



Thirteenth Biennial Conference Indianapolis, Indiana

July 14-17, 2008 hosted by



Tucsday, July 15, 2008

8:00 am: Breakfast, Welcome & Plenary

- + At Hyatt Hotel Ballroom
- sponsored by LexisNexis and by Carolina Academic Press

♦Welcome to the Biennial Legal Writing Institute Conference

Melissa Weresh, Drake (conference co-chair) & Ruth Anne Robbins, Rutgers-Camden (conference co-chair & President)

•Welcome to Indianapolis by Indiana University School of Law - Indianapolis

Dean Gary R. Roberts & Deborah McGregor (site chair)

•Plenary Session: Divine Secrets of the Ha-Ha Sisterhood

Sheila Simon, Southern Illinois; Mary Beth Beazley, Ohio State; Hollee Temple, West Virginia Univ.

9:30 Transfer to Law School Building

**Quiet room for presenters/storing their handouts: Room 391

10:30-11:15 am Session 1

Room 100 (Moot Court)	Presentation Beyond Chalk and Talk: Active Learning Activities for the Classroom Karen Sneddon, Mercer Summary: This presentation provides active learning activities that can easily be incorporated into the legal writing classroom. All of the activities use twenty minutes (or less) of class time.
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300 Advice From the Editors: Getting Your Legal Writing Article Published

James B. Levy, Nova Southeastern; Kristin Gerdy, BYÜ; Coleen M. Barger, Univ. of Arkansas, Little Rock; Michael R. Smith, Wyoming Summary: This panel features editors from several legal writing publications who will

discuss what they look for in manuscripts and how you can increase your chances of placing an article in these publications. While the panel is geared towards professors contemplating their first legal writing article, the panel will also address issues helpful to more experienced authors.

375 Using "Real World" Documents to Teach Persuasive Writing

Beth Hirschfelder Wilensky, Michigan Summary: Using "real world" documents – motions and briefs that have actually been filed in lawsuits – is an engaging and effective way to teach a variety of persuasive writing skills. This presentation will provide participants with detailed, practical advice on using such materials, and will include examples of documents professors can use to teach specific writing skills (such as small-scale organization, drafting effective point headings and introductions, etc.), a discussion of potential pitfalls to avoid when using "real world" documents, and ideas for sources of materials to use in class.

An Exploration of the Elements of Expert Performance in Legal Writing 385

Shelly Kierstead, Osgoode Univ.

Summary: This session describes results of exploratory and descriptive research into the elements of effective legal writing in the early years of professional practice. Understanding the effective transition from writing at school to writing at work informs legal writing teachers and assists them in setting appropriate goals for students' written work at various stages of the law school journey.

The Changing Nature of Legal Research and Legal Authority in the Electronic Age 245 Ellie Margolis, Temple

Summary: The easy availability of information through electronic means has brought changes in both the nature of legal research, and the nature of legal authority itself. This presentation will discuss some of these changes and their implications for teachers of legal research and writing.

We're Quacking as Fast as We Can: Building a Tenure-Track Legal Writing Program 259 from the Ground Up

Terry Seligmann, Drexel; Kevin Oates, Drexel; Emily Zimmerman, Drexel Summary: OK, you are a duck, now what? This panel of professors from the new Drexel University College of Law hopes to provoke a lively discussion with attendees that includes some of the hiring, curriculum, workload, course package, scholarship, and other issues faced when building a faculty with tenured and tenure-track legal writing professors.

Class in the Classroom 267

Lucille Jewel, John Marshall, Atlanta

Summary: Drawing upon contemporary sociology and class theory, this presentation will open up a discussion about class and the role it plays in legal writing and legal skills education. We will also discuss the historical role that class played to create the division between casebook teaching and practical teaching. We will conclude with a discussion of critical pedagogy and approaches we might use to build student awareness of class in the law and legal education.

CaseMap demonstration by Lexis/Nexis LWI

Computer Lab

11:30 -12:15 pm Session 2

Presentation Room

Law Students' Case Reading and Reasoning Study: Final Results and Tools for 100 Legal Writing Teachers

(Moot Dorie Evensen, Penn State College of Education; Jim Stratman, Univ. of Colorado, Court)

> Summary: Final results of a three-year study of case reading and reasoning indicate that law students are able to locate and understand canonical parts of single cases, but struggle when asked to synthesize among related cases and often fail to recognized subtleties of cases that will advance a position of advocacy. Panelists will discuss how legal writing teachers can use their instrument to formatively assess student reading development.

Responding to Academic Misconduct of Millennial Students 300 Tracy L. McGaugh, Touro

Summary: Millennials don't seem to understand what's wrong with plagiarism, unauthorized collaboration, or outright cheating. Come find out why this is and how a new model of responding to academic misconduct might cure some headaches for professors, academic support professionals, and administrators.

Life-long Legal Writing: Developing Attorney Writing Skills Within Law Firm 375

Practice Kris Butler Holland & Knight LLP, Mike Cavanaugh Holland & Knight LLP, Kathleen Dillon Narko, Northwestern

Summary: How do you provide a seamless bridge between law school legal writing and real practice legal writing development? Part of how to answer this questions includes a dialogue between schools and firms to understand how legal writing is taught in both settings.

Enhancing the Pedagogy of Oral Argument and First-Year Moot Court 385

Mary S. Lawrence, Oregon; Thomas McDonnell, Pace; Henry T. Wihnyk, Univ. of Florida Summary: Although the highlight of the first-year for many students, oral argument and moot court often fail to follow sound pedagogy. Attorney judges are often ill prepared, harsh, and ineffectual providers of feedback and, at the same time, they often do not challenge the students appropriately. This panel addresses these problems and also proposes how to deepen the oral argument experience by posing ethical issues.

Demystifying the SSRN Process: How to Make it Work for You 245

Susan H. Duncan, Louisville

Summary: The Social Science Research Network (SSRN) is one of the key places scholars post academic papers. This presentation will introduce participants to SSRN, explain the benefits of SSRN, and provide step-by-step instructions for using SSRN.

"The Future's So Bright, I Gotta Wear Shades": A Study of Hope, Optimism and 259 Well-Being in Law School

Allison Martin, IU – Indianapolis; Kevin Rand, IU

Summary: Do hope and optimism predict future performance and well-being in law school? In this presentation, we will reveal our findings about first-year law students' measured hope, optimism and well-being during their first semester, and compare those measures to their law school grades.

The Science Behind the ADA 267

Suzanne E. Rowe, Oregon

Summary: Understanding the Americans with Disabilities Act and the accommodations law students receive requires some familiarity with science. This presentation will explain disabilities, diagnosis, and the reasons for various accommodations in non-scientific, accessible terms.

TWEN demonstration by Westlaw LWL

Computer Lab

12:30 Lunch

Special Meetings listed below:

Room	Special Meetings Pink Ink Mark Wojcik = contact
300 245	Legal Writing Professors of Color + Bill Chin = contact
259 267	Moot Court Advisors → Jim Dimitri = contact JALWD Editorial Board → Linda Berger = contact

1:30-2:15 pm Session 3

Presentation Room

Integration of Statutory-Interpretation Skills into Your Existing Writing and Analysis 100

Curriculum: Theoretical and Practical Perspectives (Moot

Mark Burge, Texas Wesleyan; Roger Simon, Texas Wesleyan Court)

Summary: Statutory interpretation is both a valuable skill and a means to go outside the traditional judicial-review paradigm for law teaching, and this presentation addresses the theory underlying this truth, plus the practical means for legal writing professors to (1) teach crucial statutory construction skills; (2) expand students' understanding of the interpretive role that lawyers play outside of litigation; and (3) enhance skills training in first-year legal research and writing courses. Using examples dealing with the Uniform Trade Secrets Act and the Uniform Commercial Code, the presentation will also address practical aspect of designing interesting statute-based writing assignments.

Analysis as More Than Case Synthesis: Teaching Statutory Analysis in a First Year **Legal Writing Course**

E. Joan Blum, Boston College

Summary: Teaching legal analysis is a goal of virtually every legal writing curriculum, but for most legal writing courses, teaching analysis means primarily teaching students how to analyze and synthesize cases. This presentation will address what the trend toward greater emphasis on statutes across the first year curriculum means for first year legal writing courses and walk through a problem that teaches students to work with a statute that has several interrelated sections.

Accomplishment, Independence, and Assessment: Final Exams in the Legal Writing 300 Context

Suzanne Rabe, Univ. of Arizona

Summary: With concrete examples from a variety of programs, this presentation will explore the use of final exams in the legal writing context. Professor Rabe will discuss her years of experience using a spring-semester final exam as both an instructional and an assessment tool.

Incorporating Performance Exams into a Legal Writing Course

Cristina Knolton, Univ. of LaVerne

Summary: The presentation will set forth the benefits of incorporating a performance exam into the legal writing curriculum. It will also include a comparison of different performance exams currently used by legal writing programs and provide sample fact patterns for those exams.

Putting the R in LRW 375

Rebecca S. Trammell, Stetson; Brooke J. Bowman, Stetson Summary: The team will discuss integrating law librarians into the Legal Research and Writing program to teach research. We will show why playing to the strengths of our research colleagues enhances the students' learning experience and allows the writing faculty to emphasize writing instruction.

Ethics and Professionalism in Legal Writing: Blawgs, Briefs, and Professional 385

Carol McCrehan Parker, Tennessee; Judy M. Cornett, Tennessee; Becky Jacobs, Tennessee

Summary: This presentation will focus on issues of ethics and professionalism in legal writing that arise in both old forms and new, and on reflective writing as a means of developing professionalism. Panelists will discuss the ethics of "blawging," professionalism in written advocacy, and methods for using reflective writing to help students develop their professional identity and discover their professional voice.

"Have You Got a Minute to Talk?": How Novice and Experienced Legal Writing 245 Professors Can Learn From Each Other

Terry Poliman, Nevada - Las Vegas; Sara Gordon; Nevada - Las Vegas Summary: A conversation between an experienced and a novice LRW professor will illustrate the dynamics of the mentor-mentee relationship. This session explores ways to maximize the benefits for each.

Forming a Clinical/Legal Writing Scholarship Colloquium

Harriet N. Katz, Rutgers-Camden

Summary: As part of my role in our lawyering programs I developed a regular monthly meeting model centered on scholarship and designed to foster collaboration among legal writing, clinical, pro bono and student services departments. I propose to briefly describe this clinical faculty scholarship colloquium and to then discuss with participants whether it is a replicable model for other schools. As part of the talk I would also talk about the general concerns that might arise from this type of group, and how to respond to the concerns.

Advanced Writing Instruction in Small Group Sessions 259

David Ritchie, Mercer; Suzanne Painter-Thorne, Mercer; Jennifer Sheppard, Mercer Summary: Have you ever wondered what it would be like to work with small groups of students in an advanced legal writing setting? Let us share our experiences in this novel and promising teaching environment with you.

Ask Us Anything! Office Hours Lobby Café

Brad Clary, Univ. of Minnesota; Eric Easton, Univ. Of Baltimore; Pamela Lysaght, Detroit-Mercv

Summary: Conferences often provide informal opportunities to seek advice from colleagues during conference breaks, especially regarding thorny political issues. This panel will provide a more concrete mechanism for newer legal writing professors to ask questions on a range of issues that concern them in their professional lives.

Portrait of a Writing Specialist Lobby Kim M. Baker, Roger Williams Café

Posters (for more about

Judges and Gender-Neutral Language: Whether They Use It and What We Can **Learn from Their Practices** Judith D. Fischer. Louisville

these see abstracts section of

program)

this

"Plays Well with Others": What Contract-drafting Exercises Can Teach First-Year Students about the Practice of Law and Themselves

Travis Dale Jones, Texas Tech; Rosemary L. Dillon, Texas Tech

Student Body Diversity: A View from the Trenches Gail S. Stephenson, Southern Univ.

2:30-3:15 pm Session 4

Room

Presentation

100

Anatomy of an Appellate Brief Problem

(Moot Court) Amy Neville, Wayne State

Summary: This session will focus on how to build an effective appellate brief problem from the ground up. In simulation format, the presentation will walk through the steps of creating an appellate or trial brief problem, from issue and jurisdiction selection to building a factual record, focusing on the factors that should influence the decisions we make at each step.

Mapping The Way: A Guide to Creating Memorandum Assignments

Judy Rosenbaum, Northwestern

Summary: This presentation will give both a conceptual and a step-by-step framework to help new LRW faculty create memorandum assignments. Although the presentation focuses primarily on the "closed universe" assignment, used early in the first semester at many schools, the framework can easily be adapted to more complex memo assignments and even to advocacy assignments.

Harnessing the Power of Nonverbal Persuasion: How You Can Make Your Students 300 Better Advocates and Yourself a Better Teacher

Michael Higdon, Nevada - Las Vegas; Rebecca Scharf, Nevada - Las Vegas Summary: Studies have revealed that, when evaluating a speaker's ethos, audience members are largely influenced and persuaded by nonverbal cues, including the speaker's gestures, voice quality, stance and even dress. Using film clips as illustrations, this presentation will discuss the findings of these studies and how we can implement this knowledge to (1) help our students gain a more in-depth understanding of how to persuade their audience; and (2) help ourselves to better understand how nonverbal persuasion can help us become stronger and more effective classroom teachers.

Engaging, Entertaining, and Effective: Using Handheld Response Pads in the Legal 375 **Methods Classroom**

Susan Chesler, Widener - Harrisburg; Ann Fruth, Widener - Harrisburg; Amanda Smith, Widener - Harrisburg

Summary: This presentation focuses on the use of an interactive teaching technology that uses handheld response pads, or "clickers," to permit the students to anonymously participate in the classroom discussion. We will demonstrate various interesting and fun ways in which this technology can be used in a legal writing classroom to get students engaged in the learning process. During the presentation, each audience member will receive a clicker so that he or she can interactively participate in the demonstrations.

Changing Schools, Changing Lives: How to Get Out There, Get Noticed, and Get 385 the Job You Want

Linda Edwards, Mercer; Lisa McElroy, Drexel; Kirsten Davis, Stetson; Molly Lien, John Marshall - Chicago

Summary: The academy's recognition that analysis, research, and writing are core skills means that there is intense interest in hiring the best and the brightest candidates for tenure-track and long-term contract writing positions. What are the best strategies for candidates who are interested in making a change, and how do appointments committees identify and evaluate candidates for these positions?

Bar Exam Prep Course Seeking Long Term Relationship: Legal Writing, Academic Support, Both, or Something Else

Ben Bratman, Univ. of Pittsburgh; Susan Bakhshian, Loyola – Los Angeles Summary: A growing number of law schools now offer a for-credit bar exam preparation course, but what exactly should such a course cover, and are legal writing professors best suited to create and teach the course? A panel of law school bar exam preparation teachers from various backgrounds will address these questions and others, including how large a role academic support departments should play, and the interplay between a law school bar prep course and a commercial bar review course.

*Sex, Lies, and Law Reviews: Uncovering the Mysteries of Those Who Have All the Power -- Student Editors

Julie Oseid, Univ. of St. Thomas; Leah M. Christensen, Univ. of St. Thomas Summary: This presentation will report on the data collected from an empirical study on how law review editors at law schools select articles for publication in their journals. Although all new law professors struggle with the publication process, our project is particularly important to those of us attempting to elevate and bring awareness to the rich scholarship within the legal writing discipline.

Taking Off in a New Direction: Ground Rules and Flight Plans for Legal Writing Specialists

Mary Barnard Ray, Univ. of Wisconsin; Anne Enquist, Seattle
Summary: This session addresses the exciting, varied, and intellectually challenging
position of a legal writing specialist. This session will offer tips, anecdotes, and resources
from two legal writing specialists who each have over 25 years experience in the field.

Grade Disputes: How to Prevent (or Win) Them

Melody Richardson Daily, Univ. of Missouri - Columbia

Summary: Find out how your legal writing colleagues prevent or resolve grade disputes and how courts decide post-secondary grading challenges. This presentation will report the results of a survey sent to legal writing professionals throughout the nation, and describe the standards courts apply to grade-dispute cases.

3:30 Group & Committee meetings

Room Association of Legal Writing Specialists • Anne Enquist = contact

271

Room Idea Bank 2.0 & Idea Bank + David Thomson = contact

389
Room Journal of Legal Writing Editorial Board meeting ◆ Kristin Gerdy = contact

5:30 New Member Dinners

267

◆Sign-up sheets will be placed at the registration desk. Meet at the LWI Hospitality Suite at the Hyatt, 2nd floor. For more information, see the ad under the "General Information" tab.

8:00 pm - 9:30 pm Popcorn Sessions

Hyatt Hotel

Presentation

Discovery Room (3rd floor)

Live Grading

Mark E, Wojcik, John Marshall - Chicago

Summary: Doing "live grading" of student papers can lessen the time you spend grading while at the same time providing students with a stronger pedagogical experience. Attend this presentation to learn how to do "live grading" and to discuss both appropriate uses and potential pitfalls to avoid.

Studio One (3rd floor)

Publishing Books in LRW and Beyond: How We Did It and How You Can Too Sarah Ricks, Rutgers-Camden; Michael D. Murray, Univ. of Illinois; Christy DeSanctis, George Washington; Ruth Ann McKinney, Univ. of North Carolina Summary: Building on a successful 2006 panel, authors who have published with major publishing houses for legal research and writing books (Foundation, Aspen, West, LexisNexis, Carolina, and William S. Hein) will demystify the process by addressing each aspect of the publishing task, from creating a product idea, performing market research, drafting a proposal for publication, negotiating a contract, and dealing with production issues and post-production issues such as marketing and promotion. The message is that these people all did it, and you can do it, too. New to this panel for 2008, panelists will also discuss their experience as peer reviewers for publishers and as LRW professors publishing non-LRW books.

Studio Five (3rd floor) Studio Six (3rd floor)

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The Transition to a Directorless Program

Susan DeJarnatt, Temple; Kim Flanery Coats, Univ. of Arkansas – Fayetteville; Daniel Barnett, Boston College

Summary: As more LRW programs transition away from the director model to a directorless model, common questions and issues arise. Three LRW professors from three different schools, including a former director, will describe their schools' transitions and will lead a workshop on how to make the transition and deal with the myriad issues the transition raises.

LWI Hosp. Suite, "Champs" (2nd floor)

Additional Q&A about Journal of Legal Writing issues

A panel of experienced editors representing several major legal writing publications will be available during this evening "popcorn" session to answer your questions about how to improve your chances for publishing your article. The panel will also answer your questions and provide information about how to become involved as a participant on these journals. Publications represented include the Journal of Legal Writing, the Journal of Appellate Practice & Process, Perspectives and JALWD.

Wednesday, July 16, 2008

**Quiet room for presenters/storing their handouts: Jury Room (1st floor)

7:00 Informal Run

◆The run will take place at the Downtown Canal as the location. There are two routes: a 3-mile run and a 5-mile run. There will be a sign-up sheet at the registration table and course maps (with instructions on where to find the start/finish line, which is about one block from the school). Contact: Ken Chestek

9:30 am - 10:15 am Session 1

Room

Presentation

100

Mind the Gaps: Teaching Students to Recognize and Address Flaws in their

(Wynne

Analysis

Courtroom)

Christopher R. Trudeau, Thomas Cooley

Summary: Poor analysis is one of the main problems that prevent students from becoming effective lawyers. Students often fail to include enough law, which leads to making logical leaps in their analysis. This presentation will explore using various techniques to teach students to find and fill gaps in their analysis

300

Geek 101: Using Technology Effectively (Without Having to Learn the Difference Between Star Wars and Star Trek)

Jan M. Levine, Duquesne; Kenneth D. Chestek, IU – Indianapolis; John Mollenkamp,

Summary: Technology provides great opportunity for improved learning by our students, but sometimes there are obstacles to sound pedagogical uses of appropriate technology. Three self-confessed "geeks" share their techniques for overcoming obstacles (such as inexperience, cost, lack of support, and lack of time) in order to use technology effectively to teach legal writing and do other things needed for our work.

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Critiquing Workshop **requires separate registration (no extra fee)

Joan Malmud, Oregon

Summary: The Workshop on Critiquing Student Work is part of the New Teacher's Track. This workshop, based on Dan Barnett's Triage in the Trenches, 38 U Toledo L. Rev 651 (2007), is especially designed for newer teachers looking for hands-on suggestions from some of the Institute's most experienced teachers. The workshop will discuss how to critique a first and second draft of a student paper. It also includes a small group breakout session during which participants will work together on critiquing a student sample. Advance registration is required.

The Embedded Rule

David S. Romantz, Univ. of Memphis

Summary: First-year students must develop early the intellectual flexibility to recognize embedded rules—rules not expressly stated within an opinion. This presentation will demonstrate how to introduce the idea of the embedded rule at first-year orientation.

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* Taming Hubris: Using Feedback Theory to Ease the Undergraduate Writer's Transition to Novice Legal Writer

Sheila Rodriguez, Rutgers-Camden

Summary:

This session will examine how a structured feedback model, used in conferences, can

help all students develop legal writing expertise. The discussion will focus on how the feedback model works with students who resist criticism of their legal writing.

259 The Student Initiative

Jill Ramsfield, Univ. of Hawaii

Summary: Law students, as sophisticated and talented graduate students, can design and implement an innovative legal writing curriculum. Researching, teaching, and writing, members of a Student Initiative can magnify the positive impact of any legal writing curriculum.

267 "A Matter of Style": Preparing First-Year Law Students to Write to Audiences with Distinct and Diverse Stylistic Preferences

Jennifer Murphy Romig, Emory

Summary: Introducing first-year students to specific stylistic preferences they may see in practice helps them to imagine real legal readers, helps debunk the monolithic view of the legal reader, and helps prepare them to change writing conventions that are not effective.

271 Priming for Pro Bono and Public Service: LRW's Role

Deborah Schmedemann, William Mitchell

Summary: My empirical research into pro bono, involving over 1,000 law students and lawyers, has revealed LRW's central role in and potential for priming our students for pro bono and public service. I will present key findings and facilitate a discussion of incorporating the role of public citizen into LRW courses.

10:30 am - 11:15 am Session 2

Room

Presentation

100 (Wynne Playing With Fire: The Science of Confronting Negative Information in Persuasive

Vynne Legal Writing

Courtroom) Kathy Stanchi, Temple

Summary: This presentation will summarize the social science research on the effectiveness of disclosing adverse information in a persuasive message. The presentation will then analyze how the results of that research can shed light on strategies for handling adverse information in persuasive legal writing.

300 Teaching How Legal Writing Fits into Law Practice

Louis Sirico, Villanova; Nancy Schultz, Chapman Univ.; Libby White, Villanova Summary: We can connect Legal Writing with law practice by engaging in lawyering skills exercises coordinated with other courses. We offer two illustrations: a drafting exercise connected with a doctrinal course (Property) and writing exercise connected with a skills course (Mediation).

Techniques for Better Legal Drafting: Lessons from the Federal Rules of Civil Procedure

Joseph Kimble, Thomas Cooley

Summary: This session will briskly cover 10-20 techniques — many of them routinely ignored — for better, clearer legal drafting. The techniques will be useful for all forms of drafting and anyone who teaches it.

Lessons Learned from Administrative Law Writing

Elizabeth Fajans, Brooklyn

Summary: In light of the legal writing community's increased interest in writing-across-the-

^{*} Talk relates to a proposal that was awarded an ALWD or LWI Legal Writing Scholarship

curriculum, this presentation describes an administrative law practicum I co-taught in the Spring of 2007. The practicum was intended to give students some hands-on experience with drafting legislation, regulations, and judicial review of agency actions in the hope such experience would provide hands-on lessons about some of the differences between drafting statutes and drafting administrative regulations, and some of the problems in interpreting both. It was our belief this experience would enrich the students' understanding of the administrative state. Although only the students in the practicum drafted the documents, we involved the entire administrative law class in the process, which acted as sponsors of the bill and commentators on the regulations. It was our hope that students would come to appreciate the development of administrative law from the inside as the very issues that arose in the drafting class replicated problems that were discussed in administrative law cases.

*Effective Methods for Teaching Legal Writing Online

David Thomson, Univ. of Denver

Summary: At first blush, teaching legal writing online would seem difficult, if not impossible. But it can be done. This presentation will describe how to adjust generally accepted LRW pedagogy and deliver it in an online environment. Part of the presentation will also demonstrate and explain the myriad technologies that are currently available to deliver online content. The results of some empirical research into the effectiveness of these methods will also be presented.

Politics & Persuasion: Lessons in Logic & Argument from Political Communication

Kris Panikowski, Univ. of San Diego; Nicola Kean, Univ. of San Diego

Summary: This panel focuses on bringing the theories behind and application of political

Summary: This panel focuses on bringing the theories behind and application of political communication techniques into the legal writing classroom to enhance students' understanding of legal lines of argumentation, including audience, fact development and separation, logic sequences and organization. To that end, this presentation examines the lines of argumentation, word choice, logic, intended audience and political theories driving paid television and print political communication and discusses how these concepts intersect with legal theories of logic and argumentation.

259 *Clearly, Using Intensifiers Is Very Bad

Lance N. Long, Oregon

Summary: Is there any correlation between success on appeal and the overuse of intensifiers in appellate briefs? This presentation discusses the perceived problems with using intensifiers and the results of my statistical studies on this issue, which show that intensifiers are associated with an increase in negative outcomes on appeal.

267 Religious Lawyering and Legal Writing, Or, Do Religious Perspectives Help Teach Students Anything About IRAC?

Ted Becker, Univ. of Michigan

Summary: Over the past decade or so, the Religious Lawyering movement has devoted much attention to exploring whether and how practitioners and academics can incorporate their religious beliefs into their professional careers. This presentation considers how religious perspectives might broaden students' exposure to several topics often covered in LRW classes, such as legal ethics, interacting with clients, and reconciling personal values with professional obligations.

^{*} Talk relates to a proposal that was awarded an ALWD or LWI Legal Writing Scholarship

11:30 am- 12:15 pm Session 3

Room

Presentation

100 (Wynne Courtroom) From Aristotle to Abraham Lincoln to Clarence Darrow and Everything In Between: Bringing Persuasive Techniques Alive in the Classroom by Using and Analyzing Political Speeches, Courtroom Arguments, Supreme Court Briefs, and Historical

Reenactments as Teaching Tools

Rachel Croskery-Roberts, Univ. of Michigan

Summary: In order to be good advocates, students must understand and be able to use persuasive tactics both effectively and ethically. Reading about persuasion, however, is not nearly as helpful as seeing and feeling what actually persuades a given audience. This presentation will explore some of the techniques I have used in bringing persuasive techniques alive in the classroom.

300

A Narrative Approach to Teaching Grammar

William E. Blais, DePaul

Summary: This presentation shows how traditional rules of grammar can be re-taught as rules for story-telling. Presented in the context of legal writing, students will grasp the rules more firmly, and apply them more readily because they understand how the rules help them achieve their analytical objectives.

The "Grammar Bee" – Taking the Pain Out of One-Ls' Grammatical Deficiencies Ed Telfeyan, Univ. of the Pacific-McGeorge

Summary: An in-class activity for first-semester One L's to cure remedial writing deficiencies common to entering law students. This program, developed and time-tested by the presenter, is guaranteed to take to agony out of that part of the LRW prof's work that is not included in the job description.

375

Teaching to Different Learning Styles in the LR&W Classroom

Catherine Cameron, Stetson; Jeff Minneti, Stetson; Robin A. Boyle, St. John's Summary: Our data suggests that law students are diverse in their learning styles and, therefore, learn best when professors vary their teaching methods. Our presentation will show recent comparisons of law students at two law schools, and we also provide a model lesson for an engaging legal writing class.

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Podcasting in LRR&W: Downloading the Greatest Hits

Kathleen Elliott Vinson, Suffolk; Judith B. Tracy, Boston College

Summary: The use of iPods or MP3 players by today's law school students is ubiquitous. This presentation discusses why, how, and when to use podcasting in legal reasoning, research, and writing courses to enhance and supplement your students' learning experience, in particular, focusing on iPod feedback on written assignments.

245

Developing a Methodology for Comparing Discourse Communities

Richard K. Neumann Jr., Hofstra; Amy K. Langenfeld, Arizona State Summary. Why do faculty talk as they do at faculty meetings? In this roundtable discussion, we seek the audience's assistance in designing a methodology to measure remarks that invoke hierarchy, shut down discussion, obfuscate issues, or protect turf or at the other end of the spectrum, remarks that help solve problems through reflection, inquiry, or brainstorming. Afterward, we might do an exhaustive social science discourse analysis, or instead write a satire...

259

Using Live Cases to Teach Legal Research, Analysis, and Communication: **Problem-Based Service Learning**

Tracy Bach, Vermont

Summary: Problem-based service learning (PBSL) has become a core teaching strategy

in undergraduate education and has even made its way into professional learning via medical and business schools. This presentation will explain what PBSL is and how it can help law students learning LRW, and then take you through a hands-on workshop to help you incorporate a PBSL problem into your next LRW course.

Teaching the Unwritten Rules of Lawyering 267

Ursula Weigold, Cornell

Summary: Legal communities often have unwritten rules that can affect professional success and reputation as surely as technical proficiency does, and new lawyers may struggle to even recognize these norms. This session will explore how legal writing professors can help to socialize students into the unstated expectations that relate to a lawyer's quality of work, attitude, and conduct both in and outside of a work setting.

12:15 Lunch

1:00 **Special Session (bring your lunch!)

Room

Presentation

100

(Wynne

LWI Membership Business Meeting + Contact = Ruth Anne Robbins

Courtroom) 300

◆Live Videocast

2:30 pm - 3:15 pm Session 4

Room

Presentation

100 (Wynne Courtroom) Redesigning the Mold: An Alternative Approach to Teaching First Year Legal Skills Alice Briggs, Franklin Pierce; Margaret Sova McCabe, Franklin Pierce; Kathleen

Mangold-Spoto, Franklin Pierce, Amy Vorenberg, Franklin Pierce

Summary: In this session participants will learn about recent empirical research; that research revealed discrepancies between expectations of writing in practice and those taught in law school. Based on that research, participants will learn about ways to change first year writing curricula to more effectively prepare students for practice in line with the Carnegie Foundation's, Educating Lawyers, (2007) and Roy Stuckey's Best Practices for Legal Education (2007).

300

ABA updates

Richard K. Neumann, Jr., Hofstra

ABA site teams

Ralph Brill, Chicago-Kent; Mary Beth Beazley, Ohio State

375

Critiquing Workshop Part II

Joan Malmud, Oregon

385

Race and the Law School Classroom

William Y. Chin, Lewis & Clark

Summary: "Know your audience" by understanding that what and how you teach your legal writing class might at times have a greater impact on students of color in your

classroom. Issues to be aware of include the race of the characters in the legal writing problems you create, the inclusion of racial slurs in your legal writing problems, the factors you use in your grading system, and the criteria you use in judging "effective" first-year Wynne Courtroom advocates.

The YouTube of Professional Practice -- Instant Oral Advocacy Review and 245 Feedback thru Revolutionary Web-Based Technology

Mark E. Hoch, Louisiana State; Grace H. Barry, Louisiana State; William Monroe, LSU

(Law Library) Summary: Communicate more effectively with your students about their oral argument skill development via revolutionary new Internet-based technology. Review and critique entire practice and final oral arguments instantaneously from your home, office, or anywhere you can access the Web while students receive and review your personal feedback just as easily whenever and wherever they wish.

Legislative Writing: Why the "New" Legal Writing Frontier Should Be Explored 259 Meredith L. Schalick, Rutgers-Camden

Summary: Legislative writing is a form of legal writing that has yet to be meaningfully explored in the legal writing literature or by other law school disciplines. This presentation will review examples of legislative writing and the necessary legal writing skills for each. The discussion will then include why this area of legal writing is important for law students, how to overcome obstacles to inclusion, and ideas for incorporating legislative writing into existing curricula.

VoiceLynx - a PAR 83 course: Tee-ching Through Time Saving Technology 267 Linda J. Hiemer, Concord; Jan Wise, Concord Summary: The implementation of verbal comments through the use of VoiceLynx that allows an instructor to record verbal comments as an MP3 file uploaded with an

electronically graded assignment. This enables the marriage of visual and audio teaching modalities to enhance the learning experience of the student regardless of learning style.

From One Part-Time Student to Another: A Lesson Plan From the Trenches Lobby Ann Picard, Stetson Café:

Posters (for more about these see

Statutory Construction and the Life Cycle of Disability Definition

Kathryn A. Sampson, Univ. of Arkansas - Fayetteville

Illustrated Instruction: Using Images to Help Teach Basic Organizational Structures abstracts of Legal Writing section of this

Craig T. Smith, Vanderbilt

LWI Computer l ab

program)

TWEN demonstrated by Westlaw

3:15 – 4:30 LWI Committee Fair: Main Hall

Refreshments for this event sponsored by Carolina Academic Press

- ◆Information about our committee system
- Sign up if you are interested in working on an LWI committee

- "Show me the money": Explanations of various programs
- "Traveling with LWI": Writers Workshop, international conferences, etc.

3:30-4:30

LWI CaseMap demonstration by Lexis/Nexis
Computer
Lab

6: 00 – 9:30 Gala Event: Eiteljorg Native American Museum Sponsored by Aspen Publishers

Thursday, July 17, 2008

**Quiet room for presenters/storing their handouts: Jury Room (1st floor)

9:30-10:15 Session 1

Room

Presentation

100

Grading: Using Spreadsheets and Rubrics

(Wynne Courtroom) Timothy D. Blevins, Florida A&M; Brenda Gibson, North Carolina Central Summary: Grading is perhaps the hardest part of being a legal writing professor. Most people think of writing grades as being subject to the whims of the professor and here are

two tools that can make the process a little more objective.

Effective and Efficient Electronic Commenting

Christine E. Rollins, St. Louis Univ.

Summary: Using electronic tools to provide effective and efficient electronic commenting including; bubble comments, highlighting text, inserting text, and cutting and pasting comments from a scoring rubric.

300

Mapping Thoughts and Deepening Student Analysis Via Diagramming Laurie C. Kadoch, Vermont

Summary. The more we learn about the cognitive sciences the more we understand that teaching is so much more than imparting knowledge. It involves teaching our students how to absorb and integrate new knowledge and how to apply and communicate that knowledge with critical thought. The learning needs unique to the current generation of law students support the notion that we must be open to the development of new approaches to the teaching and learning of legal writing. The diagram can be used to provide an evolving visual representation to the teacher useful for identification and/or discussion of student understanding at each stage of research, analysis and writing. The diagram similarly provides a tool for self-assessment to each student.

375

Defining the Purpose and Parameters of Scholarship for Legal Writing Professors Mitchell Nathanson, Villanova; Kristen Triscione, Georgetown; Linda Berger, Mercer Summary: Why should legal research and writing faculty bother to publish? Do we have a shared sense of what makes scholarship valuable? Is there a substantive doctrine of legal research and writing for us to write about? A panel of faculty from three different law schools will focus first on why legal research and writing faculty should publish even in the absence of scholarship requirements, and second, on developing a working definition of good scholarship. The discussion will conclude with an attempt to articulate whether there is an identifiable field of legal research and writing for us to write about and whether we should publish in any and all fields of interest. It is hoped that we will engage in a larger group discussion on how to put our profession's best foot forward in the context of the legal academy.

385

They're Not Enemies, They're Untapped Allies: Strategies for Handling Disruptive, Disaffected, and Plain-Old Bad Students

Allison Ortlieb, DePaul; Susan Thrower, DePaul

Summary: At your wits' end as to how to manage your students' bad behavior? This presentation will explore why some students behave so "badly" and provide some strategies for turning those problematic students into solid LRW citizens.

245

The Real World: Law School: Professionalism in Electronic Communication

Melissa H. Weresh, Drake; Lisa Penland, Drake

Summary: Join us in examining aspects of electronic communication that give rise to

lapses and professionalism, in law school and in law practice. We will then illustrate a technology-forward, interactive workshop for students designed to help students be more thoughtful, deliberate, and professional in electronic communication.

Co-dependent No More? When Teaching Becomes Enabling 259

Lisa Eichhorn, Univ. of South Carolina; Jan Baker, Univ. of South Carolina Summary: In this session, the two presenters will ask attendees to discuss several scenarios concerning particularly needy or demanding students and the amount of time, effort, and explicit assistance a teacher should offer in response to their demands. The presenters will also discuss suggestions to allow teachers to put reasonable limits on their availability to students to prevent burnout and foster student responsibility (while not sacrificing student evaluation ratings).

Connecting the Dots: Using Connected Legal Writing Assignments to Help Lobby Students Think outside the Assignment and About the Bigger Picture Café Candace Mueller Centeno, Villanova

Posters (for more

Not-So-Magnificent Obsession: Performance vs. Professionalism

about Jennifer B. Horn, Texas Tech these see

*Moving From First to Final Draft -- An Empirical Study on Motivating Students to

Move Through the Writing Process Carol Wallinger, Rutgers-Camden

10:30-11:15 Session 2

abstracts section of

program)

this

Presentation Room

"You Had Me at 'Hello" -- Structuring the Classroom Experience to Optimize 100 Learning

(Wynne Wanda M. Temm, Univ. of Missouri-Kansas City; Barbara E. Wilson, Univ. of Missouri-Courtroom)

Kansas City; Judith Popper, Univ. of Missouri-Kansas City Summary: How a teacher creates the learning environment, both verbally and nonverbally, directly impacts the students' engagement with the subject matter. This session will discuss specific teaching techniques through a brief presentation and through a mock class with the participants, modeling the techniques.

Was Colonel Sanders a Terrorist? The Ethics of Storytelling in Litigation. 300

Steve Johansen, Lewis & Clark

Summary: Where is the boundary between legitimate persuasion and improper deception in the art of legal storytelling? This presentation will explore whether truth and justice are incompatible.

Using Comparative Legal Principles to Teach International Students in U.S. Law 375 Teresa Brostoff, Univ. of Pittsburgh; Ann Sisheimer, Univ. of Pittsburgh Summary: In this presentation, we will demonstrate our use of comparative case reading and briefing to help international students draw upon their prior knowledge of civil law reasoning to begin to master U.S. common law reasoning. We will share our experiences with this technique and provide sample exercises using U.S. Supreme Court opinions and opinions from the European Court of Justice.

^{*} Talk/poster relates to a proposal that was awarded an ALWD or LWI Legal Writing Scholarship

Expanding Your Horizons: Going Global

Marilyn Walter, Brooklyn

Summary: My six weeks of teaching at the University of Delhi Law School in the spring/2008 will provide a unique opportunity to analyze differences in pedagogy when teaching legal writing, analysis and research here and half way around the world.

Goodbye to Kingsfield? Increasing Student Autonomy in the Legal Writing 385 Classroom

Deanne Lawrence Andrews, Michigan State

Summary: Recent research by Kennon M. Sheldon and Lawrence S. Krieger continues to document the ill effects that law school has on students' emotional well-being. In a threeyear study, Krieger and Sheldon found that these negative effects can be mitigated by increasing "students' feelings of autonomy." Kennon M. Sheldon & Lawrence S. Krieger, Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory, 33 Pers. Soc. Psychol. Bull. 883, 894 (2007). This session will explore concrete teaching tips designed to increase student autonomy in the legal writing classroom.

Dealing with Race, Culture and Gender in the Classroom 245

Kathryn Mercer, Case Western

Summary: During the workshop, we will discuss the diversity/non-traditional law student and her experience in the law school. To facilitate this inquiry, we will listen to the students themselves via video tape/DVD, their comments on the environment and what have been critical learning moments for them.

Gender and Law School Performance: How Legal Writing Professors Can Bolster the Performance of Women Law Students

Christine Ventner, Notre Dame

Summary: Research has shown that women law students tend to under-perform in law school. This presentation will develop specific strategies that legal writing professors can implement to help reverse this trend, and to create a more positive learning experience for students.

Effective Presentation of Statistics in Legal Writing 259

Danton Asher Berube, Detroit-Mercy

Summary: The use of statistics continues to grow in importance both to the practice of law and to legal scholarship. This presentation will provide guidelines - applicable to practitioners and academics alike - on how best to incorporate statistics in legal writing.

LWI Computer Lab

CaseMap demonstration by Lexis/Nexis

11:30-12:15 Session 3

Room

Presentation

100

Beyond Powerpoint and Movie Clips: How to Reach Your Full Potential as a

Teacher (Wynne Courtroom)

Mary Garvey Algero, Loyola-New Orleans; Robin Wellford Slocum, Chapman Univ. Summary: Research shows that the most effective teachers are those who bring their personal identities into the classroom, and who are able to show a connectedness between themselves, their students, and the subject. While use of technology and innovative teaching techniques can enhance effective teaching, they are not the most important ingredients; this presentation will explore ways to fully engage the hearts and minds of law students.

Reality Bites or Does it? Incorporating Learning Theory and Student Expectations in Problem Design for a First-Year Writing Course

Julie Spanbauer, John Marshall-Chicago; Sonia Bychkov Green, John Marshall-Chicago; Maureen Kordesh, John Marshall-Chicago

Summary: As professors we often fail to appreciate how students struggle to understand published cases, documents written by legal experts designed to resolve legal disputes, never intended for their primary use as a teaching and learning tool in the first-year law school curriculum. This panel will present teaching and learning theory, samples of classroom techniques, and student surveys all addressing how the real world of the law can be effectively incorporated into a first-year legal research and writing classroom.

Teaching Basic Contract Drafting to First Year Law Students in Four Hours or Less Sue Payne, Northwestern

Summary: Learn how to teach a large number of first year law students the basics of contract drafting in a short period of time. I will demonstrate how to: introduce basic contract drafting concepts to student teams through interactive lectures and simulated interviews with clients and opposing counsel; guide each team through the process of drafting a basic contract; and conduct a spirited, in-class critique of the students' drafts.

Re-imagining Collaborate Learning: New Technologies and Possibilities
Thomas D. Cobb, Univ. of Washington; Sarah Kaltsounis, Univ. of Washington; Theodore
Myhre, Univ. of Washington

Summary: Web-based social networking and collaborative drafting software has opened up new possibilities for collaborative learning in law school classes. This interactive panel/workshop will survey new collaborative technologies, discuss how some faculty at the University of Washington School of Law have employed those technologies, and invite audience members to explore further innovative applications.

385 Does Voice Exist in Legal Writing?

375

Christopher J. Rideout, Seattle

Summary: Can a legal writer have a voice? Drawing upon recent work in academic literacies, we would like to offer a framework for answering this admittedly complex question and along the way pose some possibilities for the legal writing classroom.

245 Creating an Effective Syllabus

Nancy Soonpaa, Texas Tech
Summary: Drafting an effective syllabus is part of designing an effective course: a
syllabus establishes expectations and defines relationships in the learning environment.
Its presentation, content, and tone require thoughtful attention as part of course
development. In addition, the syllabus defines the course itself by setting out learning
objectives and how the professor expects those goals to be met; in doing so, it implicitly
(and sometimes unintentionally) shapes (and limits) that professor's experience with the
course—and therefore the students' experience as well. A professor who teaches more
than one course or who teaches a course with numerous assessment methods and
assignments has special needs in syllabus construction: those of scheduling and
managing time efficiently. Hence, drafting an effective syllabus is an early and important
step towards an creating an effective learning environment and well-structure course in
which optimal learning can occur.

Teaching Professionalism and Efficient Document Production With an Exercise in **Timekeeping**

Grace Wigal, Univ. of West Virginia

Summary: Many of today's law students have little experience in producing documents that are based on in-depth research or that contain more than a few pages of analysis/synthesis of source material. The Millenial Generation also has a reputation for not understanding the importance of focused time on task and the value of polished final product. Thus, they struggle to discover an effective and efficient document production "process" that results in billable work product that also meets professional standards. A timekeeping exercise can help students "see" how they are using billable minutes and hours, while teaching them valuable lessons about professionalism, the ethics of billing, and their own skills. The exercise also helps the teacher "observe" individuals and the class working through the assignment. This session will explain the timekeeping exercise conducted at West Virginia University College of Law, how students have responded to it, and how their timesheets can inform our teaching endeavors.

LWI Computer Lab

TWEN demonstration by Westlaw

12:15-1:30 Hoosier Picnic

1:30-2:15 Session 4

Room
100 (Wynne
Courtroom)

Presentation

Communicating with the Millennials: Teaching and Preparing the Next Generation of Lawyers

Mary N. Bowman, Seattle; Janet K.G. Dickson, Seattle

Summary: For the last few years, our law school classrooms have been largely filled with Generation X students, but we are now seeing the first wave of the next generation, the Millennial students. Building upon Tracy McGaugh's work on Generation X and other generational research, this presentation will explore the transition to teaching the Millennials, to help participants understand the forces that have shaped this new generation of students. The presentation will then focus on two aspects of communicating with the Millennials: (1) how to more effectively explain the material that we already teach in our classes, given this particular audience; and (2) why we need to more intentionally teach our students professionalism, to help prepare them to enter the legal profession.

300

Methods of Demystifying and Critiquing Analogical Reasoning in Legal

Stephanie Hartung, Suffolk; Shailini George, Suffolk Summary: This presentation will focus on methods of teaching students to incorporate analogical reasoning into their writing, in part by demonstrating that this type of reasoning is already used in everyday discourse. Additionally, we will discuss ways of developing a more solid and sophisticated analysis using

analogical reasoning once it is employed in legal writing.

375

Designing (or Re-Designing) Your Course to Improve Learning and **Teaching -- Integrated Instructional Design Tools**

Linda S. Anderson, Stetson

Summary: Engaging in thoughtful course design is essential to highly effective teaching, yet we of devote little time doing this or learning how to do this. This

workshop will demonstrate how to use a series of materials (provided to participants) to guide course design decisions to create a dynamic and integrated course that allows us to teach well and our students to maximize their learning.

Mentoring in the Classroom: A Legal Writing Trifecta

Michael G. Massey, Univ. of Denver

Summary. This presentation describes how to include practitioner-mentors into the classroom environment of a legal research and writing program.

Selecting, Training and Supervising Student Tutors

Jennifer Brendel, Loyola – Chicago; Alice Perlin, Loyola - Chicago Summary: This session will focus on effectively using student tutors in the legal writing classroom, so that the experience is beneficial for the students, the tutor, and the professor. We'll share strategies and practical suggestions for the selection, supervision, and evaluation of student tutors. We'll also discuss the challenges involved in using student tutors and ways to address those issues. Our presentation will draw on our experiences in supervising an adjunct-taught program with 30 legal writing tutors each year. Our discussion will be relevant to professors/programs considering using a student tutor for the first time, as well as those looking for ways to enhance an existing tutor program.

Why & How to Incorporate Visuals: Poster Presentations, Handouts and Beyond

Ruth Anne Robbins, Rutgers-Camden; Alison Julien, Marquette Summary: Using visual images for teaching or for scholarship facilitates learning. The relatively new (in law) medium of poster presentations highlights visuals in scholarship. LWI members will have a chance to see this exciting new type of presentation at this year's biennial conference. You can do it too! And yes, you should. It is more fun than you would imagine a presentation could be. Moreover, we all use visuals in our teaching - whether it is with handouts or PowerPoint or drawings on the board. How can we maximize their impact? Great visuals are attainable even if you aren't a skilled artist. Just ask the presenters, who can't even draw a stick figure very well. During this presentation, we will (1) Provide ideas about how to incorporate visual images (beyond outlines and charts) in your documents/posters and where to find those images; (2) Analyze the role of poster presentations and their place on the spectrum of legal scholarship by looking through the lens of marketing and graphic design principles; and (3) Address copyright concerns that may arise from using copyrighted images found on the Web or elsewhere.

Aestheticism and Legal Writing

Adam Todd, Univ. of Baltimore

Summary: This presentation explores the aesthetics of legal writing and what are their implications for the teaching of legal writing. The presentation would serve as a primer about aestheticism and aesthetic theory and examines the "beauty" found in legal writing.

2:30 Closing Event: Ice Cream Social (Atrium)

385

245

259

Friday, July 19, 2008

9:00 am ALWD Board Meeting
Room 389 + Contact = Judy Stinson



Thank you!!!

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**Special thanks to Dean Gary R. Roberts for the law school's hospitality

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for their work on the new logo & website!

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Good luck to the 2008-10 LWI Board for the next two years!

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*At the time of this program's printing the 2008-10 president-elect, secretary and treasurer had not yet been elected.



Also from all of us...

Thank you to LWI's host school: Mercer University School of Law

Yonna Shaw - special thanks, always!