



LWI LIVES

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LWI Lives is a regular electronic publication of the “Faces of LWI” Committee, which explores and communicates the emerging identity of LWI and its members. We have in common the commitment to being the best legal writing professors that we can be. But we are multi-dimensional people with different strengths, interests, curiosities, and gifts. By profiling individuals in our community, we hope to expand and develop our understanding of who we are and what we aspire to be.

Warm Aloha



By Greg Johnson

As winter slowly eases its grip, those of you aggrieved by slippery sidewalks, dry skin, and runny noses may want to think about Dan Barnett’s life—or not! Dan directs the legal writing program at the University of Hawai’i, William S. Richardson School of Law. He lives in Honolulu with his husband Jerry, a mere puka-shell’s throw from the beach at Waikiki where they met twenty-eight years ago.

For more on Dan, see page 2

The World is Her Classroom



By Nancy Soonpaa

Gabrielle Goodwin has studied in France and Prague and taught in Japan, Korea, and Macedonia. She lived in Saudi Arabia growing up, went to eight different schools K-12, and plans to visit South Africa with her family in May. Gabrielle has also traveled around Australia and New Zealand for a year, working at a ski resort, youth hostel, and sheep farm; rescued leatherback sea turtles in Costa Rica; worked at a fish cannery in the Aleutian Islands ... and those are just some of the highlights of her many international adventures.

For more on Gabrielle, see page 4

And the Academy Award for Legal Writing goes to . . . David Ziff!



By Jennifer Romig

Who has received a (mock) Oscar from his own administration? Who has formed the (very unofficial) “DRINKS” society for colleagues—the “Developmental Recurring Initiative for Networking, Knowledge, and Scholarship”? Who witnessed the creation of *The Bluebook’s* Bluepages and in fact plays a cameo role in them? None other than David Ziff, a congenial and dedicated legal writing professor at the University of Washington.

For more on David, see page 6

Dan Barnett, continued

Dan has known and loved Hawai'i his whole life. Throughout his career—including stints at big law firms in California and on Wall Street—Dan traveled to Hawai'i every chance he could. One fateful day in November 1988, when Dan was on vacation in Hawai'i, he went to Waikiki beach early to catch the sunrise over the ocean. That's where he met Jerry. They both were, in a word, smitten. Before the trip was over, they were making plans for a future together. Dan soon moved from California to Boston, where Jerry worked.

Dan's good fortune of falling in love on a beach in Hawai'i became the legal-writing academy's good fortune too, because in Boston Dan landed his first job teaching legal writing at Boston College Law School. He taught at BC for twenty-two years, and in that time contributed to our profession in many significant ways. Dan has held important leadership positions in legal writing, including Chair of the AALS Section on Legal Writing, Reasoning, and Research; Chair of the AALS Section Program Committee; Chair of the AALS Section By-Law Revision Committee; and member of the AALS Section Executive Committee. Dan also served on the Board of Directors of the Legal Writing Institute for four years (2004-08) and has given generously of his time to work on numerous AALS and LWI committees.

Outside of legal writing, Dan was a national leader in the fight to repeal the Solomon Amendment: the federal law that disallowed funding for schools if they prohibited or prevented the military from recruiting on campus because of the military's ban on openly-gay members. Dan was the Chair of the AALS Task Force on Military Recruiting and the National Coordinator of the Committee to Repeal the Solomon Amendment.

Dan speaks regularly at national and regional legal-writing conferences. He has written influential articles on legal writing. He is best known for his articles and presentations on how to critique student writing. I had the good fortune to hear Dan speak on this subject in 2013 at the AALS Workshop for New Law Teachers in Washington D.C. (where I was also presenting). I have been critiquing student papers for over twenty years, yet I learned a lot from Dan's presentation, and I was invigorated by the insights and enthusiasm he brings to the subject.

All of Dan's articles on critiquing are informative, but to start I recommend *Triage in the Trenches of the Legal Writing Course: The Theory and Methodology of Analytical Critique*, 38 Univ. Toledo L. Rev. 651 (2007). In this article, Dan observes that most legal writing professors "learn how to comment on papers by simply doing it." But he believes that "providing effective feedback is a skill that can be learned," and he offers a step-by-step approach for how to learn the skill. Here's some of Dan's concrete advice: start by reading several papers before beginning to critique; adapt feedback to the analytical needs of each student; develop a



A walk on Hanalei Bay Beach

"shared vocabulary" with the student on reasoning and analysis; write comments as if you were having a dialogue with the student, much as you would in class, include a variety of open-ended Socratic questions, margin comments, line-by-line feedback, and end comments; and use the student's own writing to highlight examples of good legal writing.

One of Dan's more provocative arguments, and one with which I agree, is to "assume the student did her best on the assignment." Dan acknowledges reviewing a paper that appears carelessly put together can be frustrating, but he urges us to assume good faith. Students can be overwhelmed with work and anxiety, especially in the first year. Personal and other problems may also interfere with top-quality writing. Taking a positive approach will help create connections with

Dan Barnett, conclusion

the student: empathy is more likely to help the struggling student than aspersions.

Dan excelled at Boston College—he won the Distinguished Teaching Award in 2004 and the Teaching with New Technology Award in 2007—but the West Coast called. In 2012, Dan became the Distinguished Professor of Legal Writing at Lewis and Clark Law School in Portland, Oregon. Dan taught at Lewis and Clark each fall semester. He and Jerry spent the rest of the year at their condo on the north shore of Kauai. Dan was happy with this arrangement (who wouldn't be!), but when the great Jill Ramsfield retired, and the director position at Hawai'i opened up, Dan had to apply. Leaving Lewis and Clark was hard—the hardest part of accepting the position in Hawai'i—

Shave ice in Waimea



but paradise was calling.

Dan has already made a big splash, so to speak, in his two years at Hawai'i. He published one book and has another one (co-written with Jane Kent Gionfriddo) under contract with Aspen for publication later this year. Dan's first book is entitled *Putting Skills into Practice: Legal Problem Solving and Writing for New Lawyers* (Wolters Kluwer). Dan dedicated the book in part to "Jerry, for being at the beach so early." Legal-writing textbooks abound, but Dan has filled an important gap by writing a book to help new lawyers improve their analysis and writing. Dan notes that the pressures of the profession reduce the time senior lawyers can spend mentoring new associates. Those associates are expected to be good writers with little guidance, even though many of them have only had significant practical writing opportunities in their 1L legal-writing courses. Dan provides concrete instruction on effective note-taking, good "brainstorming" techniques, best practices in drafting, and "perfecting the presentation." This book, which "bridges the gap between theory and practice," can be a lifesaver for new lawyers struggling with their writing and analysis.

All is not fun-in-the-sun for Dan. Wherever Dan goes, he gives back to his community. In Boston, Dan participated in a number of community activities, including being President of the Sumner Hill Neighborhood Association. In Hawai'i, Dan is on the Board of Directors of the Waikiki Health Center. At the law school, Dan serves as the Coordinator of the Hawai'i Emerging Legal Practitioners Legal Incubator Access to Justice Project (HELP). This new initiative offers training and mentoring for six fellows to provide legal services for low-income residents. In a recent statement, the law school's dean, Avi Soifer, said "Professor Barnett and District Court Judge (ret.) Leslie Hayashi deserve a great deal of credit for leading the way and getting this program off to a rousing start."

But back to the beach! Dan gets to Waikiki beach almost every day. He enjoys reading at the beach (he has read the biographies of all the kings of Scotland) and his gym is right next to the beach. Dan is a highly-accomplished teacher and scholar who gives generously of his time to our profession and to his community. He's also a beach bum! Warm Aloha.

Daniel Barnett: dlb2@hawaii.edu



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Gabrielle Goodwin, continued

Is it any wonder that she teaches international law students in an LLM program?

Gabrielle's voice shows her excitement when she discusses the best parts of teaching international students. A recent joy was working with a student from Saudi Arabia who finished his LL.M. and is now pursuing his SJD in order to teach law. She described his writing on legal education reform and his desire to learn good teaching practices to take back with him into his teaching career. (A common career progression for Saudi law students is, after a successful undergraduate education in law, to be hired by a law school there and be sent to the United States—fully funded—to get a graduate degree in law.)

Her own teaching career began after she graduated with a B.A. and applied for the J.E.T. program to teach in Japan. For two years, she lived in a small town in Japan and taught in the high school. She describes it as the “most fascinating experience developmentally” for her, though it wasn't always easy. With no experience teaching and without speaking Japanese, she did, however, flourish as a “celebrity English speaker” in her small Japanese town and decided to pursue an M.A. in Linguistics, with a certification in teaching ESL students, when she returned to the U.S.

With those credentials in hand, she seized the opportunity to teach at Pohang (Korea) University of Science and Technology and later served with a USAID-funded and IU-staffed team working at a tri-lingual university in the Republic of Macedonia, under State Department guidance not to live in the area. She recalls that their departure was delayed due to ethnic fighting and shooting nearby, but speaks of that experience with equanimity. Perhaps her meeting her future husband in Macedonia contributes to her fond memories; he was part of the team from Indiana University that directed the project.

After coursework towards her PhD, she followed her now-husband's path to law school (albeit different schools for each), and they both teach at Indiana University Maurer School of Law (he teaches only JD students, while she teaches only LLM students). Her course package includes Introduction to U.S. Law and Legal Discourse & Legal Writing.

In her work supporting international students, she has a variety of goals, including helping them learn how to learn in US-style education—hence her blog for international law students, aptly titled, “Teaching International Law Students” (www.llmlegalwriting.blogspot.com). In addition to a variety of posts from both her and from guest bloggers, it lists resources from conferences to texts and articles.

Gabrielle also guest-blogs for others, including a Q&A on Jennifer Romig's “Listen Like A Lawyer” blog. Her advice for international law students would be helpful for all students:



An impromptu camping trip in Southern Indiana with husband, Robert Downey



National Cultural Heritage Law Moot Court Competition



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Gabrielle Goodwin, conclusion

Also, try to listen, understand, prioritize, and organize before writing anything down. Just writing everything the professor says doesn't help when studying later because the context and relationships between ideas may be missing and because what's quickly written down and what the professor actually said may in fact be different, leading to wrong conclusions. Similarly, noting words or concepts that are confusing, and then going back to them later to figure out, is better than becoming frustrated and losing the narrative of the lecture.

For some students, creating a "map" of lectures makes sense. Rather than trying to record everything in a linear outline, a student can draw a map of concepts, terms, and other information, which shows the relationships among them and where they fit in the big picture.

Soon after each lecture, class notes should be reviewed and amended. Putting notes in to a standardized outline format helps review and organize the material. Discussing and verifying notes with classmates is another good way to check understanding and review notes for accuracy.

Right now, Gabrielle is rolling with the trend in legal education towards smaller enrollments. While she may have fewer students than in the past, she focuses on delivering not just writing instruction, but also instruction in listening and learning skills. She talks to them about how to listen and process information, how to take effective notes, and how to scaffold their learning. And she takes joy in getting to know them well and helping them to achieve their goals, no matter the ups and inevitable downs in the process.

In addition, issues relating to cultural heritage law are an interest area reflected in her activities and scholarship. In late February, she accompanied her moot court team to the National Cultural Heritage Law Moot Court Competition at DePaul (in its inaugural competition while she was in law school, she was a semifinalist). The team won Best Brief and reached the quarter-finals of the competition. She has also written on related topics and recently gave a lecture at Oberlin College on March 11 on "The War on Cultural Heritage." She looks forward to a time when she can add courses on cultural heritage and art law to her course package; professors who teach writing are paid less than the clinicians and doctrinal faculty at her school, and they are typically not allowed to teach outside their assigned writing courses. Perhaps history will repeat itself, however, and this challenge will become opportunity for her.

The breadth of Gabrielle's experiences and her demonstrated ability to grab opportunity becomes clear upon Googling her name: an early hit leads to "Writing Thank-You Notes: Finding the Perfect Words." Yes, she co-authored a book designed to "[t]ake the stress out of writing personal, heartfelt notes of appreciation[.]" She notes that her mom was a stickler on writing thank-you notes when she was growing up, so the book opportunity was right up her alley.

While her next opportunity has not yet revealed itself, Gabrielle Goodwin serves as a great example of someone who builds on her experience and who sees and explores possibility. Whether in the US or across the globe, she has made and left her mark as a caring and talented teacher.

Gabrielle Goodwin: glgoodwi@indiana.edu



Sculling on Lake Merritt,
Oakland, California



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David Ziff, continued



David Ziff @djsziff · Feb 6
I've had one motto which I've always lived by: Dignity. Always dignity.

David became known to the author of this profile by an amusing, confusing tweet:

He was co-hosting the public-interest auction, which featured a Kentucky Derby theme. David chose attire of the loudest plaid pants he could find, a beige sport coat, and a plush horse-head. He was seeking to up his game after making an impression his first year cohosting in 2014. That year's theme was the Oscars, and David gave an acceptance speech after receiving his mock "Academy Award" from an Associate Dean.

Receiving this "Oscar" while promoting the public interest was a different path than what David may have imagined upon graduating from law school. In 2005, David had just graduated from Columbia, where he had served as Executive Managing Editor of the *Columbia Law Review*—more on that in a moment. He was beginning his clerkship with Judge Gerard Lynch in the Southern District of New York. From there, he clerked for Chief Judge Dennis Jacobs of the Second Circuit. From there, David joined a Wall

Street litigation boutique. But a complication arose: "I realized I didn't want to do the New York Wall Street litigator thing."

He moved to Seattle for a different way of practicing law. But he found that becoming more senior meant getting away from the things he actually liked to do, which was researching, writing, and working collaboratively with others. He had always thought at some point he would teach something, so he began applying for legal writing positions in the Seattle area. He also started a blog summarizing Washington Supreme Court and Court of Appeals decisions, www.ziffblog.wordpress.com. He still maintains the blog, commenting on recent cases and issues such as Washington state's actions re-incarcerating individuals it had previously mistakenly released, the Freddie Gray trial, and the analysis of the majority opinion in *King v. Burwell*.

In 2012, he joined the faculty of the University of Washington as a Lecturer and has since been promoted to Senior Lecturer. He keeps very busy teaching two sections of legal writing, advising the moot court board and coaching several teams, attending colloquia, and cohosting the public-interest auction.

David said what he likes most about teaching is what he liked most about practice: working with people by reading their work and marking it up, thereby coaching them on becoming better practicing lawyers. "The way I practiced law informs how I teach the students," he said. "My goal is not to have them write the brief I would write. I want to help them make their analysis the best it can be."

When he began teaching, he found it somewhat daunting, although he did have experience as a teaching assistant in civil procedure and working with high school students on mock trial. "I had a very general idea of how to teach, but developing a legal writing curriculum was very different," he said. His colleagues at the University of Washington helped him during that first year especially, giving him a list of books and articles to read. The legal-writing program at the University of Washington is a collaborative program with overall programmatic goals but autonomy for the faculty working toward those goals.

His colleagues Tom Cobb and Sarah Kaltsounis helped him immensely, he said, because the way they approached the task of teaching legal writing worked well for him as well. "I glommed on to what they were doing and tried to add a little value along the way," he said. He particularly appreciates the use of real problems with as much real background as possible such as transcripts and video evidence. "When students ask questions, I'll say, 'I don't know. Let's try to find out.'" This is his favorite part of the job, he said—



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David Ziff, conclusion

working through problems with students the way two practicing attorneys would work through a question together. His least favorite part of the job is anonymously grading the class on a curve.

David has written a book review for *Legal Communication & Rhetoric*, JALWD, titled *Dear Chief Justice Roberts: Please Tell Justice Scalia to Be Quiet* (reviewing Ryan A. Malphurs, *Rhetoric and Discourse in Supreme Court Oral Arguments: Sensemaking in Judicial Decisions* (2013)). He has another idea in the works for an article on legal citation, a topic on which he has a unique perspective.

David was Executive Managing Editor of the *Columbia Law Review* in 2004-2005 when the 18th edition was in process for publication. At the time Columbia was responsible for drafting the Bluepages. Yes, these hard-working law students did put themselves into the Bluebook. What is now Bluepages B10.1.3 contains the following example:

Kaplan v. Ziff, 530 N.W.2d 807 (Minn. Ct. App. 1995).

Richard Kaplan was the Editor in Chief of the *Columbia Law Review* at the time and David's good friend. He admitted checking the 19th and 20th editions to see if this example survived. He noted poignantly out that another example with some other Bluepages authors has not survived. In what is now B10.1.1, the 18th and 19th editions taught that citations use only last names with a hypothetical case between *Columbia Law Review* student editors, Spiller v. Ware. That example has been replaced in the 20th edition by Darwin v. Dawkins.

David's experience with *The Bluebook* leads him to feel frustration with Judge Richard Posner and others who argue that citation has become too complicated. Citation is about more than just format, he said; citation really extends to what is authoritative. And that question will only become more important as more and more sources go online. David also referred to the recent issue raised by Adam Liptak of the *New York Times* about changes to Supreme Court opinions between their first issue in slip opinion and final publication. When clerking in the Second Circuit, he also dealt with errata before final publication in the federal reporter. "Citation is about more than just giving people enough infor-

mation to Google it," he said. "How do you tell which version has the force of law?"

David's Twitter feed is an interesting mashup of this type of analysis with other legal and political observations. Here's a recent joke:



(For those not familiar with Culture Club's Generation X classic *Karma Chameleon*, you can check it out on YouTube [here](#).)

In his free time he can also be found playing flag football and ultimate Frisbee. He likes to socialize with friends at dinner and host dinner parties, basically "manufactured excuses for people to hang out, laugh, and have a good time." One of his colleagues refers to David as the "cruise director" of the law school because he likes to facilitate socializing among work colleagues as well.

However, many evenings David can be found coaching or advising one of the University of Washington's moot court teams, or otherwise attending events at the law school. "I'm not very good at work-life balance," David said. "I probably work longer hours now than when I was practicing law in Seattle. I drink a lot of coffee. But it's great to have a long day and feel invigorated at the end of the day because of what I'm doing. I liked law school, and I like being around the law school now. This is work, but it's also fun."

David Ziff: dziff@uw.edu

An Oscar Award Winner AND
a Bluebook Celebrity In Our Midst:

Kaplan v. Ziff, 530 N.W.2d 807 (Minn. Ct. App. 1995).

UPCOMING LEGAL WRITING EVENTS

April 30-May 3, 2016
AALS Conference on
Clinical Legal Education
Baltimore, MD

July 10-13, 2016
2016 LWI Biennial
Conference
Portland Hilton and
Executive Tower

August 5-6, 2016
Sixth Western Regional
Legal Writing Conference
University of the Pacific,
McGeorge School of Law

Next month in *LWI Lives*, read about:



Lucy Jewell
Tennessee



Teri McMurtry-Chubb
Mercer



Mark Osbeck
Michigan

Selection and Presentation Process: We believe it is important for the members of LWI to know our process for creating the newsletter. The Committee is organized into three teams, and each is responsible for selecting, proposing, and writing the three profiles for a particular issue of the newsletter. To ensure a diverse newsletter, the teams propose the names of the selected individuals to the Co-Chairs to ensure that there is a breadth of coverage for each issue. Additionally, the Co-Chairs are keeping a master list of all the profiles, so that we can ensure a wide range of coverage over time.

The Faces of the LWI Committee exists to allow us to learn about the interesting lives of our colleagues. For that to happen, we want and need a diverse selection of legal writing professors to profile. If you have someone in mind that we should put on the list for a future newsletter, please feel free to contact any of our members at the email addresses below. If you could include a note on why you think the individual's profile would be particularly interesting, it will help us in developing priorities.

Committee Members



Bob Brain, Co-Chair
Loyola, Los Angeles
bob.brain@lsu.edu



Linda Edwards
Co-Chair, UNLV
linda.edwards@unlv.edu



Grace Hum, Co-Chair
Univ. San Francisco
ghum@usfca.edu



Sha-Shana Crichton
Howard
scrichton@law.howard.edu



Olympia Duhart
Nova
duhart@nsu.law.nova.edu



Tamara Herrera
Arizona State
tamara.herrera@asu.edu



Greg Johnson
Vermont
gjohnson@vermontlaw.edu



Karin Mika
Cleveland-Marshall
kaim.mika@law.csuohio.edu



Shakira Pleasant
Savannah
spleasant@savannahschool.org



Jennifer Romig
Emory
jromig@emory.edu



Nancy Soonpaa
Texas Tech
nancy.soonpaa@ttu.edu



Danielle Weatherby
Univ. of Arkansas
dweath@uark.edu

Check out these websites for more information on what's happening!

<http://www.aals.org/aals-events/>
<http://www.lwionline.org/>
<http://www.alwd.org/>

