

ALWD/LWI Annual Survey Analysis:

Summary of Responses to 2007 Hot Topic Questions – Upper-Level Writing Requirements

Question 1:

Responses to ABA Standard 302(a) Amendments. Most law schools (78/166 responding) reported having reviewed their ULWR policies in response to the 2005 amendments to the ABA accreditation standard 302(a) and Interpretation 302-1. Of the 78 that did so, slightly more than half (42) concluded that their current policies were adequate. Of the remaining 36 law schools that reviewed their requirements, 15 had already approved changes at least partly in response to the ABA amendments, and 17 had proposed changes that were still under consideration at the time of the survey. Only three law schools reported having rewritten their ULWR policy to incorporate most or all of the specific factors to be considered in determining whether a law school's upper level writing requirement is sufficiently "rigorous."

Question 2:

Scholarly Research Paper Requirement. Of the 164 schools that responded to the question, a majority (94) require a scholarly research paper or a law journal article to meet the ULWR. Of those, 77 permit students to write a law journal note or comment in lieu of the scholarly paper; an additional 17 schools require a scholarly paper *in addition* to any separate law journal writing project. Forty-nine of the 164 responding schools permit, but do not require, completion of a scholarly research paper or a law journal article to meet the ULWR. Seven schools reported that a scholarly research paper or law journal article does *not* meet the ULWR.

Question 3:

Quantitative Standards. For the 143 law schools that allow a scholarly paper (or the equivalent) to meet the ULWR, 68 require a minimum length. Most impose a minimum page length (63); a few (5) require a minimum word count. Thirty-eight law schools report that no quantitative length restriction such as length or word count is required to meet the ULWR.

Question 4:

Qualitative Standards. Of 164 law schools responding to the question, the great majority (145) require the written project to meet a minimum qualitative measure of some kind. Of those, most schools (54) require the project to satisfy a qualitative standard as judged by the supervising faculty member, such as "satisfactory." About the same number of schools (51) have ULWRs that establish a minimum letter grade or grade-point equivalent. In addition, 22 schools require the paper to meet a "publishable quality" standard, and 5 schools require papers to be "above average" in quality. Nineteen schools reportedly require no minimum qualitative standard.

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Question 5:

Qualitative Standards for Law Journal Articles. A total of 120 law schools report that a student may write a law journal article to satisfy the school's ULWR. Of that number, at 49 schools the same qualitative standard applies to law journal articles as for other projects that satisfy the ULWR. Ten schools reportedly apply a *more stringent* standard for meeting the ULWR than the law journal standard; 13 schools report that the ULWR is *less stringent* than the law journal standard.

Questions 6-7:

Faculty Review of Drafts. The majority of law schools responding to the question (97/159), require a faculty member to review at least one draft before the student submits a final version of the writing project. Of those, 78 require the faculty member to provide the student with individualized feedback on one or more drafts; 21 reported that the faculty member has the discretion to provide individualized feedback on one or more drafts. Twenty-one schools do not require a faculty member to review a student's draft; 35 respondents did not know, and 6 said the question was not applicable.

Question 8:

Faculty Review of Final Projects. Upper-level writing requirements at 73 schools give faculty members the discretion whether to offer individualized feedback on the final version of a student's writing project. At 11 schools, faculty members are not expected to provide individualized feedback on the final project. Only 29 schools expect faculty members to do so on the final version. Forty-two schools reported that the question was not applicable (7), or that the respondent did not know the answer (35).

Questions 9-10:

Individual Meetings with Supervising Faculty Members: Law schools were asked whether the supervising faculty member is required to meet with the student individually to discuss the upper-level writing project at least once during the drafting stage, before the final version is submitted. Sixty-one law schools require individual meetings; of those, 19 law schools require one meeting, one requires two, and one requires three. Fifty-one law schools do not require any individual meetings between students and their faculty supervisors. Another 47 respondents said that either the question was inapplicable or they did not know the answer. Of the law schools that require supervising faculty members to meet individually with writing students, the majority

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(76/104) did not know how much time a faculty member typically devotes to meeting with a student.

Question 11:

Faculty Assessment and Feedback. Most law schools (105) evaluate upper-level writing projects by assigning a letter grade or grade-point equivalent. A few (34) use pass/fail, credit/no credit, or the equivalent to assess projects that meet the ULWR. Relatively few law schools report using other assessment methods such as detailed, individualized, line-by-line feedback (28); other less detailed feedback (36); general comments (39); and verbal feedback (35). Thirty-nine respondents did not know how the upper-level writing project is assessed by the supervising faculty member.

Question 12:

Moot Court and Clinic Briefs. Relatively few law schools permit moot court briefs (38) to meet the upper-level writing requirement, and even fewer schools allow clinic briefs (22) to meet the requirement. Seventy-eight law schools reported that neither can be used to satisfy the ULWR, whether or not specific conditions apply such as page length. Thirty-four respondents did not know whether the law school allows moot court or clinic briefs to meet the requirement.

Questions 13-16:

Aggregate Writing or Drafting Projects. Few law schools allow a writing portfolio or other collection of relatively short drafting assignments to meet the ULWR. Of the 156 law schools that responded to the question, 105 do not allow a student to meet the ULWR using an aggregate of shorter writing or drafting projects. Only 23 law schools permit such a collection of drafting assignments to meet the ULWR; of those, 13 schools require the student to meet specific conditions before an aggregate writing project may qualify. Most schools that do permit aggregate writing projects do not require any specific number of short writing assignments (11), and those that do generally require fewer than five. Of the 23 law schools that allow an aggregate writing project to meet the ULWR, about half (12) require the supervising faculty member to offer individualized feedback on all required writing projects. Twenty-eight law schools did not know whether the law school allows an aggregate writing project to satisfy the ULWR.

Questions 17-18:

Qualifications of Supervising Professors: At most law schools (121), students may meet the ULWR in courses taught by tenured or tenure-track faculty members. Most law schools (94) allow students to meet the ULWR in courses taught by legal writing faculty. A smaller number, about half (80), allow students to meet the ULWR in a course taught by adjunct or part-time

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professors, and about the same number (82) permit students to satisfy the requirement in courses taught by visiting (non tenure-track) professors. Very few law schools (3) use fellows, LLM students, or other graduate students to teach courses in which a student may satisfy the ULWR.

Twenty-six respondents did not know the minimum qualifications of faculty members who supervise upper-level writing projects.

Questions 17-18 (continued):

While most law schools allow legal writing professors to supervise projects or teach courses that satisfy the ULWR, very few (3) require legal writing professors to supervise the writing projects, and no law schools require a legal writing professor to review the project before final approval. At 18 law schools, part-time or adjunct legal writing professors may do so as well as full-time legal writing faculty. At 17 law schools, legal writing professors do not supervise students who undertake to meet the ULWR because only tenured or tenure-track faculty members may supervise upper-level writing projects.

Questions 19-20:

Required Upper-Level Legal Writing Courses. Fewer than half of the law schools responding to the question (72/159) reported that the law school meets the ABA standard requiring “at least one additional rigorous writing experience” after the first year by offering at least one semester of legal writing as part of the required upper-level curriculum. The other 87 law schools either do not require legal writing as part of the second- or third-year curriculum, or do not allow students to satisfy the ULWR in those required legal writing courses.

Of the law schools that do offer legal writing in the second or third years as part of the required curriculum, 44 offer a required legal writing course in the fall of the second year, which is typically a two-credit course. A fewer number of law schools (15) require a legal writing course in the second semester of the second year, and about the same number (17) require a course in the fall of the third year. Only five law schools require a legal writing course in the second semester of the third year. The typical upper-level required legal writing course is two credit hours, but they range from one to four credit hours each.

Summary:

Of the law schools responding to the 2007 ALWD/LWI Survey in April 2007, only half had reportedly reviewed their upper-level writing requirements in response to recent changes in the ABA Accreditation Standards. Of those that had reviewed those requirements, most schools concluded that the upper-level writing requirements already in place were adequate. Fewer than one fourth of the responding law schools reported that they had either revised their upper-level writing requirements or were in the process of doing so, at least in partially in response to the revised ABA accreditation standard 302(a) and Interpretation 302-1.

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Moreover, analysis of the reported data pertaining to the upper-level writing requirements imposed by most law schools suggests that those "requirements" seem to fall far short of "rigorous" according to the factors deemed relevant by the revised ABA Accreditation Standards.

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