

This document contains a comprehensive outline of the results of a 2006 survey of legal writing faculty by the Legal Writing Institute's Committee on Cooperation among Clinical, Pro Bono, and Legal Writing Faculty.

Encouraging Cooperation Between Legal Writing Programs and Pro Bono, Clinical, and Externship Programs

**The Twelfth Biennial Conference of the Legal Writing Institute
June 7 - June 10, 2006
Atlanta, GA**

Presenters: *Sarah E. Ricks, Rutgers School of Law - Camden*
Susan C. Wawrose, University of Dayton School of Law
Eve Biskind Klothen, Rutgers School of Law - Camden
Evelyn Tenenbaum, Albany Law School

2005-06 National E-Survey of Legal Writing Faculty

Pros and Cons of Collaboration: Literature, Survey

Types of Collaboration between Legal Research and Writing (LRW) Programs and Clinics, Pro Bono, and Externship Programs*

I. Individual Efforts

- A. Clinical faculty talk to/assist LRW classes**
 - 1. Promote the clinic to 1-Ls
Deborah Mostaghel, University of Toledo
 - 2. Talk about the types of lawyering skills used in the clinic/practice,
e.g., "How Arbitration Works," or what clinicians do
Mary Rose Strubbe, Chicago Kent
Jill Ramsfield, Georgetown
Terrill Pollman, Nevada-Las Vegas
*Terri LeClercq, Texas (professionalism, mediation in course for
foreign lawyers)*

* This information was collected by a national survey of legal writing programs and legal writing directors. The survey was initiated by the Legal Writing Institute's Committee on Cooperation between Clinic, Pro Bono, and Legal Writing Programs (Steven Schwinn, Rhonda Beassie, Susan Wawrose, Ruth Anne Robbins, and Sarah E. Ricks, Chair). A copy of the survey questionnaire is p. 8 of these materials.

Ruth Anne Robbins, Rutgers-Camden (client-centered lawyering, role of clinical students and memo writing)
Nancy Wanderer, Maine

3. Lecture on public interest law to upper-level skills class
Susan DeJarnatt, Temple
4. Video/roleplaying
-clinic directors interviewing client
Deborah Schmedemann, William Mitchell
Sharon Pocock, Michigan State
-use clinic students to get facts out for LRW assignment
Danielle M. Shelton, Drake
5. Provide expertise on area of law involved in LRW assignment
Mark Wojcik, John Marshall
Mary Rose Strubbe, Chicago Kent
Jane Muller-Peterson, Dickinson/Penn State
Jill Ramsfield, Georgetown
Christy DeSanctis, George Washington
Ardath Hamann, John Marshall
Sheila Simon, Southern Illinois
6. Clinical faculty serve as judges for oral arguments
Barbara Hoffman, Rutgers-Newark

B. LRW Faculty talk to Clinic/Externship classes

1. Top Ten Suggestions for Writing Persuasive Motions
Suzanne Rabe, Arizona State
2. "Remember What We Learned Last Year?"
Ian Gallacher, Syracuse
3. Professional writing and presentations
Amy Dillard, American (writing under pressure, client letters, writing for a particular audience, motion practice)
Aida Alaka, Washburn (professional letters, giving presentations, memos to file)
4. Writing tips for externships; job search
Amy Dillard, American (cover letters, resumes, writing samples)
5. Storytelling and persuasion
Ruth Anne Robbins, Rutgers-Camden
6. Various legal writing topics

- Sarah Ricks, Rutgers-Camden (e-mail, drafting analogies & distinctions)*
Barbara Blumenfeld, New Mexico (citation; drafting)
Ian Gallacher, Syracuse (going beyond basic legal writing)
7. Drafting exercises
Terri LeClerq, Texas
 8. Affidavit and brief writing
 9. Lecture on area of doctrinal expertise in clinic
Sheila Simon, SIU (domestic violence)
- C. LRW faculty discuss or advise on writing, pedagogy with clinic faculty
Jill Ramsfield, Hawaii (formerly Georgetown) (how to respond to writing, working with students in a skills course)
- D. Outside the law school
1. Writing workshops for federal agency as part of seminar arranged by clinic director
Ardath Hamann, John Marshall
 2. Field trips to visit courts
Sarah Schrup, Northwestern
Suzanne Rowe, Oregon
Patricia Legge, Rutgers-Camden
Danielle Shelton, Drake
Sarah Ricks, Rutgers-Camden
 3. LRW faculty handling “live” appeal with students as research assistants; “informal clinic;” consults with clinic
Sarah Schrup, Northwestern
- E. Informal Collaboration
1. Discuss/work to change status (may face similar issues and strategize together or clinicians empathize since they faced similar issues in the past)
Bobbie Thyfault, California Western
Barbara Tyler, Cleveland-Marshall
Karen Mika, Cleveland Marshall
Christy DeSanctis, George Washington
U. Missouri-Columbia
 2. Sit on committees together
Barbara Tyler, Cleveland Marshall (externship committee)
Susan Wawrose, Dayton (externship committee)
Ruth McKinney, North Carolina-Chapel Hill

3. LRW faculty and clinicians try to stay “on the same page” (what does LRW teach? what do students need for clinic?; joint skills advising)
Kristin Gerdy, Brigham Young
Terrill Pollman, Nevada-Las Vegas
Suzanne Rowe, Oregon
J. Lyn Entrikin Goering, Washburn
4. Proximity promotes exchange/collaboration
Barbara Tyler, Cleveland Marshall (both in basement)
Karen Mika, Cleveland Marshall
Leslie Rose, Golden Gate
Nancy ver Steegh, William Mitchell
5. LRW faculty promote clinic, externships, and programs
Judith Stinson, Arizona State
Suzanne Rabe, Arizona
Kristin Gerdy, Brigham Young
Susan Smith Bakhshian, Loyola-Los Angeles
6. LRW faculty as informal in-house writing/skills experts for other faculty
Barbara Tyler, Cleveland Marshall
7. Assistance with moot court (run by LRW or clinic faculty; assist each other or other moot court advisors); judge; coach; student advising; writing consultant
David Walter, Florida International (trial advocacy; human rights)
Leslie Rose, Golden Gate
Ken Chestek, Indiana-Indianapolis
Barbara Hoffman, Rutgers-Newark(disability law)
8. Joint scholarship workshop (for all clinical faculty, including LRW)
Sarah Ricks, Patricia Legge, or Ruth Anne Robbins, Rutgers-Camden
9. Hold brown bag workshops on teaching writing, practice skills
Judith Stinson, Arizona State
Terrill Pollman, Nevada-Las Vegas (LRW faculty invited to clinic colloquia)
William Dunlap, Quinnipiac (faculty forum on writing-related topics)

10. Faculty attend/present at conferences from “other” discipline
Ruth Anne Robbins, Rutgers-Camden
 11. LRW faculty with subject matter expertise advise clinic
Barbara Hoffman, Rutgers-Newark (ADA; career decisions)
Sheila Simon, Southern Illinois (domestic violence)
Judith Stinson, Arizona State
 12. Discuss teaching
Beth Cohen, Western New England,
Brad Clary, Minnesota
- F. LRW Assignments based on real-world problems
1. From law school clinic
Libby White, Villanova (political asylum clinic)
Tracy Bach, Vermont (environmental clinic)
Ardath Hamann, John Marshall (fair housing clinic)
 2. Prepared for use by real non-profit or other organization
Rebecca Cochran, Dayton (general research for VLP; one-time only)
Toni Tabor, Houston (legislative research for non-profit (one-time only))
Tracy Bach, Vermont (legislative research on lead paint poisoning for non-profit)
Suzanne Rabe, Arizona (briefs applicable to actual case sent to defense attorney; re: necessity defense for humanitarian aid to migrants)
Christy DeSanctis, George Washington (researched issues for use by domestic violence clinic in future cases)
Sarah Ricks & Eve Klothen, Rutgers-Camden (Pro Bono Research Project; students perform research for attorneys)
Patty Legge, Rutgers-Camden (best briefs on pending civil case turned into bench memo and sent to federal court judge)

II. Individual/Administrative Decisions

- A. LRW professors teach in clinic
 1. Domestic Violence Clinic
Ruth Anne Robbins, Rutgers-Camden
Sheila Simon, SIU
 2. ADA Clinic
Barbara Hoffman, Rutgers-Newark

3. Civil Rights Clinic
Nantiya Ruan, Denver
 4. Asylum, Refugee, Emigration Clinic
Libby White, Villanova
 5. Federal Appellate Clinic
Sarah Schrup, Northwestern (new 2006-2007)
- B. LRW professors teach externship courses or advise externs (as course load, overload, or service)
- Susan Wawrose, Dayton*
Bobby Thyfault, California Western
Barbara McFarland, Cincinnati
Christy DeSanctis, George Washington
Barbara Blumenfeld, New Mexico
Patricia Legge, Rutgers-Camden
Ruth Anne Robbins, Rutgers-Camden
Terri LeClerq, Texas
Mary Rose Strubbe, Chicago-Kent (labor/employment)
Judy Stinson, Arizona State (Atty. General's office);
Beth Cohen, Western New England (co-teach w/clinical)
- C. LRW faculty teach Upper-level Skills Courses (may be considered clinical courses)
1. Negotiation, counseling, interviewing, ADR, deposition skills, other
Katy Mercer, Case Western
Jessica Elliot, Roger Williams
Brad Clary, Minnesota
 2. Legal Problems of Indigents/politics of legal services
Jane Muller-Peterson, Penn State/Dickinson
 3. Adv. Civil Litigation
Kamela Bridges, Texas
- D. Clinicians teach LRW
- Mary Rose Strubbe, Chicago Kent*
Terri Enns, Ohio State (LRW taught by f/t tenure-track faculty including clinical faculty; LRW meetings include clinicians)
Ruth Anne Robbins, Rutgers-Camden (joint appointment)
- E. LRW faculty plan panels/conferences/intrasession courses

Lori Shaw, Dayton (biennial symposium on social justice topic)
Victoria VanZandt, Dayton (intrasession course – implications of bankruptcy regulations)
Sheila Miller, Dayton (intrasession course-human trafficking)
Nancy Wanderer, Maine (panel on pro bono opportunities)
Beth Cohen, Western New England (panel on pro bono opportunities)

- F. LRW faculty and clinicians coordinate on curriculum, software selections, material selections
Ian Gallacher, Syracuse
Nancy Wanderer, Maine
Suzanne Rowe, Oregon
- G. LRW faculty organize fact investigation workshop with lawyers from public defender's office; prepares students for summer job and clinic
Amy Dillard, American
- H. Several experiments over years combining upper-level LRW & clinic
Mary Rose Strubbe, Chicago-Kent

III. Curricular Changes

- A. Program Redesign
 - 1. LRW as part of clinic (CaseArc Program)
Katy Mercer, Peter Friedman, Case Western
 - 2. Skills, clinic/externship faculty team teach 3-semester Writing and Representation courses
Deborah Schmedemann, William Mitchell
 - 3. New year-long 1-L LRW course integrates LRW and professional responsibility; involves LRW, doctrinal, and internship faculty.
Bobbie Thyfault, California Western
- B. New Courses
 - 1. Summary Judgment Clinic
Evelyn Tenenbaum, Albany
 - 2. Federal Appellate Clinic (integrates advanced LRW and clinical work)
Sarah Schrup, Northwestern
 - 3. Appellate advocacy course based on real post-conviction case
Steven Schwinn & Michael Millemann, U. Maryland

4. Pretrial advocacy course based on real police brutality cases & research assignment from non-profit
Steven Schwinn & Michael Millemann, U. Maryland

Close-ups of collaboration:

1. Pro Bono Research Project, Rutgers-Camden

- Created the Pro Bono Research Project in 2003
 - Free legal research for public interest attorneys or private attorneys on pro bono cases
- Logistics of the Pro Bono Research Project
 - Research limited to narrow issue or discrete research task
 - About 25-35 hours over several weeks
 - Supervised by both outside attorney & 1 faculty member
 - 16 - 20 upper level students per year
- Research request form (attached p. 9) & student application form (p. 14)
- Benefits for students
 - Experiment with new practice area or contacts in area of interest
 - Improve legal research, writing, & oral skills
 - Flexibility - can include night, part-time students
 - Reaction from students: *Philadelphia Lawyer* (attached p. 16)

2. The Summary Judgment Clinic: An Example of “Blurring the Lines” Between Clinical and Legal Writing Courses, Albany Law School

**Questionnaire posted on ListServes
for legal writing faculty (LawProf) and for legal writing directors (Dircon)**

Would you please take a few minutes to e-mail responses to the following questions to <sricks@camden.rutgers.edu> (not to the whole ListServ)?

The Legal Writing Institute has established a new committee on Cooperation among Clinical, Pro Bono, and Legal Writing Faculty. The Committee charge is to identify examples of cooperation & spread the word.

To accomplish this, the Committee is undertaking a national e-survey of legal writing faculty. Would you please take a few minutes to answer the following questions?

1. Do you ever teach or guest lecture in Clinical or Externship courses? If yes, can you briefly summarize why, the topic, and how often?
2. Do other Clinical, Externship, or Pro Bono faculty or administrators or upper level students address your legal writing classes? If yes, can you briefly summarize why, the topic, and how often?
3. Have you ever designed a legal research or writing assignment based on a real case, issue, or project?
 - a. If so, where did the case come from (e.g., law school clinic or externship? public interest attorneys? your own pro bono work?)
 - b. Did the work done in your class benefit the actual case?
 - c. Can you briefly summarize the assignment(s)?
 - d. Were any other law school faculty (pro bono, externship, clinic) involved?
4. Have you ever brought your legal writing students to visit the law schools clinics, externship, or pro bono offices? If yes, can you briefly summarize why and how?
5. Do you ever collaborate with Clinical, Externship, or Pro Bono faculty or administrators or meet with them to discuss legal writing or legal writing teaching? If yes, can you briefly summarize the reasons for the meeting(s) and how often?
6. Do you cooperate/collaborate with Clinical, Externship, or Pro Bono faculty in any other way? If so, can you briefly explain?
7. Is there any other example of cooperation among the Clinical, Legal Writing, Pro Bono, or Externship faculty at your law school that LWI Members might want to learn more about?

Name of person completing survey:

Title & law school affiliation:

Phone and e-mail contact information:

Thanks for responding to this survey. I've also posted it on Dircon. Susan Wawrose of the University of Dayton will contact you directly if the Committee would like to follow-up on your responses. Please e-mail responses to <sricks@camden.rutgers.edu> (rather than to the whole ListServ). Thank you very much!

THE STATE UNIVERSITY OF NEW JERSEY

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RUTGERS-CAMDEN LAW SCHOOL PRO BONO RESEARCH REQUEST FORM

The Pro Bono Research Project of the Rutgers-Camden Law School offers free legal research services to public interest law practitioners. The goal of the project is to match 2L or 3L law student researchers (“Student Researchers”) with supervising attorneys and organizations that can benefit from the students’ legal research skills. Student Researchers may provide written or oral legal analysis or may gather legal research materials such as judicial decisions or legislation. Student Researchers must devote a minimum of 20 hours to the project within one semester.

You must be an attorney to request legal research from the Rutgers-Camden Law School Pro Bono Research Project. You must also be willing to directly supervise and evaluate the 2L or 3L Student Researcher undertaking your research project.

This Research Request Form has been designed to help you focus the research request and to anticipate likely questions the 2L or 3L Student Researcher may have. Please complete the Research Request form carefully to save time for both you and the Student Researcher.

I. Description of legal organization requesting legal research

Please check off the type of public interest legal organization you represent:

- | | |
|---|---|
| <input type="checkbox"/> Local government | <input type="checkbox"/> Attorney in private practice requesting research for a pro bono client |
| <input type="checkbox"/> State government | <input type="checkbox"/> Legal services program |
| <input type="checkbox"/> Federal government | <input type="checkbox"/> Public Defender |
| <input type="checkbox"/> 501(c)(3) organization | <input type="checkbox"/> Other (please explain) |

Please provide a brief description of your legal organization (e.g., mission; client base; services provided)

NAME OF ORGANIZATION:

ADDRESS:

TELEPHONE & FAX:

E-MAIL ADDRESS:

WEBSITE ADDRESS:

CONTACT PERSON (with contact information if different from above):

LANGUAGES NECESSARY FOR RESEARCH PROJECT:

II. Timeline for pro bono legal research project

Preferred date for Student Researcher's completion of pro bono research project:

Outside date for useful completion of pro bono research project:

Today's date:

III. Description of the public interest legal research project you would like to assign to a Student Researcher

What service would you like a Student Researcher to provide (e.g., draft a research memo, draft a brief, provide you with an oral briefing on the analysis of the issue, etc.)?

Please identify the legal issue you would like researched as precisely as possible.

Please describe any key facts the Student Researcher will need to analyze the legal problem. If applicable, please attach any key documents (e.g., client interview, lease, contract, federal regulation, deposition etc.).

Should the legal research be limited to particular jurisdictions? If so, please list all relevant jurisdictions.

Should the research be limited to a particular time period?

What are the most likely sources of law applicable to your public interest legal issue (e.g., federal appellate case law, federal environmental regulations, New Jersey court opinions of any level etc.)

If any of the sources of law that the law student may need to analyze your legal issue are not likely to be available on Westlaw, Lexis, the Internet or the Rutgers-Camden Law Library, where should the Student Researcher locate the relevant sources of law?

Are any particular websites likely to be useful to the Student Researcher in researching your legal issue?

If you were starting to research this legal issue, where would you begin?

Approximately how long do you predict a law student may need to analyze your legal issue, including any time necessary to draft a memo, brief or other legal document?

Are there any specific requirements for the Student Researcher who volunteers to assist you with this legal research project?

IV. Supervision of the Rutgers-Camden 2L or 3L law Student Researcher

Supervision is required for all research projects. The supervising attorney need not be a staff member of the non-profit entity seeking advice; however, the attorney must have a formal relationship with the group, e.g. be a board member, and also be willing to commit to supervision and evaluation.

The Rutgers-Camden Pro Bono Research Project encourages the assigning attorney to meet with the Student Researcher at least twice: once shortly after the student begins work and again when the student has finished the initial project and is ready to brief the assigning attorney on the research results. The meetings should take place in your office.

Are you available to meet with the Student Researcher (in your office) shortly after the student begins work?

Are you available to meet with the Student Researcher (in your office) when the student has finished the initial project?

If applicable, please indicate how often you would like interim updates on the research from the student.

Please indicate the best way for the student to contact you (e-mail, phone, in-person):

Do you or does your organization currently carry legal malpractice insurance?

In the extremely unlikely event that Rutgers-Camden Law School or a current or former Rutgers-Camden law student or member of the faculty, staff or administration is named as a defendant in any lawsuit arising from the research project you request, would your malpractice insurance provide coverage, or do you agree to indemnify and hold harmless the Law School, its faculty, staff and administration, and its students ?

Disclaimer: Please note that the Student Researchers are not attorneys and that the Pro Bono Research Project of Rutgers-Camden Law School is not a legal referral or similar service and is not able to provide legal advice.

By making a request for the assistance of a Student Researcher, you acknowledge: (i) you will delegate or assign to the Student Researcher only such tasks or projects as are appropriate for a non-attorney to perform; (ii) your obligation to supervise, review and evaluate the work of the Student Researcher; (iii) your responsibility to maintain direct contact with your client, if applicable; and (iv) your responsibility for the use or application, or the consequences thereof, of any work product, in whatever form, of the Student Researcher. Use of the Student

Researcher's work product shall in no way be construed to create an attorney-client relationship, and you agree that this representation shall be effective as to any third-party claimant.

The Law School assumes no responsibility, and makes no claim, promise, guarantee or warranty, express or implied, as to the accuracy, completeness, adequacy or legal enforceability of any work that a Student Researcher may conduct for you. Any statement, testimonial, endorsement, opinion or recommendation contained in a Student Researcher's work does not constitute a guarantee, warranty or prediction regarding the ultimate result or outcome of a particular matter.

By using a Student Researcher's work product, in whatever form, you agree that the Law School, its faculty and staff, and the student are not responsible for: (i) any information included in or omitted from such work product; (ii) any person's, including your own, reliance on the Student Researcher's work product, whether or not the Student Researcher's work product is complete, current or correct; (iii) the consequences of any actions that you or any other person takes or fails to take, whether or not based on information provided by or as a result of the Student Researcher's work; (iv) any person's, including your own, satisfaction with the quality of the Student Researcher's work, whether relating to competence, diligence or otherwise; and (v) the failure of the Student Researcher or the Law School (including its faculty, staff and administration) to respond to or consult with you or any other person with respect to the Student Researcher's work.

Your use of the resources available through the Rutgers-Camden Law School's Pro Bono Research Project, including, without limitation, use of a Student Researcher and use of briefs, memos or other materials drafted by Law School students, constitutes your agreement to hold the Law School, its faculty, staff and administration, and its students harmless from any consequences resulting from such use, and to indemnify them for reasonable expenses, legal or otherwise, incurred as a result of any claims arising from your use of the aforementioned resources.

Not all requests will be appropriate for student assistance; acceptance is at the discretion of the law school and may depend on student availability. Please bear in mind that student schedules mean research may not be immediately available, and will not be available during certain times during the year.

You must be an attorney to request free legal research from the Rutgers-Camden Law School Pro Bono Research Project. You must also be willing to directly supervise and evaluate the 2L or 3L student researcher undertaking your research project.

Signature of attorney requesting pro bono research

Date: _____

Rutgers-Camden Law School Pro Bono Research Project
Co-Directors: Sarah E. Ricks, Clinical Associate Professor of Law &
Eve Biskind Klothen, Assistant Dean for Pro Bono & Public Interest Programs

Please return this completed and signed form to:
Eve Biskind Klothen
Assistant Dean for Pro Bono & Public Interest Programs
Rutgers University School of Law – Camden
217 N. 5th St./ Camden, NJ 08102

THE STATE UNIVERSITY OF NEW JERSEY

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PRO BONO RESEARCH ASSOCIATE STUDENT APPLICATION FORM

Disclaimer: Applying for a Pro Bono Research Associate position is not a guarantee that a research match will be found or that an assignment will be made. The Rutgers Pro Bono Research Project can accommodate eight students per semester in 2006-07. New projects will only be assigned during the first 6 weeks of each semester and work should be limited to the first eleven weeks of the semester.

1. Questions to be answered by Pro Bono Research Associate Applicant

Name:

Address:

Phone & e-mail:

Expected graduation date:

Will you be able to commit a minimum of 25 hours during one semester to researching, producing and presenting the project to the public interest law practitioner?

Would you prefer to complete one large project, or to complete several shorter projects?

Please list any special skills that may be of interest to a public interest law practitioner, including any foreign languages, proficiency with Westlaw & Lexis, social science statistical background or computer skills, etc.:

2. Areas of Interest

The Pro Bono Research Project will make an effort to match you with a research project in an area of the law or a client base of interest to you. Please check off all areas/client populations of particular interest to you. Feel free to list others:

Substantive Law

Administrative	Divorce	Immigration
Attorney Fees	Domestic Violence	Intellectual Property
Bankruptcy	Education	International
Children's Rights	Election & Campaign	Labor/Employment
Civil Procedure	Employment/Labor	Legislation
Civil Rights	Energy	Pension
Computer Law	Environmental	Product Liability
Consumer	Ethics	Senior Citizens' Rights
	Evidence	Tax
Corporate	Family	Women's Rights
Court Reform	Health Care/Public Health	Other (list as many as you wish)
	Housing/Real Estate	
Criminal		
Death Penalty		
Disability		

Preferred Client Base

Abused children	Gay, Lesbian &	Law Enforcement/Police
Abused men	Transgendered	Low Income
Abused women	Homeless	Municipalities/cities
AIDS-affected population	Immigrants	Prisoners
Artists	Juveniles	Religious group (please specify)
Children		Senior Citizens
Civil Rights Plaintiffs		Speakers of particular foreign language
Criminal Prosecution		State or local government
Criminal Defendants		Tenants
Disabled		Veterans
Domestic Violence		Other (list as many as you wish):
Victims		
Employees		
Farmworkers		
Federal government		

Selected bibliography

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Rebecca A. Cochran, *Legal Research and Writing Programs as Vehicles for Law Student Pro Bono Service*, 8 *B.U. Pub. Int. L. J.* 429 (Spring 1999)

Linda F. Smith, *Why Clinical Programs Should Embrace Civil Engagement, Service Learning and Community Based Research*, 10 *Clinical L. Rev.* 723 (Spring 2004)

Brook K. Baker, *Incorporating Diversity and Social Justice Issues in Legal Writing Programs*, 9 *Persp. Teaching Legal Res. & Writing* 51 (Winter 2001)

Miki Felsenberg & Luellen Curry, *Incorporating Social Justice Issues into the LRW Classroom*, 11 *Persp. Teaching Legal Res. & Writing* 75 (Winter 2003)