



LWI LIVES

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March 1, 2015

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.

[From Baseball to Spearfishing to Teaching Legal Writing](#)

By Jennifer Romig



Joe Fore is the brand-new Co-Director of Legal Writing at the University of Virginia and a new member of the Legal Writing Institute. As of this writing, he had been teaching for four weeks. Also as of this writing, his beloved undergraduate alma mater, Duke, had just beaten the previously unbeaten UVa at men's basketball, which may have lent a particularly jaunty mood to Joe's comments.

For more on Joe, see page 2

[Thoughtfulness, Determination, and Joy in Work and Play](#)

By Grace Hum



When I asked Andrea Susnir Funk whether she would be willing to be the subject of an LWI Lives profile, she hesitated; she wasn't sure that her life would be interesting enough for others to want to read about. Well, I spent more than an hour on the phone with Andrea, and it's clear that her life is incredibly interesting—if only because she represents the best of us in this profession—someone who is incomparably committed to her family and amazingly passionate about her work.

For more on Andrea, see page 4

[Discussing Legal Writing with Justice Scalia, and Other Worldly Adventures](#)

By Greg Johnson



Joy Kanwar, a Legal Writing Instructor at Brooklyn Law School, has traveled the world in search of adventure and insight. She has explored many disciplines, including cultural anthropology and ethnography, only to find a home in teaching legal writing. Joy's varied experiences have influenced her teaching of legal writing. Joy is, in a sense, a new face of our community—young, diverse, cosmopolitan, and in-touch with the interests and needs of today's law students.

For more on Joy, see page 6

Joe Fore, continued

Although he went to both Duke and Virginia, Joe is a self-proclaimed die-hard Duke fan. For those not in the Coach K fan club (such as the author of this piece), please read on. There's a lot to like about Joe.

Joe's practice experience with Baker Hostetler in Orlando, Florida and Washington, D.C. informs his teaching. Joe litigated all types of cases, everything from massive statewide class actions to run-of-the-mill contract disputes and high-end mortgage foreclosures and workouts.

The case Joe is most enthusiastic in sharing with students helps him introduce lessons about professionalism, procedure, people skills, legal analysis, and problem solving: "I helped settle a dispute among a group of adults who couldn't decide where to bury their deceased mother." There were two factions in different locations in the United States who registered strong disagreement. Joe worked on a legal team that used a declaratory judgment strategy, but with uncertain results because the scant case law did not clearly answer the question. (Side note: one of the very few Florida cases on the subject decided Anna Nicole Smith's final resting place.) Joe's team worked with opposing counsel to help settle this dispute in a way that allowed the parties to move forward and begin the healing process. "It was a great professionalism experience for me," Joe said. "It felt good to help people in that way. We knew it was a very tough time for the clients, emotionally, and we knew that they appreciated how we worked hard for their desired outcome—but in a way that respected their feelings."

Joe's practice experience also gave him a strong respect for the power of the written word. "That's what the law is: it's words. I've been in practice and I've seen the power that it has." Joe was a serious high-school baseball player, and he uses his sports background and coaching mindset as a metaphor for teaching writing. "The biggest difficulty is breaking down and conveying concepts that are intuitive to me now," he said, just as it would be difficult for a good baseball player or golfer to explain the "million little steps" that go into the swing. Now as a teacher, he's constantly asking himself "how did I learn that?" and "where did I get that?"

He credits a number of mentors such as his 1L legal writing professor and now-colleague Ruthie Buck at Virginia: "I wouldn't be here without her." He also greatly admires A.E. Dick Howard, a Constitutional law scholar at Virginia. "He's helped teach me what it means to be a professor and mentor to students. He's



Joe and Ashley

busy and accomplished, but I've never seen him too busy to stop and talk to a student."

Joe also mentioned several colleagues at Baker Hostetler as well. One partner was a particularly gifted and hardworking writer; working for her was like taking another legal writing course, Joe said. Another partner was highly demanding and even terrifying to young associates, but also incredibly dedicated, ethical, and devoted to helping associates become better lawyers.

When he's not teaching, Joe can be found spending time with his wife Ashley, whom he met while he was studying law and she was studying for her master's in nursing, both at Virginia. Fly fishing is a big hobby of Joe's, with many nice trout streams to be found within driving distance of Charlottesville. He grew up with fishing as a hobby, but took it to a new level in the year he spent between college and



Joe Fore, conclusion



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Joe and his 40-inch redfish
November 2014
Florida's Mosquito Lagoon

law school. He taught English in the Republic of the Marshall Islands, about halfway between Hawaii and Australia. (The Marshall Islands are also home to the Bikini Atoll, which was the site of United States nuclear testing in the 1940s and -50s.)

Joe's teaching work took place in the capitol atoll of Majuro. On weekends he spent his time spearfishing and snorkeling, and fishing for large marlin and tuna with the Marshall Islands Billfish Club. The biggest fish he caught was a 200-lb marlin, which took two men and over an hour trading off the rods to bring the fish in.

That seems a long way away from where Joe sits now, taking time to talk with Faces of LWI on one of his days outside of the classroom. He expressed his excitement about meeting more people in the field of legal writing and learning more about legal

writing scholarship. He was enthusiastically preparing to read *The Science Behind the Art of Legal Writing*, Catherine Cameron and Lance Long's new book. As a former science major in college, he said he's interested in the hard data of what makes legal writing effective, in contrast to traditions drawn from anecdotal evidence and now hardened into "right answers."

From sports to scholarship, interwoven throughout Joe's comments were the dual themes of learning and coaching: "I like teaching, I like sharing, I like seeing and then discovering things, I like learning and then passing that on." Joe also likes the aspirational nature of writing: "It can never be perfect, but you can always try."

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"That's what the law is: it's words. I've been in practice and I've seen the power that it has."



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Andrea Susnir Funk, continued

One of Andrea's favorite books is "A Tree Grows in Brooklyn" by Betty Smith. She said that she reads it every so often because it affects her and touches her differently every single time. Andrea brings this thoughtfulness, determination, and joy to everything she does and with everyone she comes into contact.

Andrea is married to John Funk, who she describes as patient and humble. She also said, "I got the winning lotto ticket" when I married John. That's a pretty hearty endorsement!

Although Andrea and John grew up in the same small town outside of Los Angeles—living just three miles away from each other as kids—they didn't meet until Andrea's first day as a legal writing professor at Whittier Law School. At that time, John worked as an administrator at Whittier, and he was the very first person she met on the job. Today, John is an Assistant City Attorney for Santa Ana.

They have a daughter named Grace, who's in the sixth grade and always ready to laugh and learn. Given my particular interest in the name, I asked Andrea how she and John came up with



John, Andrea & Grace
On a road trip in Bishop, CA

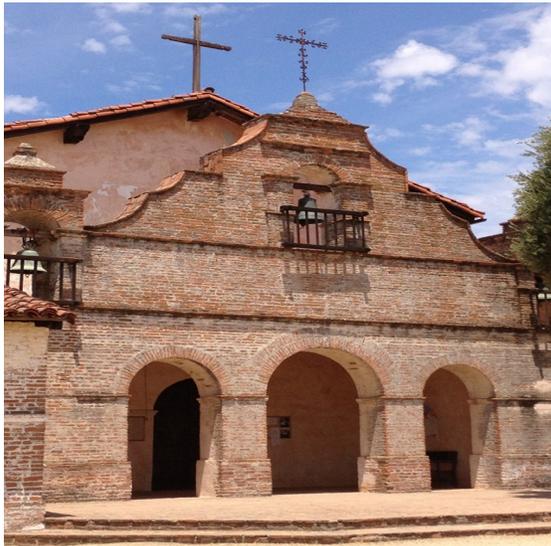
the name, and she said, "She is grace. She is goodness." Makes you feel warm and fuzzy inside, doesn't it?

When Grace started studying about California missions* in school two years ago, she suggested to her mom that they visit all 21 of them. To most people this just sounds exhausting. But with Andrea's characteristic thoughtfulness, determination, and joy, they visited each one of them over the next seven months.

You might think—that's a lot of family time! As it turns out, Andrea, John, and Grace love a good road trip. They know that when they're in the car, there's nothing else to do but to be together, talk to each other, and laugh a lot. So they always make good use of these road trips.

Of all of the missions that they saw, Andrea's favorite was Mission San Antonio de Padua, which is in Monterey County. She described it as the most difficult mission to get to because "it's remote and tucked way back in the hills." Visiting the mission and the surrounding pastoral lands gave her a sense of and appreciation for what living in California must have been like in the 1800s. She contrasted her favorite mission with one of Grace's favorites: Mission San Carlos Borromeo de Carmelo, which is located smack dab in the middle of the busy and bustling town of Carmel.

Andrea is also passionate about doing charity work. Not only is it meaningful to her, but it gives her the chance to teach Grace about the value of helping others. For a number of years when Grace was a Girl Scout, Andrea served as one of the troop leaders. They did a variety of charity work together: they raised funds to support girls' education in developing countries, gave Build-a-Bear stuffed animals to foster youth, and served dinner to the underprivileged children living in motels throughout Anaheim.



Mission San Antonio de Padua
End of Mission Road, Jolon, CA

*The California State 4th grade history curriculum requires students to learn about the Spanish missions, religious and military outposts established by Catholic priests between 1769-1833 to spread Christianity among the Native Americans. There are 21 missions in California, located as far south as San Diego and as far north as Sonoma, and each of them is situated about 30 miles apart.



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Andrea Susnir Funk, conclusion

The most recent charity that Andrea and Grace have been working with—Giving Children Hope—is an organization that fills backpacks with food to give to homeless school children to share with their families.

It's clear that Andrea loves being a mom. She and Grace have been taking Mandarin lessons every Saturday morning together for the last three years—not because Andrea is hoping to become an expert Mandarin speaker—but because she wants to spend this time with Grace and to support her in learning this important skill. Andrea said, “Being Grace’s mom is the single biggest honor that I’ve been blessed with. It’s the most important work that I have done no matter what happens in my life.”

As it turns out, Andrea’s work at Whittier Law School is also pretty important. She started as a legal writing professor at Whittier in 1997 and became the Director of the program in 2000. She spent many years working on the program by improving the curriculum and hiring quality professors. Whittier now has a four-semester, ten-credit Lawyering Skills program, and she can’t speak highly enough about her colleagues who teach in the program.

She’s now Associate Dean for Lawyering Skills and Institutional Assessment and Professor of Lawyering Skills at Whittier Law School. In this position, she works hard to understand how best to implement institutional assessment so that it actually makes a difference and improves student learning.

Andrea said, “My job has been such a gift because I have been able to develop, change, and grow in a way that I would never have anticipated. . . . In the last five years, this opportunity to focus on student learning and assessment arose. It’s a natural fit to what I was already doing; it’s timely; and it’s something that I

have a passion for.”

I spoke with Andrea on January 21. Five minutes before we were scheduled to speak, she had just learned that she had been named Professor of the Year for 2015 by the Whittier Law School Alumni Association. I could tell from her reaction that she was humbled, and even a little stunned. What an amazing, but unsurprising tribute to the important work she’s doing at Whittier.

So here’s the last example of Andrea’s thoughtfulness, determination, and joy. She is a huge Rob Thomas and Matchbox Twenty fan.

Why does she love him so? “First, he’s talented. But more than that, he is funny, smart, witty, and does great charity work.” His charity, Sidewalk Angels, provides food and resources to homeless people and animal shelters. Wow! Now that’s a pretty thoughtful answer!

She’s clearly determined: she’s seen him in concert more than 20 times and has personally met him four times.

And the joy—well, if only you could hear the enthusiasm in her voice when she talks about Rob Thomas—I think the joy oozed out onto my end of the phone and rubbed off on me.

Andrea Susnir Funk: afunk@law.whittier.edu



Program assessment is a “best practice in higher education.” The purpose behind program assessment is simple: to improve student learning. If you improve your program, you in turn improve student learning. This should be every educator’s ultimate goal. The real question is not why you should assess your program—especially if the ultimate goal of the assessment is to improve student learning—but how you would get started actually doing it.

Andrea Susnir Funk and Kelley M. Mauerman, [Starting from the Top: Using a Capstone Course to Begin Program Assessment in Legal Education](#), 37 Okla. City U.L. Rev. 477, 478 (2012).

One of Andrea’s Favorite Songs by Rob Thomas is “Ever the Same”

You may need me there
To carry all your weight
But you’re no burden I assure
You tide me over
With a warmth I’ll not forget
But I can only give you love



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Joy Kanwar, continued

Although the closest she has come to being any kind of royalty herself is trying out to play Princess Jasmine at Disney World in her hometown of Orlando, Joy is actually descended from Indian royalty. On one of her trips to do ethnographic research in Northern India and Nepal in college, Joy's family insisted that she stay in one of the palaces in Kathmandu, where an aunt from India had married into the family. "It was funny, and kind of sweet – since we are family, they had to take in this completely un-royal relative from America for nearly a month."

When Joy first arrived, her host escorted her through the massive grounds to dinner in the main hall. Along the way, they passed a statue of a female Hindu deity in the courtyard. Her host asked Joy if she noticed anything about the statue, and Joy said, "I know it seems crazy, but did that statue just begin smiling?" Her host said no one thought this was strange, and Joy got used to seeing all kinds of fantastic sightings at the palace. Years later, Joy heard about the "smiling statue" in the courtyard again, as a passing footnote in the tragic story when the Crown Prince of Nepal killed nine members of his family over a marriage dispute. Luckily, none of Joy's family was injured in the incident, but this was her last foray into a royal community. Two things became clear to her – first, "those palaces are completely haunted," and second, "the royals are too intense."

Based on the research from that trip, Joy wrote her senior thesis on environmental problems facing mountain communities in Nepal. This work sparked her interest in environmental law and activism, and she decided to attend Vermont Law School because of its reputation in the field. Joy fell in love with Vermont, where the hills and valleys reminded her of Kashmir in India. At Vermont Law School, Joy's Anthropology and the Law paper on the rights of the Roma people in the United States won the coveted Jonathan Chase Award. Joy's classmates chose her to be the student speaker at graduation.

After graduation, Joy became an attorney at Skadden in New York City. Her firm's training was instrumental in shaping her legal writing skills, where her mentors taught her the value of clear and precise language. Joy worked on many cases involving scientific issues, so she mastered the skill of relating complex material in an understandable fashion.

Joy began teaching legal writing at Brooklyn Law School in 2008, where Marilyn Walter, Elizabeth Fajans, and Mollie Falk, the innovators who developed Brooklyn's writing program, became her mentors. From the beginning, Joy adopted a student-oriented approach to teaching. She starts each semester by asking students about their backgrounds and interests.



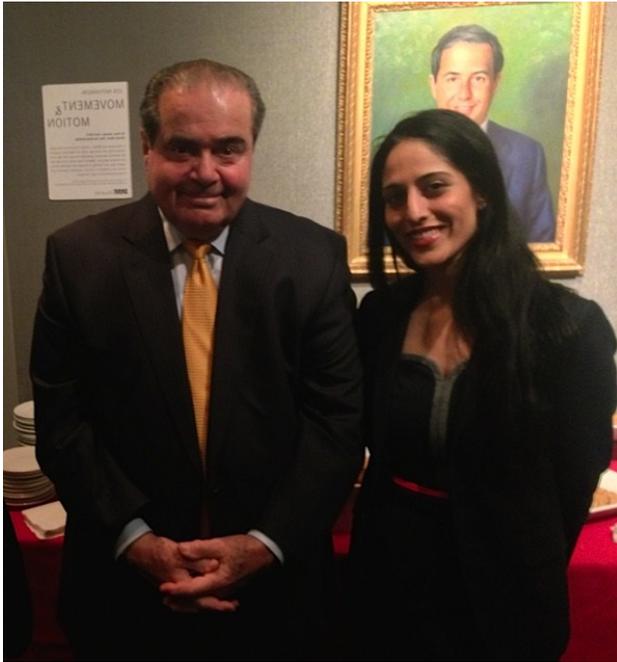
Joy with Armenian Dancers on Ellis Island



Joy with Indian Dancers in her Neighborhood in Brooklyn



Joy Kanwar, conclusion



Joy with Justice Antonin Scalia

She then develops new assignments, or adjusts existing ones, incorporating these interests. She has found that she gets better “buy-in” for legal writing when students write on subjects they are interested in. She tries to make the classroom fun by adding class speakers and field trips as they relate to the problems, believing that the things that made a classroom exciting in our middle and high school years can still make it exciting for graduate level students.

One semester, students expressed a particular interest in art law. Joy found a problem on the LWI Idea Bank based on the Visual Artist’s Representation Act (thank you, Susan Wawrose!), and adapted it to New York law and current events. Even though the problem was complex, the students really appreciated the tie-in to their interests. The course culminated with a field trip to the Metropolitan Museum of Art, where she taught in front of the Temple of Dendur. She figured that New York City was such a wonderful backdrop to teach her students – why not use it?

Last March, Joy had the good fortune to speak with Justice Antonin Scalia about legal writing. He was invited by

Brooklyn Law School to speak to their students and alumni. Joy met Justice Scalia at a faculty reception before he spoke to a packed auditorium at the Brooklyn Academy of Music.

When Joy told Justice Scalia that she teaches legal writing, it piqued his interest because it is a subject he knows well. They spoke about writing for a while, including his work with Bryan Garner to encourage clear and persuasive writing. Then Justice Scalia said something that Joy found surprising: “He said (and I paraphrase) ‘but by the time you get them in law school, there is little we can do to help them improve their writing. Yes, we can teach them technical requirements, but as for being able to be really strong writers, they are pretty much already set.’” Joy thought about it, gently disagreed, and described her abiding belief in students’ ability to improve their writing throughout their lives, and our crucial role in the process. It was clear to her that Justice Scalia cares about good writing, and she enjoyed the spirited discussion they had about our profession.

Joy is happy to have had the opportunity to travel to India again recently, this time on behalf of the law school. She was in New Delhi last November to meet with potential LLM students. The students Joy met spoke and wrote in what she calls “English” English. They wrote in a highly stylistic, formalistic manner. Joy was able to edit some of their work, and showed them how to use principles of the new legal writing to say the same things in less than half the words. Joy’s trip to India caused her to reflect on how we are teaching in a global market, and that our pedagogy should reflect this.

Joy and her husband live near the Brooklyn Bridge, and have boy-girl twins who turned three last month. When asked what she would do if she could take time off, Joy said she would like to complete a storybook for her children. She has already started the first chapter based on two imaginary friends whom the twins have described to her. Joy says, “Apparently, they live in our house. But nothing surprises me anymore. I think every place might be haunted.”

Joy gives her all to her students. According to her students and colleagues, she is an immensely popular professor at Brooklyn Law School with dynamic ideas about how to teach legal writing. Our field is in good hands with future leaders like her.

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UPCOMING LEGAL WRITING EVENTS

March 6-7, 2015
Fifth Annual Capital Area
Legal Writing Conference
William & Mary Law School

March 6-7, 2015
Rocky Mountain Legal
Writing Conference
University of New Mexico School of Law

April 17-18, 2015
Southeastern Regional
Legal Writing Conference
University of Tennessee College of Law

April 24-25, 2015
2015 Northwest Regional
Conference
University of Oregon School of Law

May 15, 2015
2015 Carolinas Legal
Research & Writing
Colloquium
Duke Law School

May 20-22, 2015
Global Legal Skills
Conference
John Marshall Law School and
Northwestern University School of Law

May 29, 2015
Fifth Empire State Legal
Writing Conference
Syracuse University College of Law

MISC.

Upcoming
Events for AALS
<http://www.aals.org/aals-events/>

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Next month in *LWI Lives*, read about:



Thomas W. Holm
UCLA
School of Law



Brenda L. Tofte
Qatar Univ.
College of Law



Cindy Archer
Loyola Law School
Los Angeles

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.

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