut Universitaire Professionnalis .

115. Visiting Professor, Universit  Montesquieu (Bordeaux IV), Bordeaux, France. I taught United States Tax, Pension, and Corporate Law for the Facult  de Droit, March 6-17, 2000.

116. Visiting Professor, Yamaguchi University, Yamaguchi, Japan, August 1-8, 2001. I taught Corporate Governance, Tax, and Pension Law for the Faculty of Economics, Department of Law and Economics.

117. See Cornell University Law School, *LII/Legal Information Institute*, Wex: All Pages, <http://topics.law.cornell.edu/wex/category> (last visited Mar. 12, 2008) (listing all existing legal categories on which they have information).

118. See JOINT COMMITTEE ON TAXATION, OVERVIEW OF THE FEDERAL TAX SYSTEM AS IN EFFECT FOR 2007 (2007); Open CRS: Congressional Research Reports for the People, <http://www.opencrs.com> (last visited Mar. 12, 2008).

119. See LexisNexis, Area of Law Outlines, <http://www.lexisnexis.com/lawschool/study/outlines> (last visited Mar. 12, 2008) (including downloadable outlines for Civil Procedure, Constitutional Law, Contracts, etc.).

Service.<sup>120</sup>

You might also want to consider attending conferences outside the United States. If you are a presenter, you may even get your travel expenses paid. For example, my expenses were paid when I spoke about American pension law at the Canada Cup of Investment Management in Toronto, Canada.

Additionally, you might consider applying for opportunities with the ABA Rule of Law Initiative<sup>121</sup> or with the Fulbright Scholar Program.<sup>122</sup> Finally, you might also think about visiting or consulting with one of the many international organizations such as the International Labor Organization, the United Nations, the World Bank, the International Monetary Fund, or the Organisation for Economic Co-Operation and Development.

### III. CONCLUSION

In short, promote yourself. Publish law review articles, but also write op-eds, testify before Congress, and speak to community groups. It is good for you, it is good for your law school, and it is good for your university. Next year, I want to see you speaking at the AALS Annual Meeting and I want to read about you on the cover of the *Rolling Stone*—err, I mean, on the op-ed page of *The New York Times*.

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120. Jonathan Barry Forman, Speech for Visitors from the South Korean National Tax Service: An Overview of the United States Tax System (Nov. 1, 2006).

121. The Rule of Law Initiative is a public service project of the ABA that is dedicated to promoting the rule of law around the world. It offers numerous volunteer and job opportunities. See American Bar Association, Promoting the Rule of Law, <http://www.abanet.org/rol/> (last visited Mar. 12, 2008).

122. Fulbright Scholar Program, <http://www.cies.org> (last visited Mar. 12, 2008). In addition to the semester- or year-long traditional Fulbright Scholar Program, there is also a Fulbright Senior Specialist Program that offers short-term grants of two to six weeks. Fulbright Scholar Program, *Fulbright Senior Specialists Program*, <http://www.cies.org/specialists/> (last visited Mar. 12, 2008). I was a Fulbright Senior Specialist Candidate, approved for candidacy on the roster from 2001-2006, but I was not selected to serve. In that regard, if you want to be invited to serve as a Senior Specialist, it helps if you encourage a foreign school to request you by name.

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