

THE SECOND DRAFT



The Official Magazine of the Legal Writing Institute

Volume 27, No. 2

Fall 2013 / Winter 2014

Legal Research & Writing Faculty: At the Forefront of Best Practices and Legal Education Reform

IN THIS ISSUE

President's Column	2
Never Let a Crisis Go to Waste: Erasing the Lines Between Faculty	3
From Awkward Law Student to Articulate Attorney: Teaching the Oral Research Report	6
A Third Semester of LRW: Why Teaching Transactional Skills and Problems is Now Essential to the Legal Writing Curriculum.....	8
From the Desk of the Writing Specialist: Dancing with Semicolons –Using Distance Learning to Motivate Student Writers	10
Legal Writing Professors Need to Draw On General Education Research In Order to Remain in the Forefront of Evolving Best Practices In Legal Education.....	12
Integrating Practice-Ready Skills: Legal Updates, Status Updates, and Professional Updates	15
GOT SKILLS? Adding Skills Through Professional & Business Development Exercises	18
Program News and Accomplishments.....	20



Melissa Weresh

It is a tremendous time to be a legal writing professor. While blogs and news sources predict crisis and demise for legal education, I think that those of us in the legal writing community are uniquely well positioned to respond to the changes in the legal education

market. The pedagogies we have developed to teach legal research, analysis, and writing skills are already being applied to enhance new programs of legal instruction. Many of us are participating in LL.M., M.J., and other graduate programs in legal education. We are also sharing our pedagogies with teachers involved in undergraduate legal instruction and paralegal instruction. Moreover, our course of instruction remains essential to the J.D. curriculum, even as that curriculum is reimagined in light of the impact recent circumstances have had on legal education.

As legal education adapts to a shifting market, legal writing professionals stand in an excellent position to provide resources. First, we are a community of educators and scholars who routinely speak and write on the subject of legal skills and its place in legal education. That is a valuable commodity in these changing times. The Legal Writing Institute (LWI) is a dedicated, collaborative community whose members generously share knowledge, strategies, and resources.

Second, we remain engaged in an ongoing collaborative dialogue to share and advance best practices. The LWI listserv is an active, vibrant discussion forum. The editorial boards of the *Journal of the Legal Writing Institute*, *The Second Draft*, and the *Monograph Series* remain hard at work disseminating the scholarship and practical contributions of our members. LWI, the Association of Legal Writing Directors (ALWD), and LexisNexis® continue to support members' scholarly work through our scholarship grants program, and the Writer's Workshop provides intensive mentoring to advance our members' scholarship. The Idea Bank remains a staple of the community, providing problems, exercises, and other teaching resources for our members. Our One-Day

Workshops continue to inspire and motivate members, and to provide a warm, friendly environment for discussing ideas about teaching, service, and scholarship.

Third, LWI's many active committees provide a wealth of resources for our members. A few notable ones include our Moot Court Committee, which has a forthcoming textbook; our Teaching Resources Committee, which just released a terrific online forum with teaching resources; and our Global Legal Skills committee, which has ample resources for teaching international students. Many committees, including the Pre-Law Advisors Committee and the Pro Bono Outreach committee, are extending the impact of LWI beyond our membership. This list is surely incomplete as there are many active LWI committees working hard on behalf of the organization.

Finally, it should be emphasized that LWI collaborates with many other organizations to the benefit of its members and the entire legal academy and profession. I serve together with members of LWI and ALWD on the ALWD ABA Task Force, a group that is charged with monitoring changes to the ABA accreditation standards. The Clinical Legal Education Association (CLEA) collaborated with LWI on the 2013 Applied Legal Storytelling Conference, resulting in a forum that gathered international legal skills professors, barristers, and American practitioners. Finally, we have many members who are hard at work on programming and site details for our 2014 biennial conference in Philadelphia. The biennial conference continues to grow and draws participants from many facets of academia, including legal writing, clinical, and academic support professors. All of these activities contribute to the richness of our community and to the vast array of talent and resources available to us.

Notwithstanding the challenges facing legal education as we adjust to an evolving education and labor market, I think it is a great time to be a legal writing professor. As this issue of *The Second Draft* makes clear, LWI members have a great deal to offer in the ongoing dialogue about future developments for legal education. I wish you a successful spring semester and I hope that you enjoy this terrific issue of *The Second Draft*.

All my best – Mel

Never Let a Crisis Go to Waste: Erasing Lines Between Faculty



By Sarah E. Ricks¹
Clinical Professor and Co-Director,
Pro Bono Research Project, Rutgers
School of Law – Camden
sricks@camden.rutgers.edu

The New York Times has declared American legal education “in crisis.”² The Times editorial argued one cause is the preference for theory over practice, quoting the widely-publicized Carnegie Foundation critique of law schools for giving only “casual attention” to “teaching students how to use legal thinking in the complexity of actual law practice.”³ In September 2013, the American Bar Association Task Force charged with examining current problems confronting legal education summarized those problems as: the cost, student debt, “consecutive years of sharply falling applications, and dramatic changes, possibly structural, in the jobs available to law graduates.”⁴ The ABA Task Force acknowledged that law schools “have been subject to intense criticism in national media, blogs, Congress, the courts, and by the users of legal services” and that the criticism “has induced a climate of receptivity to change.”⁵

- 1 This is based on her keynote address to the Empire State Legal Writing Conference, SUNY Buffalo Law School (June 23, 2012).
- 2 *Legal Education Reform*, N.Y. TIMES, Nov. 25, 2011, available at http://www.nytimes.com/2011/11/26/opinion/legal-education-reform.html?_r=1&ref=opinion# (last visited Sept. 30, 2013).
- 3 *Id.*; see William M. Sullivan, et al., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 188 (2007).
- 4 *American Bar Association Task Force On The Future of Legal Education, Draft Report and Recommendations* (Sept. 20, 2013) at 1, available at http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/taskforcecomments/task_force_on_legealeducation_draft_report_september2013_authcheckdam.pdf (last visited Sept. 30, 2013).
- 5 *Id.* at 8.

Now that traditional approaches to legal education are under scrutiny, your law school may be open to curricular innovations that would have been unthinkable a few years ago. Let's take a cue from Rahm Emanuel's exhortation to never let a serious crisis go to waste. Let's think about experimenting with what we teach by erasing lines between legal writing, clinical, and pro bono programs.

Benefits to law schools, students, and faculty

Erasing lines between legal writing, clinical, and pro bono programs benefits the law school by responding to calls to make students more “practice-ready,” improve student marketability for summer jobs, and spark student interest in clinics. Expanding faculty involvement in legal practice can further the public service mission of the law school.

Blurring those lines benefits students. Working for a real client or outside lawyer can motivate students who are learning to write predictive/objective memos. In producing work for a real outside lawyer, students may also develop the professional skills of peer review and collaboration as well as better appreciating how important research and writing is in real-world legal practice. What's more, students can be exposed to legal work that is more sophisticated than what they see in summer jobs.

Erasing lines between legal writing, clinical, and pro bono programs benefits faculty by building bridges among professors. Erasing lines can minimize “burnout” among legal writing faculty by allowing us to integrate teaching and practice, to experiment with new teaching methods, or to use real legal problems. Many legal writing faculty practiced law before teaching. Experiential learning can keep us current in our areas of expertise, generate scholarship ideas, and help us maintain contacts with the practicing bar.

A few examples

Below is just a tiny sample of the many exciting ways legal writing faculty are experimenting with line-blurring pedagogy:

- integrating clinical & writing courses
- integrating doctrinal & writing courses
- team teaching
- using legal writing pedagogy to teach other classes.

Some legal writing faculty integrate clinical and writing courses by collaborating with clinical faculty. At Seattle University School of Law, for example, Lisa Brodoff, Sara Rankin, and Mary Bowman assign One Ls to research real problems faced by clients of clinic, such as analyzing the law governing asylum seekers who allegedly supported a terrorist organization.⁶ There are similar collaborations between legal writing and clinics at University of Washington School of Law, Vermont Law School, George Washington University Law School and other law schools.⁷

Some legal writing faculty offer courses that integrate clinical/pro bono/writing by collaborating with outside non-profits or government agencies.

Nantiya Ruan (Denver University Law School) has One Ls produce work for a real non-profit public interest group by requiring One Ls to analyze fictitious facts that closely mirror real litigation the non-profit is contemplating.⁸ Seattle University's legal writing faculty assign similar projects, and outside non-profits have used the best student work to bring impact litigation, prepare amicus briefs, and lobby for legislative changes.⁹ New Hampshire has implemented a similar program.¹⁰

Nancy Wanderer (U. Maine School of Law) collaborates with the Maine Supreme Judicial Court to create assignments based on real cases. One Ls draft a bench memo based on the record of a pending Maine Supreme Court case, speak with the lawyers whose cases are under review, and attend the actual oral argument.

At Rutgers Law School-Camden, I have taught students using real legal research assignments both as part of

6 Mary Nicol Bowman, *Engaging First-Year Law Students Through Pro Bono Collaborations in Legal Writing*, 62 J. LEGAL EDUC. 586, 598 (May 2013).

7 Some examples mentioned here, and many others, are explored in Sarah E. Ricks and Susan C. Wawrose, *Survey of Cooperation Among Clinical, Pro Bono, Externship, and Legal Writing Faculty*, 4 J. ALWD 56 (2007).

8 Nantiya Ruan, *Experiential Learning in the First-Year Curriculum: The Public-Interest Partnership*, 8 LEG. COMM. & RHET.: J. ALWD 191, 204-08 (2011).

9 Email to author from Mary Nicol Bowman (Aug. 5, 2013).

10 Email to author from Amy Vorenberg (Oct. 22, 2013).

the Law School's pro bono program and as a hybrid clinical-writing course. Since 2003, up to 20 upper level students annually have done free legal research for non-profits, government, or private attorneys working pro bono, through the Pro Bono Research Project. In 2009, I created a course based on the same model, where student work usually culminates in a written memo and an oral presentation to the outside lawyer. Students peer review every stage of the research and writing process. I have taught it both live and via distance learning.

Legal writing faculty are blurring the lines by teaching courses that integrate specific doctrinal subjects and writing and research skills. The University of Baltimore School of Law's *Introduction to Lawyering Skills* course integrates basic legal research and writing with Contracts, Civil Procedure, or Torts.¹¹ DePaul University College of Law offers specialized sections of One L legal writing in different substantive areas – e.g., family or intellectual property – that provide context for all writing assignments.¹² Similarly, Vermont Law School One Ls can choose to learn written and oral advocacy in subject-specific courses, including Alternative Dispute Resolution, Civil Rights, and Environmental Health Law.¹³ At University of Maryland Francis King Carey School of Law, each professor who teaches legal writing also teaches a 2-credit connected course in Torts, Contracts, or Civil Procedure.¹⁴

Legal writing faculty are also team teaching. For example, Elizabeth Fajans (Brooklyn Law School) taught an upper

11 Eric Easton, *LRW Program Design: A Manifesto for the Future*, 16 LEG. WRITING: J. LEGAL WRITING INST. 591, 599 (2010).

12 Susan Thrower, *Teaching Legal Writing Through Subject-Matter Specialties*, 13 LEGAL WRITING: J. LEGAL WRITING INST. 3, 5 (2007).

13 Laurie C. Kadoch, *Bringing Legal Writing "Out of the Box" and into the Mainstream: A Marriage of Doctrinal Subject Matter and Legal Writing Doctrine*, 13 LEG. WRITING: J. LEGAL WRITING INST. 55, 70-73 (2007).

14 Susan Hankin, *Bridging Gaps and Blurring Lines: Integrating Analysis, Writing, Doctrine, and Theory*, 17 LEG. WRITING: J. LEGAL WRITING INST. 325, 327-28 (2011); *id.* at 327 (a section "also meets with the same professor--which could be a casebook professor or a legal writing professional--for a two-credit, 'Introduction to' one of the required first-year courses").

level legislative and regulatory practicum to ten students enrolled in an Administrative Law class taught by a colleague.

Legal writing faculty are teaching courses other than legal writing, such as externships, upper-level skills courses in negotiation, interviewing and counseling, and alternative dispute resolution or specialized legal research courses. Brooklyn Law School offers one-credit research courses in securities law or New York civil litigation to support law students' externships, internships, and summer employment.¹⁵

Legal writing faculty teach doctrinal courses. In 2011, Marilyn Walter reported that her informal survey found 192 individuals from 85 schools teaching doctrinal courses ranging from required One L classes, to upper level basic, to upper level elective courses.¹⁶ Legal writing faculty have a wealth of practice experience that can enrich the doctrinal classroom and can draw on that experience to craft practical exercises that realistically introduce students to skills they will need on-the-job.

Legal writing faculty are well suited to integrate teaching of doctrine and skills, a core recommendation of the Carnegie Report. Several new casebook series are designed to help teachers integrate doctrine and skills and to use teaching methods familiar to legal writing faculty, such as active learning. For example, the LexisNexis Skills & Values Series, the West Academic Experiencing the Law series, and the Carolina Academic Press Context and Practice Series are all practice-oriented casebooks. My own book in the Context and Practice series draws on materials familiar to legal writing faculty, e.g., circuit court decisions, jury instructions, oral arguments, and briefs, and is structured around realistic simulations.¹⁷

Incremental changes

But you can also experiment with collaborations on a much smaller scale. Legal writing faculty can guest lecture in clinic or externship classes, on topics such as, "Remember What We Learned Last Year?" (Ian Gallacher, Syracuse

15 Aliza B. Kaplan & Kathleen Darvil, *Think [and Practice] Like a Lawyer: Legal Research for the New Millennials*, 8 LEG. COMM. & RHET. J. ALWD 153, 190 (2011).

16 Marilyn Walter, Post on LWI ListServ (Sept. 14, 2011).

17 Sarah E. Ricks and Evelyn Tenenbaum, *CURRENT ISSUES IN CONSTITUTIONAL LITIGATION* (Carolina Acad. Press 2011).

University College of Law), or how to write effective client letters, or email. Legal writing faculty can offer pre-clinic, pre-externship, or pre-clerkship boot camps.¹⁸ Clinicians can guest lecture to legal writing classes, to promote the clinic and foreshadow for One Ls how they can use their LRW skills. Tonya Kowalski suggests LRW and clinics share checklists for self-editing or peer review of briefs or memos to help clinic students recall skills learned in One L year and save clinical faculty supervision time.¹⁹

Next steps

If you are interested in exploring experiential learning, collaborating with a non-profit, clinic, or government agency, exposing students to real law practice, teaching a course that integrates doctrine and skills, or exploring other ways to educate tomorrow's lawyers, the economic climate may be right for you to propose your teaching innovation. You may want to connect with others who have tried similar ideas. One way is to attend *Social Justice Collaborations in the Legal Writing Curriculum*, a free one-day workshop to explore how legal writing faculty can expand experiential learning opportunities for students by bringing social justice practice experience into legal writing teaching. The workshop will take place in Philadelphia on June 29, 2014, right before the LWI Conference.²⁰ ■

18 Easton, *supra* n. 10 at 602.

19 Tonya Kowalski, *Toward a Pedagogy for Teaching Legal Writing in Law School Clinics*, 17 CLINICAL L. REV. 285, 314 (2010); *id.* at 341-44. The article suggests a wide range of collaborations between clinical and legal writing faculty to help students transfer their One L training into clinic and their future legal jobs.

20 For more information on the workshop, see <https://www.alumni.law.unh.edu/bringing-outside-in>.

From Awkward Law Student to Articulate Attorney: Teaching the Oral Research Report



Sarah Morath
Assistant Professor
University of Akron School of Law
morath@uakron.edu

“To learn to be able to participate constructively in the conversation that is the law is essential to the practice of law.”¹

Introduction

Busy attorneys want results quickly and in a clear and organized manner. Many prefer associates to report their research results orally in a face-to-face conversation rather than a written memo.² In the first year of law school, however, there are not many opportunities for students to practice having conversations about the law in a thoughtful and professional manner.³ While the Socratic dialogue common in most first year courses challenges students to think on their feet, this method does not teach students how to describe their research path, explain their analysis

of a client’s legal issue, or make a recommendation on a course of action using the spoken word.⁴

For this reason, I have incorporated an exercise into my Legal Research and Writing course requiring students to orally present their research results and assessment of a client’s legal issue. In this article, I explain why I include an oral research report exercise in my Legal Research and Writing class, what this exercise entails,⁵ and how legal writing professors are uniquely situated for teaching the oral research reporting skill.⁶

The Problem: The Unprepared Associate

In Legal Research and Writing courses, students have plenty of opportunities to explain their research results in class or in conferences, but much like conversations that emerge through the Socratic method, discussions about research results are often unplanned and, therefore, incomplete and awkward. Students commonly refer to cases as the “fill in the blank” case (e.g., the “school bus” case or the “bicycle accident” case) instead of using the proper case name. They also frequently describe their research paths literally (e.g., “I clicked here or there”) instead of using technical terms like annotations or secondary sources to identify their finding tools. To a legal writing professor, this informal speech is somewhat expected. Understandably, students are more concerned with comprehending the issue and the law, rather than what they say and how they say it. But, in the real world, an unpolished tone has the potential to leave a negative impression on a supervising attorney.⁷ For this reason, it

is important for students to practice communicating orally like a “lawyer-in-training”⁸ before their first summer.

The Solution: The Oral Research Report

To prepare my students for communicating orally with a supervising attorney, I created an exercise in my first year legal research and writing class where students orally present their research results and an assessment of a client’s issue.⁹ Before class students read the chapter “Orally Reporting Research Results” in Richard Neumann and Kristen Konrad Triscione’s text *Legal Reasoning and Legal Writing*.¹⁰ As a class, students identify what every supervising attorney would want to know about an associate’s research, including the associate’s research path to the relevant authority. In addition, students recognize the attorney wants the associate’s assessment of how and why this authority applies to the client’s situation. We also discuss that oral communication is but one of the various formats in which this information could be conveyed: a legal memo or an email being two other formats.

In the context of the face-to-face meeting, we discuss the appropriate demeanor for the associate. The associate should appear enthusiastic, confident, and prepared. The attorney should be left with the impression that the associate thoroughly researched the issue and has located the most relevant authority.

My first-year students also hear from my former students, now second and third year students, who have worked in a variety of legal settings. My former students describe their experiences with oral research reports at their legal jobs. By the end of the class, my current students better appreciate the importance of oral reports and the frequency in which they occur in practice.

(noting that soft skills like oral communications can help in the promotion process).

8 See Lori Roberts and Elizabeth N. Jones, *Developing Students’ Identities as Legal Apprentices Through Interaction with Lawyers and Judges in a First Year Legal Writing Course*, THE SECOND DRAFT (2011).

9 The idea to include this exercise in my class was inspired by a presentation by Ann Shields and Jo Ellen Lewis of The Washington University School of Law at the 2012 Western Regional Legal Writing Conference.

10 See Neumann, *supra* note 6.

I implement the oral research report exercise in March, during the second conference of the spring semester. To ensure that students are familiar with the legal issue, I have students report on one issue from their appellate brief. I join this exercise with already scheduled student conferences and extend each conference by fifteen minutes.

The oral report occurs at the beginning of the conference. I play the role of the supervising attorney and ask open-ended questions that allow students to “report” on the results of their research. I ask questions about the law (e.g., what factors will a court analyze) and the “associate’s” research (e.g., where did you look first), as well as questions specific to the client (e.g., can we win on this issue).

The exercise is pass/fail and students are told that if they are prepared and give a good faith effort, they will pass; if they “wing it,” they will fail. They are prohibited from speaking with each other about the exercise until everyone has completed their report.

The Implementer: The Legal Writing Professor

Legal writing professors are well-positioned to provide instruction on and to execute oral research exercises for several reasons. First, many of the oral argument skills legal writing professors teach are the same skills associates should use when presenting their research results to a supervising attorney. Regardless of whether the associate is talking to a judge or a supervising attorney, the associate should maintain good eye contact, speak clearly and slowly, use correct grammar and word choices, and be poised and organized. I particularly like this exercise because it is an opportunity for students to practice and receive feedback on these presentation skills before the oral argument assignment at the end of the spring semester.

Second, legal writing professors already design thought-out exercises which require students to locate the relevant legal authority, synthesize the law from a variety of sources, and apply the law to a hypothetical client. The oral report exercise simply requires students to present this understanding orally in a coherent manner. There is no need to create a new fact pattern or to spend time discussing a new legal issue. An existing memo or brief problem can easily serve as the foundation for this exercise.

Third, incorporating this exercise is not logistically complicated. Legal writing professors already regularly meet

1 Joseph A. Dickenson, *Understanding the Socratic Method in Law School Teaching After the Carnegies Foundation’s Educating Lawyers*, 31 W. NEW ENG. L. REV. 97, 99 (2009).

2 See Henry H. Perritt, Jr., *Taking Legal Communications Seriously*, 33 U. Tol. L. Rev. 137, 139 (2001) (noting that “[m]ost attorneys communicate orally more than they communicate in writing”). In an informal survey of first year law students conducted at the completion of their first summer legal job, nine students reported presenting the result of their research orally “most of” or “all of the time”, while thirteen students reported presenting the results of their research orally “occasionally” or “some of the time.” Only three students reported that they “never” had to present their research results orally. Survey on file with author.

3 See Perritt, *supra* note 1 at 138 (noting that few law school programs address oral communication skills outside of oral argument).

4 See Jane Kron, *Teaching Talking: Oral Communications in a Law Course*, 54 J. LEGAL ED. 588, 588 (2004) (explaining that responding to questions quickly and effectively is not the only oral communication skill that lawyers need).

5 A similar topic generated a lot of email traffic this winter on the Legal Writing List-Serv and there are several variations of this type of exercise.

6 The recent edition of one of my go-to books for legal writing includes a new chapter on this topic, further suggesting that presenting research orally is a skill our students need learn and practice. See Richard K. Neumann, Jr. and Kristen Konrad Triscione, *Legal Reasoning and Legal Writing*, Wolters Kluwer (7th ed. 2013).

7 See Denis Nishi, “Soft Skills” Can Help You Get Ahead (May 18, 2013) available at <http://online.wsj.com/article/SB10001424127887324715704578481290888822474.html?mod=e2tw>

with students to review their written work. An extended conference is all that is required to complete this exercise.

Conclusion

The ability to participate constructively in conversations about the law has become an essential skill for students to

A Third Semester of LRW: Why Teaching Transactional Skills and Problems is Now Essential to the Legal Writing Curriculum



Karin Mika
Professor of Legal Writing
Cleveland-Marshall College of Law
K.MIKA@csuohio.edu

Legal education must reinvent itself to better reflect the realities of the economy and the ways in which law must be practiced. Legal Writing programs can facilitate this reinvention by incorporating more transactional and problem solving skills into their programs that go beyond the traditional curriculum of litigation-oriented practice skills. The introduction to drafting basic practitioner documents is an integral part of any law school curriculum, as is teaching students about the role of attorney as counselor. By incorporating these skills in a third semester legal writing course, Legal Writing programs can respond to the reality of what is needed within the practice of law and better prepare our students the world they will enter.

There is no doubt that the nature of practicing law has changed during the last few years. Legal consumers now have easy access to information about the law on the Internet and are less inclined to want to spend large amounts of money to pay for the services of an attorney. Thus, attorneys must be more savvy and efficient when

acquire during law school. The evolving legal environment now requires that new attorneys are able to provide supervising attorneys with both a written and oral analysis of their research. Fortunately, legal writing professors can provide instruction on both, further assisting in the transition from awkward law student to articulate attorney. ■

providing advice for today’s legal consumer. Where previously, most practices were focused on resolving disputes through litigation after a wrong occurred, attorneys are now increasingly focused on providing the advice necessary to avoid the wrong occurring in the first place. Attorneys are now more selective in their hiring, and now hire only those students (and graduates) who can more easily “hit the ground running” and perform legal tasks with less training and mentoring.¹

My law school adopted a required third semester of Legal Writing during the mid 1990s, after the American Bar Association issued the MacCrate Report calling for an increase in the teaching of practice-oriented skills in law schools.² One of the original third semester Legal Writing courses, which is still a part of the third semester curriculum, is a General Drafting course I helped create. In the General Drafting course (which is, at times, taught by someone else other than me), the focus is on learning about basic documents that a beginning practitioner or an attorney in a general practice might be expected to draft or analyze. These documents (with some variation from year-to-year), include a simple will, a rental agreement, an eviction, basic releases, client letters, demand letters, employment contracts, and analysis of basic miscellaneous contracts and clauses.

Unlike the majority of the general law school curriculum, the course focuses on how to avoid litigation, as opposed to how to analyze cases in anticipation of litigation that is pending or has already been initiated. Traditional models of legal education have focused on litigation-oriented

¹ See William D. Henderson, *A Blueprint for Change*, 40 PEPPERDINE L. REV. 461, 461-63 (2013).
² *Report on The Task Force on Law Schools and the Profession: NARROWING THE GAP, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR (July 1992)* (the MacCrate Report).

study. Textbooks include cases that are primarily decided on appellate levels and where there are arguments about what the law should be. Textbooks tend not to include the reality that, in a real world practice, clients are not interested in engaging in protracted litigation. Few law school classes (in the traditional required curriculum) emphasize that litigation is time-consuming and costly, both on an emotional and a financial level.

The General Drafting course gives me the opportunity to teach my students the reality of the practice of law – that except in a minority of cases, students’ lives as attorneys will not be spent in the courtroom or writing arguments. Rather, their lives as attorneys will likely be spent engaging in activities that are specifically geared toward *avoiding* going to court. Thus, the baseline premise for the General Drafting course has been teaching the ability to write a document that is clear enough to anticipate and resolve future complications, as well as analyze documents in order to do the same.

My perspective on the course combined with my ability to teach it more often in recent years has also brought several modifications to the course content. Since the time the course was first introduced, technology had changed drastically along with the economy. Because of the availability of the Internet, most people who were interested in drafting their own basic legal document no longer needed an attorney to provide guidance. Forms could be downloaded and filled in. Computer programs could be purchased. Various government sites even provided the very forms that needed to be filed for a particular cause of action. Thus, the course needed to be more of a holistic view of the practice of law.

In addition to teaching students how to draft certain documents, the course has matured into one in which the students were taught the underlying concept of the practice of law – the “why” of the particular document as drafted for an individual client. I attempt to teach that the relationship of the attorney to client has, in some ways, gone full circle, being comparable to the time of the family doctor – an individual who knew the members of the family he was treating intimately and was involved in every aspect of their care, sometimes from birth until death, and sometimes multi-generational.

This type of relationship is now more expected of an attorney, at least in terms of developing and retaining trust.

If the attorney wishes to retain the business of a client, the attorney should strive to “know” the needs of the client, to advise appropriately, and to keep the client secure. Thus, the General Drafting course now concentrates on appreciating client-centered relationships, and how it is essential to know clients as individuals and draft documents that suit the needs of the individual clients. Students are made to understand that litigation is often the last resort to correct something that went wrong previously, and that correcting the wrong before it occurs creates clients who are more inclined to repeatedly seek out the advice of an attorney.

Moreover, students are taught that although it is actually quite easy to find forms for any particular legal concept on the Internet, it is not always easy to personalize the form so that it reflects the true needs of the situation or the client. I explain to students that it is for that reason that the attorney is not becoming superfluous, but rather has more opportunity than ever to be relevant in helping clients.

There is no debate that legal education must reinvent itself to better reflect the realities of the economy and the ways in which law must be practiced. This view can be jump started by Legal Writing programs that have already recognized that learning practical skills and integrating theory and practice is more than writing memos and legal writing arguments. The introduction to drafting basic practitioner documents is an integral part of any law school curriculum, but teaching this subject matter should be coupled with a recognition that even fields relying on primarily document drafting and document submission have changed because of the wide availability of a variety of basic legal documents on the Internet. Thus, even basic drafting courses must be modified to incorporate the underlying theme of attorney as counselor who knows a situation through and through and can advise appropriately. ■

Dancing with Semicolons – Using Distance Learning to Motivate Student Writers



Ann L. Nowak
Director of the Writing Center
Touro College Jacob D. Fuchsberg
Law Center
anowak@tourolaw.edu

An unexpected midnight rendezvous with some of my students taught me about the power of technology to demystify complex concepts—from the much-dreaded semicolon to CREAC and beyond. It also taught me a valuable lesson about how to incorporate best practices into my classroom without radically changing my method of teaching.

The rendezvous occurred seven years ago, before online education began to become mainstream. I had been curious about the potential of online education, so I took a part-time job teaching persuasive writing online to undergraduates at the University of Phoenix.

My class consisted of close to twenty students, most from poor, rural families. Almost all were in their early twenties, married with several children, and working in low-paying jobs at places like Wal-Mart. Many told me that they were the first in their family to attend college and that they were determined to learn.

Our course was asynchronous, which meant that class discussions consisted of comments posted in a virtual classroom. Students could enter and leave the discussions at any time of the day or night—both in the

classroom and in the auxiliary chat room. I monitored the discussions and jumped in from time to time to facilitate.

One Saturday at midnight, about two weeks into the class, I decided to check to see if anyone had posted anything in the chat room earlier that day. To my surprise, I saw that several of my students were there at that moment, discussing, in real time, how to use semicolons. I watched as their posts kept popping up on the screen. Other students began to join the discussion. Surely they all had more interesting things to do on a Saturday night. Yet here they were, struggling to understand semicolons. I thought that this showed dedication to learning, so I jumped in to help. I didn't expect the result.

From my perspective, the decision to help was not a big deal. But the students saw the situation differently. What they saw, they later told me, was a professor who cared enough about them to help them late on a Saturday night. As a result, they began to try harder, testing their mastery of my impromptu semicolon lesson by creating sentences with semicolons, one after another after another. Their sentences were spirited; the students' enthusiasm was palpable. Everyone was having fun, and that spurred the lurkers in our chat session to join in. Soon 17 students were participating in our party. There was such a swirl of joyous activity that I felt as if my students were waltzing around the classroom—dancing with semicolons.

Our class was never the same after that night. The midnight rendezvous transformed us from a collection of individuals into a vibrant learning community. The key was that the students realized that they had the ability to take responsibility for their own learning by entering a chat room and working cooperatively with their colleagues to solve problems together. They had, in essence, formed a study group, and it included everyone in the class.

This experience forever transformed my teaching because I saw the immediate results of incorporating best practices. Online classes almost always contain ancillary chat rooms (generally known as “discussion boards”). But brick-and-mortar classes do not. Adding a 24/7 virtual chat room as an “annex” to a brick-and-mortar class (1) engages your students, (2) helps them to retain information, (3) motivates them to learn deeply rather than just study enough to get a good grade, (4) instills the value of working as a team to solve problems, and (5) puts your class in the forefront of the move toward best practices in legal education.

The material your students tackle in their chat room might be as basic as semicolons or as complicated as CREAC. Just remember that what you, the professor, get out of the experience is directly proportional to what you put in. This means that the more you help to shape, facilitate, and encourage the chat room discussions, the more satisfaction you will get from your students' progress. It's that simple. ■

THE SECOND DRAFT EDITORIAL BOARD



Heather Baum
Villanova Law School



Mary Ann Becker
DePaul University
College of Law



Harris Freeman
Western New England
Law School



Iselin Gambert
George Washington
University Law School



Harold Lloyd
Wake Forest
School of Law



Teri McMurtry-Chubb
University of La Verne
College of Law



Mary-Beth Moylan
Pacific McGeorge
School of Law

Legal Writing Professors Need to Draw on General Education Research in Order to Remain in the Forefront of Evolving Best Practices in Legal Education



E. Scott Fruehwald
 Author, *Think Like A Lawyer: Legal Reasoning for Law Students and Business Professionals* (ABA Pub. 2013)

Legal writing professors have been at the forefront in adopting new approaches to law teaching. However, to remain in the forefront, legal writing teachers need to draw on techniques based on advances in the field of general education research. Through their research, education scholars have learned a great deal about how the mind works, how students learn, and how to better educate students. Most of this research is relatively new. As one prominent education scholar declared, “We have learned more about how the mind works in the last twenty-five years than we did in the previous twenty-five hundred.”¹ This article introduces some of the basic principles established by learning theory and demonstrates some of the ways that legal writing professors, as well as other law professors, can use it in their classes.

1. Intelligence is not fixed. Many in legal education believe that intelligence is fixed—that an individual is born with so much learning ability and that this ability cannot be increased. However, recent research demonstrates that intelligence is not mainly genetic, and that it can

be increased through work using the proper learning techniques. Consequently, legal writing professors need to convince students that they can succeed in law school as long as they put in enough effort in the right way.

Based on this research, there are a number of ways that professors can instill a growth mindset in their students. One way of doing this is to introduce students to learning theory through the work of scholars such as Geoff Colvin, who explains that intelligence is malleable in his book *Talent is Overrated: What Really Separates World-Class Performers from Everybody Else* (2008). Another way to explain to students their potential for intellectual growth is to stress the point that scientists, leaders, athletes, and entertainers they are familiar with succeeded through hard work, which Colvin believes is just as important to success as genetics. In this regard, learning theory also tells us that a professor should be specific when providing criticism and feedback. Instead of saying a paper is poorly organized, the teacher should show the student how the paper is poorly organized and how the student can fix it. Finally, professors should articulate to students how their overall class design and specific assignments are crafted to contribute to their attaining their long-term goals. For example, in the very first LRW class, I explain to my students why strong legal writing skills are essential and that taking the time to acquire those skills will lead to better employment opportunities and advancement in the profession.

2. Teaching should be explicit. One technique traditionally used by law professors is “hide the ball,” which makes the students figure out what the professor is talking about. This is exactly the wrong approach with new learners.² Education scholars have shown that teachers need to be as explicit as possible when teaching new concepts and ideas.³ Being explicit also involves the use of concrete examples to help students grasp difficult concepts. Similarly, teachers need to break down complex concepts into learnable chunks.

For example, in my classes, rather than talking about legal thinking as a single, unified concept, I break it down

into its component parts, e.g., rule-based reasoning, analogical reasoning, distinguishing, synthesis, policy-based reasoning, and I explain each part in detail. In addition, I assign students exercises on each of these parts, using, for instance, the synthesis exercises from Helene S. Shapo et al.’s, *Writing and Analysis in the Law* (2013).

3. Teaching should be goal-directed. Because students’ motivation is goal-directed, professors should have goals for their courses and for every class. This helps teachers become better organized and focused on what they want to accomplish in each class. Goals also make teaching more explicit and allow students to work harder when the teacher’s learning goals are provided students in syllabi and during class. Based on these foundational aspects of learning theory, I introduce the main goals of legal writing in the first class, and I specifically set out the goals for the course in the syllabus. At the end of each class, I tell the students what we will be doing in the next class, and I email the students about the next class the day before.

4. There should be frequent formative assessment with feedback. Learning research has established that frequent formative testing (testing during the learning) with prompt feedback is a major tool to aid learning. Testing promotes better learning, and frequent feedback helps students correct their mistakes before they become habits. Of course, because of the nature of their course, legal writing professors do more formative assessment than other law professors. However, they should do even more. For example, legal writing professors can test how well students understand analogical reasoning by having them do analogical reasoning exercises at home, then going over them in class. Legal Writing professors can also give short quizzes to make certain that students have learned citation, the use of legal citators, proper use of legal lexicon, effective editing techniques, and other basic principles of legal research and writing.

5. Students need active learning. Much of the learning in law school is conducted by lecture or by the use of the Socratic method to engage one student at a time. These teaching methods are ineffective because they do not permit the needed level of active learning and they fail to engage the entire class. On the other hand, students learn better when they apply what they know because manipulating

knowledge increases retention and understanding, as well as attention. In other words, lecturing or the use of the Socratic method is not enough; law students should also routinely apply their knowledge through problem-solving exercises or experiential classes.⁴ Legal writing professors routinely use experiential exercises. However, they can improve their students’ acquisition of legal reasoning and skills by having more mini-skills exercises addressing rule-based reasoning, analogical reasoning, how to distinguish or synthesize cases, etc. To these ends, I drill my students using Shapo’s synthesis exercises and provide a series of exercises combining mini-skills with the small-scale paradigm I present in *Think Like A Lawyer: Legal Reasoning for Law Students and Business Professionals* (ABA Publishing 2013).

6. Professors need to teach their students how to become metacognitive thinkers.

Metacognition is “thinking about thinking.” Legal writing professors should teach their students how to become metacognitive thinkers—to make them think about how they approach learning and problem solving. Two education scholars have noted, “students without metacognitive approaches are essentially students without direction and ability to review their progress, accomplishments, and future learning directions.”⁵

Professors should pose metacognitive questions to their students, asking these types of questions: “Did you use the most effective and efficient research strategy to find these materials?” or “Did you use the best process to solve this problem?”. Metacognitive skills are learned, for example, by teaching problem solving skills and providing opportunities for students to correct each other’s writing. Furthermore, when doing problems in class, professors should explain to students why they chose a particular problem solving strategy to help students think about their own problem-solving process. These teaching methods encourage students to monitor their performance during learning and to engage in reflection when it is over.

¹ DANIEL T. WILLINGHAM, WHY DON’T STUDENTS LIKE SCHOOL: A COGNITIVE SCIENTIST ANSWERS QUESTIONS ABOUT HOW THE MINDS WORKS AND WHAT IT MEANS FOR THE CLASSROOM 1 (Jossey-Bass 2009).

² *Id.*

³ DIANE F. HALPERN, *Teaching Critical Thinking for Transfer across Domains: Dispositions, Skills, Structure Training, and Metacognitive Monitoring*, 53 AM. PSYCH. 449, 454 (1998).

⁴ Of course, this is important for all law professors.

⁵ J. MICHAEL O’MALLEY & ANNA UHL CHAMOT, *LEARNING STRATEGIES IN SECOND LANGUAGE ACQUISITION* 8 (Cambridge Univ. Press 1990).

7. Legal writing professors should help their students develop good study habits. Based on my experience, law students generally study for a class by preparing for the class the night before, then cramming at exam time. This is not an effective method of learning. I recommend that students spend one-third of their time preparing for class, one-third studying what they learned in the class that day, and one-third synthesizing the materials they have learned. Spacing studying, rather than massing it, aids in retaining material in long term-memory.⁶

Students also need to adopt deliberate practice techniques.⁷ With deliberate practice, students focus on one thing, such as interpreting a passage in a Bach sonata or understanding the court's reasoning in a particular case. Deliberate practice requires intense concentration with no distractions.⁸

Teachers also need to help their students develop long-term memory.⁹ Repetition helps long-term memory retention because repetitions strengthen the neurons where long-term memory is stored.¹⁰ Repetition works best when the student is thinking about the meaning of the material.¹¹ Moreover, retrieval of material (self-testing), instead of just studying or rereading, aids in long-term retention of the material.¹² Accordingly, students should test their knowledge frequently while studying. Finally, when studying, students should relate the new material to material studied before, which creates

6 JESSICA M. LOGAN ET AL., *Metacognition and the Spacing Effect: the Role of Repetition, Feedback, and Instruction on Judgments of Learning for Massed and Spaced Rehearsal*, 7 METACOGNITION LEARNING 175, 176 (2012).

7 K. ANDERS ERICSSON, *The Influence of Experience and Deliberate Practice on the Development of Superior Expert Performance*, in THE CAMBRIDGE BOOK OF EXPERTISE AND EXPERT PERFORMANCE 693 (K. Anders Ericsson et al. eds., Cambridge Univ. Press 2006).

8 *Id.* at 694.

9 Long-term memory, in contrast to short-term or working memory, is knowledge stored in neurons in the brain. DUANE SHELL ET AL., THE UNIFIED LEARNING MODEL: HOW MOTIVATIONAL, COGNITIVE, AND NEUROBIOLOGICAL SCIENCES INFORM BEST TEACHING PRACTICES 33 (2010).

10 *Id.* at 14.

11 WILLINGHAM, *supra* note 1, at 58-63.

12 JEFFREY D. KARPICKE, *Metacognitive Control and Strategy Selection: Deciding to Practice Retrieval During Learning*, 138 J. EXPER. PSYCH.: GEN. NO. 4, 469, 469 (2009).

connections with the previous knowledge and allows more ways to retrieve the material from long-term memory.¹³

I expressly discuss study habits during orientation and then reinforce good study habits throughout the year by telling students how they should approach particular assignments or how they should study to acquire legal research skills.

8. Professors should improve their teaching through reflection. Metacognitive techniques, such as monitoring and reflection, can also help legal writing professors become better teachers. Legal writing professors should monitor how their approach is working during every class. More importantly, they should reflect on how well their teaching approach worked after every class. Could I have taught this unit more effectively and efficiently? Teachers should also set long-term goals for improving their teaching by, for example, deciding, in a given semester, to work on how to improve the teaching of problem solving.

9. Professors should read education research. The concepts discussed in this article provide only a bare outline of recent advances in education research. There are, however, two easily-readable introductions to recent education research that law professors will find useful: Daniel T. Willingham, *Why Don't Students Like School*¹⁴ and Susan Ambrose et al., *How Learning Works* (Jossey-Bass 2010). Another book, *The Unified Learning Model* (Springer Dordrecht Heidelberg 2010), authored by Duane F. Shell and others, combines learning theory with a detailed discussion of the neurobiology of learning.

13 TONYA KOWALSKI, *True North: Transfer for the Navigation of Learning in Legal Education*, 2010 SEATTLE U. L. REV. 51, 73.

14 *See supra* note 1.

Integrating Practice-Ready Skills: Legal Updates, Status Updates, and Professional Updates



Loren H. Pratt
 Director of Legal Writing
 Mississippi College School of Law
Lpratt@mc.edu

Legal research and writing teachers have long recognized the value of teaching practice-ready skills to students in a holistic manner. We teach holistically by integrating numerous hard and soft skills¹ into our instruction, thereby creating an environment ripe for critical thinking. We cannot divorce critical thinking from research and writing,² just as we cannot divorce teaching substantive law from memorandum assignments. And we further strengthen critical thinking through assignments in oral communication, such as oral arguments and negotiation.³ Through various assignments, we cultivate those hard and soft skills that attorneys need to effectively and ethically

1 "Hard skills are something that must be formally studied, learned, and practiced, [such as learning to draft legal memoranda and motions,] while soft skills are "people skills" that include the following attributes: "confidence, trustworthiness, a willingness to engage, being an active listener, an influencer, a problem solver, a negotiator, a good observer, and a person able to keep confidences." Edith L. Curry, *The Secret Skills of Relationship Marketing*, 29 GPSOLO, no. 3, 42-45 (May/June 2012), available at http://www.americanbar.org/content/dam/aba/publications/gp_solo_magazine/may_june_2012/GPSolo_May_June_2012_authcheckdam.pdf (discussing importance of soft skills in obtaining, advising, and representing clients).

2 Carol McCrehan Parker, *Writing Throughout the Curriculum: Why Law Schools Need It and How To Achieve It*, 76 NEB. L. REV. 561, 568-70 (1997).

3 *See generally* Lisa T. McElroy, *From Grimm to Glory: Simulated Oral Argument as a Component of Legal Education's Signature Pedagogy*, 84 IND. L.J. 589, 591-93 (Spring 2009) (asserting that speaking is a form of thinking and that oral argument exercises improve analytical skills and understanding).

engage with the court, colleagues, and clients.⁴ LRW teachers subsequently measure and reinforce students' mastery of those hard and soft skills through assessment.⁵ In short, LRW courses are models of holistic learning that integrate numerous subjects and skills mimicking real practice. Other legal educators are now starting to recognize the integrity of that model,⁶ but change is daunting. We must help each other to continue integrating practice-ready skills that promote critical thinking, ethical practices, effective communication, and self-reflection.

LRW and casebook teachers can continue to promote change in legal education with the following three manageable assignments that practitioners routinely perform: oral reports on current legal trends; oral or written case status reports; and professional self-evaluations. These skills are often learned on the job,⁷ but law schools can and should teach them.

Oral Reports on Current Trends

The first assignment involves the law teacher dividing students into small groups—"law firms"—and requiring each firm to provide an oral report to the class on new developments in a specific area of law. These reports could be short presentations to begin each class or could be longer presentations that span an entire class. For LRW classes, teachers could poll students to determine areas of interest, or they could assign topics that relate to written assignments or ethical issues. Casebook teachers could require students to report on developments related to the course or to a specific lesson plan. With these oral reports,

4 *See generally* Andrea Lee Negroni, *What They Didn't Teach You in Law School*, WASH. LAWYER, Dec. 2010, available at http://www.dcbar.org/for_lawyers/resources/publications/washington_lawyer/december_2010/teach_lawschool.cfm (discussing importance of soft skills in practicing law); Curry, *supra* note 1, 43-44.

5 *See* Victoria L. VanZandt, *Creating Assessment Plans for Introductory Legal Research and Writing Courses*, 16 LEGAL WRITING 313, 319-20 (2010).

6 *See generally* MICHAEL HUNTER SCHWARTZ ET AL., WHAT THE BEST LAW TEACHERS DO 12-15, 171, 177-240 (Harvard Univ. Press 2013) (describing the multifaceted and often multidisciplinary teaching methods of twenty-six law teachers, 77% of whom teach doctrinal classes).

7 *See* Negroni, *supra* note 4.

students would learn the value and ethical duty⁸ of staying current in a practice area⁹ and also learn to locate those updates through sources that practitioners use—legal blogs, news websites, court hand-down lists, etc. Students could also orally present to the class in groups, which would teach them the value of collaborating. And each student would cultivate public-speaking skills necessary for reporting to others, such as firm practice groups or outside attorneys at a CLE presentation.¹⁰ Finally, these oral reports would increase student engagement by exposure to current topics that promote student-led discussions.

Oral or Written Case Status Reports

The second assignment involves LRW and casebook teachers requiring students to keep “clients” updated on the status of their “cases.”¹¹ For LRW teachers, these updates could relate to the students’ current work assignments. LRW teachers could require students to prepare an update on research collected and to recommend a course of action, or teachers could require students to report their progress on a writing component of their “case.” For casebook teachers, these updates could be tied to student progress on an integrated skill, such as drafting a complaint or a contract. Students could provide these status updates through letters, emails, or telephone calls to their teachers or teaching assistants. Through these updates, students would learn the ethical duties of responding to clients, keeping clients informed, and allowing clients to make informed decisions.¹² Teachers could also warn students that any false reporting is an honor code violation, just as lying to a client would be an ethical violation.¹³ These

8 MODEL RULES OF PROF’L CONDUCT R. 1.1 (2012).
 9 See generally Negroni, *supra* note 4 (suggesting that attorneys read and watch news sources to stay current in matters related to their clients’ businesses).
 10 Teachers could also require that students attend a CLE presentation and report on the experience by detailing what was effective and ineffective in the presentation.
 11 See generally Negroni, *supra* note 4 (suggesting that attorneys initiate regular contact with clients to update them on cases or to simply remain in touch for future business or referrals); see also VanZandt, *supra* note 5 (suggesting that faculty integrate into the curriculum oral reports to senior partners as a form of assessment).
 12 MODEL RULES OF PROF’L CONDUCT R. 1.4 (2012); see also MODEL RULES OF PROF’L CONDUCT R. 1.2(a) (2012).
 13 See MODEL RULES OF PROF’L CONDUCT R. 1.3 (2012).

updates would keep students accountable and on task while providing an additional opportunity to practice communicating to a particular audience—the client.

Professional Self-evaluations

The final assignment involves LRW and casebook teachers requiring students to provide a professional self-evaluation or review at the end of each semester.¹⁴ Many students have never engaged in a professional self-evaluation, which practitioners note is a “critical part of the job process.”¹⁵ In this increasingly competitive job market, students must learn to emphasize their skills and accomplishments to legitimize their future jobs and salaries. In other words, they must be “ready to justify [their] existence at a moment’s notice.”¹⁶

To help students better understand the professional review process and its significance, teachers should first provide students with sample self-evaluation forms¹⁷ or sample questions¹⁸ often asked during a review process and then engage in a class discussion of that information. Using the sample forms and questions as guides, teachers could then create self-evaluations for their students. For example, LRW teachers could ask students to reflect on work performed and information learned in that course; what skills they obtained as a result of that course; why they undertook to learn those skills; how those skills will help them in the future; and what additional skills they

14 See generally Maria A. Maras, *What You Need To Know About the Professional Review Process*, 17 THE YOUNG LAWYER, no. 9, at 4, 6 (July/Aug. 2013), available at http://www.americanbar.org/content/dam/aba/administrative/young_lawyers/tyl_july_aug_13_web.authcheckdam.pdf (discussing the importance of the professional review process to an attorney’s career and providing “key questions” to ask in relation to that process); see also Negroni, *supra* note 4 (discussing the importance of keeping track of accomplishments for self-evaluations).
 15 Maras, *supra* note 14.
 16 Negroni, *supra* note 4.
 17 Teachers could obtain forms from local law firms, thereby providing real-life examples of local expectations, or search for sample forms on the internet. See Sample Self-evaluation Form, http://attorneymentoring.com/Attorney_Mentoring_Self_Assessment_Questionnaire.html (last visited Sept. 25, 2013).
 18 See Karen M. Asner, *Making the Most of the Associate Evaluation Process*, WHITE & CASE FIRM WEBSITE (Dec. 21, 2007) http://www.whitecase.com/publications_12212007/#.UkMIMYyUkQI (providing sample questions for associate evaluations).

need or wish to develop. Teachers could also encourage students to include other projects, like pro bono work, community service, or civic involvement, all of which add professional value to students and attorneys. Like practitioners, students must learn to self-reflect and self-assess their work—“billable” and “non-billable”—that they have completed and to understand why they undertook those tasks. And just as important, students must learn to communicate those assessments in an accurate yet marketable way to their employers. Last, the professional self-evaluation would help teachers discover whether they accomplished class objectives, and it would provide an additional opportunity for mentoring. Through a professional self-evaluation, teachers can

assess strategies that helped or hindered a student’s class performance and advise that student on curriculum choices.

All law teachers should continue the LRW tradition of teaching practice-ready skills. Oral reports on legal trends, oral or written case status reports, and professional self-evaluations, are all practice-ready skills that enhance student learning and can be integrated into any course. These skills promote critical thinking, ethical practices, effective communication, and self-reflection. In other words, students learn the hard and soft skills necessary for success as a practitioner. ■



Julia Glencer
 Assistant Professor of
 Legal Research & Writing
 Duquesne University
 School of Law
glencerj@duq.edu



Erin Karsman
 Director of Appellate
 Advocacy Programs
 Duquesne University
 School of Law
karsmane@duq.edu



Tara Willke
 Assistant Professor of
 Legal Research & Writing
 Duquesne University
 School of Law
willket@duq.edu

**GOT SKILLS?
 Adding Skills Through
 Professional & Business
 Development Exercises**

For years, law firms and private consultants have been striving to fill the gap left by the failure of law schools to graduate students armed with a solid understanding of the business and professional development aspects of law practice.¹ Prompted by today’s difficult economy

1 As many have noted, “few new attorneys enter a law firm practice with an understanding that a law firm is a

business and that attorneys need to contribute to the firm’s bottom line.” Joyce Greene, *Professional Development: On the Rebound?* 13 PRACT. INNOVATIONS NEWSLTR. 14 (Oct. 2012) (publication issued by Thomson Reuters.com) available at <https://info.legalsolutions.thomsonreuters.com/signup/newsletters/practice-innovations/>. Law firms have been offering related trainings for years (we remember attending them) and some have even created their own in-house “universities” as a kind of “finishing” school for new associates. Julie Savarino, *Successful Law Firm Business Development Training, Coaching and Sales Programs*, BLOOMBERG LAW (2012) available at <http://about.bloomberglaw.com/practitioner-contributions/business-development-training/>. “Competition and the pace of change in the legal industry have never been greater, nor has the pressure on lawyers at all levels to develop new business,” *id.*, yet, as Jody Maier, Chief Marketing Officer and Managing Director

and the globalization of lawyering, law schools are slowly recognizing the need to arm their graduates with this knowledge as well as related skills.² Legal writing programs should seize the opportunity to remain at the forefront of the evolving best practices in legal education by adding exercises (or even new courses) that offer experiential learning in this critical, but often overlooked, aspect of law practice.

Three years ago, we developed an upper-level writing and skills course similar to others now being offered nationwide. We each teach a section the same semester, and our sections are structured as firms, with the professors acting as “partners” to oversee and mentor the “associates” in their respective firms. Each section represents adverse parties in the same lawsuit, and our students follow a developing case from intake, through pre-trial motions practice, to settlement. Within each firm, the students are divided into teams of two or three students, and together they learn about and draft a variety of practice-related documents. But we also include non-billable, business development-style exercises and require attendance at numerous “firm” meetings, networking events, and trainings throughout the semester. Thus, while our students are handling litigation documents and strategizing about the underlying “case,” they are simultaneously learning to balance a variety of professional development activities in a realistic environment designed to mimic the rigors and time pressures of daily practice. Outlined below are three of the major exercises we have built into our course to facilitate experiential learning on this front:

(1) CLE Project

For the CLE Project, we require the student teams to research and prepare a detailed outline and a 30-minute continuing legal education (CLE) presentation on a topic of their choice. As they are conducting their research, we provide trainings on the effective use of PowerPoint (and other presentation platforms) as well as general presentation skills. Near the semester’s end,

of Kramer Levin Naftalis & Frankel, recently acknowledged, “[m]ost lawyers [still] come out of law school with little or no business development training.” *Id.*

2 See Richard Susskind, *TOMORROW’S LAWYERS: AN INTRODUCTION TO YOUR FUTURE* 137-139 (2013) (referring to some innovative law school programs aimed at building a better bridge between law school and practice through training and collaboration).

we combine our “firms” for “CLE Day,” complete with a networking breakfast and a “check-in” desk distributing “presenter” tags and booklets of outlines. Students then gather by section to both present and assess their colleagues’ performance using an evaluation form.

After our first in-class “CLE Day,” we began to collaborate with the professor directing our school’s long-standing CLE series to have our students present “live” as part of that series. For three years now, in mid-April, our students have impressed forty to sixty attorneys per session with their presentations. This special series session is marketed to alert attendees that the presenters are students, but attendance and feedback has been wildly enthusiastic, with the lawyer attendees routinely praising the students and thanking us for encouraging these skills. The CLE component has influenced students to take this course.

(2) Professional Development Plan

As part of a larger “associate review process” built into our course, we require students to draft and present a “professional development plan” for one-on-one discussion with the professor acting as the “partner” mentor. We discuss the purpose and typical format of such plans in advance, and encourage students to identify both long-term goals and short-term steps to achieve those goals in the areas of substantive knowledge, skills and client development, firm activities, publication and speaking engagements, bar association activities, and pro bono commitments. This project fosters the skill of conscious career planning and forces students to think far beyond law school; they learn the necessity of identifying their own strengths and weaknesses and of assuming responsibility for their own professional growth.

(3) Networking Event

We also host a two-hour networking event at the semester’s end, complete with guest-speakers and a mingling session, as a way to allow students to give their “sales” and “people” skills a test-run. Before the event, we discuss the importance of networking, as well as how to (1) introduce one’s self and one’s line of work (i.e. the “elevator speech”); (2) effectively shake hands; (3) smoothly offer a business card; (4) wear a nametag; and (5) manage food, plates and glasses while mingling. And for those students

who still dread this event, we explain the simple reality of learning to don that extrovert personality, if only for an hour.

The first hour of this event features a panel session where guest-speakers, including representatives from different areas of legal practice (i.e., large and small firm, solo practice, private business, and government) and different career levels (partner, manager, associate (now including some of our former students)) discuss their own professional and business development experiences and answer questions. The second hour features the mingling session. Attendance is mandatory and students must wear a suit, distribute and collect business cards,³ and use their “elevator speech” to introduce themselves, identify their “firm,” and start a conversation. We subtly work the room, helping any wallflowers initiate meaningful connections. Even the self-proclaimed introverts reflect afterwards that the event was less awkward than expected and that networking really is a skill that can be improved through planning and practice.

Through experiential learning, we can arm students with an understanding of the business and professional development aspects of law practice. The three exercises outlined above have worked well for us,⁴ and we have received positive feedback from students who have gone on to excel in summer associate programs and as new lawyers after taking our course. One student, now a law firm associate interviewed by our University’s magazine, characterized it as “without question, the most rewarding course [he] took in law school” while another “credited the class with helping her succeed as a summer associate” and deemed it “the most valuable and rewarding experience” she had in law school.⁵ The opportunities for adding business and professional development exercises to a writing and skills course are limitless, and we look forward to hearing how others strive to teach this increasingly critical aspect of law practice. ■

3 Our School provides students with a certain number of business cards; thus, they need not have cards printed just for this event.

4 We also use exercises and trainings to expose students to conflict check requirements, billing and time-keeping, disciplinary issues, and other law firm administration issues such as working with paralegals, secretaries, other administrators, and partners with different supervisory styles.

5 Rose Ravasio, *Popular Writing Course Simulates Law Firm Environment*, *DUQ. U. MAG.*, Winter 2012 at 18.

Program News

University of Massachusetts School of Law – Dartmouth

The University of Massachusetts School of Law - Dartmouth has converted the first year of its three-semester Legal Skills Program from an adjunct model to a full-time model.

University of Missouri-Kansas City School of Law

The University of Missouri-Kansas City School of Law's faculty approved the Legal Writing Program's move to an autonomous program. **Wanda M. Temm** is stepping down as director after fourteen years.

University of Oregon School of Law

The University of Oregon's Legal Research and Writing Program has received a gift of \$850,000 to establish the Morris J. Galen Fund. The fund will support enhanced opportunities for student writing in many ways. The most immediate results of the gift are that we are adding new writing classes and inaugurating the Galen Scholar in Legal Writing, who will receive a \$10,000 stipend for the one-year appointment.

Villanova University School of Law

Villanova has implemented several changes in its Legal Writing program. First, Legal Research and Legal Writing have been combined into one course. Although the research librarians continue to teach the research portion, the course is now team-taught and more integrated. Second, the credits for the first year courses have been increased from four to five across the first year curriculum. Third, beginning with this year's incoming class, second year students are now required to take Legal Writing III – a brand new two-credit course. Students can choose from a transactional or litigation track, depending upon their interests. With these new courses, added to the long-standing practical skills and research paper requirements, Villanova is well on its way to implementing its goal of requiring six semesters of legal writing for every student.

William S. Boyd School of Law

Effective July 1, 2013, the William S. Boyd School of Law/UNLV legal writing faculty has moved from a director model to a cooperative model where programmatic decisions are made collaboratively.

Hiring and Promotion

American University Washington College of Law

The American University Washington College of Law (WCL) recently approved the appointments of **Elizabeth A. Keith** and **Heather E. Ridenour** to serve five-year contracts as full-time Instructors in the Legal Rhetoric Program. Ms. Keith and Ms. Ridenour joined the WCL Legal Rhetoric Department in 2008.

Atlanta's John Marshall Law School

Andrea Doneff was named Director of the Legal Skills and Professionalism Program, which includes the Legal Writing program and the numerous skills and writing courses offered at AJMLS.

Northwestern University School of Law

Sue Provenzano, Northwestern University School of Law, was promoted to the rank of Professor of Practice.

Nova Southeastern University's Shepard Broad Law Center

Michele Struffolino and **Kenneth Lewis**, both of whom teach in the Lawyering Skills and Values ("LSV") Program, were recently promoted to the rank of Associate Professor at Nova Southeastern University's Shepard Broad Law Center. Our faculty Committee on Contract Renewal, Promotion, and Tenure recommended their promotion, and the full faculty voted for their promotion. The Law Center Dean and University President promptly approved both promotions. Professors Struffolino and Lewis have been awarded 5-year, presumptively renewable contracts.

In addition to teaching LSV, **Professor Struffolino** also teaches Property. This past year, Professor Struffolino continued as a member of the Teaching Resources Committee of the Legal Writing Institute. Professor Struffolino participated in the Frequently Asked Questions Project. She prepared questions and compiled materials for incorporating different skills in first year courses. The project is finished and was posted on the Legal Writing Institute Website in September of 2013. **Professor Lewis** teaches LSV, Property, and Criminal Law in the on-Line ICJ Master Program. He is the faculty advisor for the Real Property Probate and Trust Law Society ("RPPTLS") and developed the group's Mentor Program. He hosted special guest speakers in class and organizes an annual "What the Partners Want" for first-year students. He is an active supporter of the Caribbean Law Students' Association. He also serves as one of Nova's delegate for the Association of Legal Writing Directors. Professors Struffolino and Lewis have also both been actively involved with student life at the Law Center.

Nova Southeastern is also pleased to announce the hiring of **Marilyn Uzdavines**. Professor Uzdavines, Assistant Professor of Law, graduated magna cum laude with a bachelor's degree in political science from the University of Florida and magna cum laude with her law degree from the University of Florida Levin College of Law. While in law school, Professor Uzdavines served as Symposium Editor on the Florida Law Review and was named a member of the Order of the Coif. In addition, Professor Uzdavines was a teaching assistant for Legal Research and Writing, Appellate Advocacy, Estates and Trusts, and Trial Practice. After law school, she joined the international firm of Holland & Knight, LLC in Tampa, Florida where she practiced corporate law and business transactions. After leaving Holland & Knight, LLC, Professor Uzdavines opened the firm, Uzdavines Law Group, P.A. in Clearwater, Florida. She practiced real estate law, condominium law, creditor's rights and estates and trusts. Professor Uzdavines is a member of the Florida Bar and is admitted to practice in the Middle and Southern Districts of Florida. Professor Uzdavines taught during the 2011-2012 academic year as a visiting professor of legal skills at Stetson University College of Law. Professor Uzdavines teaches in the areas of lawyering skills and values and property law.

University of Denver Sturm College of Law

Nantiya Ruan, University of Denver Sturm College of Law Lawyering Process Program, was appointed Lawyering Process Program Director. **Robert Anderson** was appointed Interim LP Director, serving during **David Thomson's** sabbatical. Former LP Director **David Thomson** was appointed Chair of Denver Law's Experiential Advantage™ task force. **Lisa McElroy** joined the program for a one-year visiting appointment. **Kelly Brewer** remained in the program for a further two-year visiting appointment.

University of Massachusetts School of Law – Dartmouth

Carol Mallory and **Jason Potter** have joined the University of Massachusetts School of Law - Dartmouth. They are the first full-time faculty members hired to teach the Legal Skills Program. Professor Mallory comes to UMass Law by way of Northeastern University School of Law. Professor Potter comes to UMass Law by way of the University of San Diego School of Law.

University of Missouri-Kansas City School

Judith Popper and **Barbara Wilson** were promoted to Clinical Professor of Law, the school's highest rank for legal writing faculty.

Allison Kort joined the faculty as a Visiting Associate Clinical Professor of Law after teaching at **Atlanta's John Marshall Law School**, Duke University, and North Carolina Central School of Law.

University of Oregon School of Law

David Cadaret has joined the faculty at the University of Oregon School of Law for the 2013-14 academic year.

Megan McAlpin will be Acting Director of Legal Research and Writing during the Spring 2013 semester while **Suzanne Rowe** is on sabbatical.

Villanova University School of Law

Jessica Webb has joined Villanova Law as an Assistant Professor of Legal Writing after having served as a Visiting Professor of Legal Writing at Villanova for two and a half years. She was also an adjunct Professor of Legal Methods at Widener Law School. Before entering legal education, she spent approximately seven years as a litigation attorney. She has developed and is teaching Villanova's Advanced Appellate Advocacy course this year, which is part of Villanova's enhanced legal writing program for upper-level students.

Mary Ann Robinson has joined Villanova Law School's faculty as an Associate Professor of Legal Writing. Mary Ann has developed and is teaching a new legal writing course focusing on writing for transactional practice which is part of enhanced legal writing program for upper-level students. Mary Ann comes to Villanova from Widener University School of Law, where she taught for nine years.

William S. Boyd School of Law UNLV

Effective July 1, 2013, **Peter Bayer**, **Sara Gordon**, and **Rebecca Scharf**, William S. Boyd School of Law, have moved to a unified tenure-track as Associate Professors with the rights and privileges accorded all tenure-track professors, including a three-course annual teaching load. They continue to teach legal writing as well as other substantive courses.

Karen Sneddon of Mercer Law School is a Visiting Professor at the William S. Boyd School of Law UNLV for the 2013-2014 academic year.

Publications, Presentations, and Accomplishments

David Abrams, see **Kathy Vinson**.

Mary Garvey Algero, see **Suzanne Rowe**.

Jodi Balsam, Associate Professor of Law, New York Law School, was Awarded 2013 Lexis Nexis Scholarship Grant for her developing article, "Local Rulemaking as a Form of Resistance: When Federal Appellate Local Rules Challenge National Prerogatives."

Heather Baum, Villanova University School of Law, supervised students who drafted briefing papers for the Matthew J. Ryan Law & Public Policy Forum 2013, "Abolishing Commercial Sexual Exploitation in Pennsylvania: A Plan for Action" and served as a moderator for a panel entitled "The Pennsylvania Anti-Trafficking Movement: Successes and Roadblocks."

Charles Calleros, Sandra Day O'Connor College of Law at Arizona State University, presented "Everything Old is New Again, Maybe: How Should Programs Teach the Interoffice Predictive Memo?," a panel presentation with **Kirsten Davis** and **Kristen Tiscione**, at the ALWD Biennial Conference at Marquette Univ. Law School (June 28, 2013). He also published the following works: *Traditional Office Memoranda and E-mail Memos, in Practice and in the First Semester*, 21 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 105 (2013); *LAW SCHOOL EXAMS: PREPARING AND WRITING TO WIN* (2d ed. 2013) (for beginning law students); *CONTRACTS: CASES, TEXT, AND PROBLEMS* (2013 edition) (e-book with two new chapters on third party rights authored by Stephen Gerst); and *Cause, Consideration, Promissory Estoppel, and Promises Under Deed: What our Students Should Know about Enforcement of Promises in Historical and International Context*, CHI-KENT J. INT'L & COMP. L. 84 (2013).

Andrew Carter, Sandra Day O'Connor College of Law at Arizona State University, presented "Old Faces, New Places: Assimilating Lateral Hires into Successful Legal Writing Programs" (with Professors **Kimberly Holst**, **Susan Chesler**, and **Janet Dickson**), at the Association of Legal Writing Directors 2013 Biennial Conference, Marquette University Law School, Milwaukee, Wisconsin, June 2013.

Candace Centeno, Villanova University School of Law, Presented "Incorporating Simulations into the Legal Writing Curriculum to Encourage Active Learning and to Make Real World Connections" at the Central States Regional Legal Writing Conference at University of Kansas Law School on September 28, 2013.

Susan Chesler, Sandra Day O'Connor College of Law at Arizona State University, published *Measuring Student Progress: Assessing and Providing Feedback* (with Karen Sneddon), 14 TRANSACTIONS: TENN. J. BUS. L. 489 (Special Ed. 2013). She also published *Publication Opportunities Beyond the Traditional Law Review* (with **Anna Hemingway** and **Tamara Herrera**), 27(1) THE

SECOND DRAFT, Summer 2013, at 8. She also presented at the following: Co-facilitator, Innovative Teaching Workshop, Association of Legal Writing Directors 2013 Biennial Conference, Marquette University Law School, Milwaukee, Wisconsin, June 2013; see also **Aaron Carter**.

Kari Dalton of Atlanta's John Marshall Law School published *Their Brains on Google: How Digital Technologies are Altering the Millennial Generation's Brain and Impacting Legal Education*, SMU SCI. & TECH. L.R (forthcoming winter 2014).

Kirsten Davis, Stetson Law, and **Kristen Tiscione**, Georgetown Law, have published companion pieces following up on their presentations at the Biennial Conference of the Association of Legal Writing Directors in June. See Kirsten K. Davis, "The Reports of My Death are Greatly Exaggerated": Reading and Writing Objective Legal Memoranda in a Mobile Computing Age, 92 OR. L. REV. ___ (forthcoming December 2013); Kristen K. Tiscione, *The Rhetoric of Email*, 92 OR. L. REV. ___ (forthcoming December 2013). See also, **Charles Calleros**.

Janet Dickenson, see **Aaron Carter**.

Andrea Doneff of Atlanta's John Marshall Law School published *Social Framework Studies Such As "Women Don't Ask" and "It Does Hurt to Ask" Show Us The Next Step Toward Achieving Gender Equality—Eliminating the Long Term Effects of Implicit Bias—But Are Not Likely To Get Cases Past Summary Judgment*, 3 WM. & MARY J. WOMEN & L. (forthcoming spring 2014); published with **Abraham P. Ordober**, ALTERNATIVES TO LITIGATION--MEDIATION, ARBITRATION, AND THE ART OF DISPUTE RESOLUTION (3d ed. NITA, forthcoming winter 2014); published *Is Greentree v. Randolph Still Good Law? How The Supreme Court's Emphasis On Contract Language In Arbitration Clauses Will Impact The Use Of Public Policy To Allow Parties To Vindicate Their Rights*, 39 OHIO N. U. L. REV. 63 (Spring 2013). She also provided an update on recent arbitration decisions at The Arbitration Institute of the State Bar of Georgia in August 2013 and at the Atlanta Bar Association's Labor and Employment Section Advanced Employment Law Seminar in March 2013.

Aimee Dudovitz, see **Hether C. Macfarlane**.

Darin Fox, see **Suzanne Rowe**.

Elizabeth Ruiz Frost, Oregon University School of Law, has published two new articles in the Oregon State Bar Bulletin: *Mentoring Legal Writers: Overcoming 'Illusory Superiority'* (July 2013) and *Breaking the Habits of the Inefficient: Procrastination and Writer's Block* (June 2013).

James Gelin of Atlanta's John Marshall Law School published *Unwarranted Punishment: Why Isolation of Transgender Youth in Juvenile Detention Facilities Violates the Eighth Amendment*, U.C. DAVIS J.L. & POL'Y (forthcoming spring 2014); presented at Junior Scholars Forum, Lavender Law Conference, San Francisco, August 23, 2013.

Stephanie Roberts Hartung of Suffolk University School of Law wrote an article, *Missing the Forest for the Trees: Federal Habeas Corpus and the Piecemeal Problem in Actual Innocence Cases*, STAN. J. C.R. & C. L. (forthcoming fall 2013).

Anna Hemingway, see **Susan Chesler**.

Tamara Herrera, Sandra Day O'Connor College of Law at Arizona State University, published *ARIZONA LEGAL RESEARCH* (2d ed. 2013). See also, **Susan Chesler** and **Suzanne Rowe**.

In October, **Dana Hill** of Northwestern University School of Law presented at Northwestern University's Learning, Teaching and Assessment Forum: "Critical Reflections on Learning", which was hosted by the Provost's office and attended by faculty from across the University. Dana's presentation, "Using Problematized Teaching to Engage First-Year Law Students in the Legal Writing Classroom," provided examples of teaching methodologies she has used to increase student engagement and critical thinking during class sessions, as well as her assessment and evaluation of this teaching method. In the spring semester, Dana was the faculty advisor for a comparative law course on Ethiopia, which included a two-week research trip to Addis Ababa, Awassa and Arba Minch. By interviewing local attorneys, judges, government and NGO workers, and academics, Dana's students investigated the impact of Ethiopia's commodity exchange on its coffee industry, the impact of large scale farming and dam projects on property rights of villagers, and a comparison Ethiopia's tribal and civil law legal systems.

Kimberly Holst, Sandra Day O'Connor College of Law at Arizona State University, published *Contract Drafting: Teaching with Forms*, 14 TRANSACTIONS: TENN. J. BUS. L. 361 (Special Ed. 2013). She also presented at the following conferences: "Issues in Real Estate Transactions" panelist at the ABA Annual Meeting 2013, Business Law Section Intellectual Property Committee Program, San Francisco, August 2013; "Telling the Difficult Story: Challenges that Arise in Client Advocacy," at the 4th Biennial Applied Legal Storytelling Conference, The City Law School, London, July 2013 (**Carrie Sperling** contributed materials to the presentation); **see also, Aaron Carter.**

Aaron House, Judith Popper, Wanda Temm, and **Barbara Wilson** of the University of Missouri-Kansas City School of Law presented at the Rocky Mountain Legal Writing Conference. **Aaron House, Allison Kort, Judith Popper, and Wanda Temm** also presented at the Central States Legal Writing Conference.

Darla Jackson, see Suzanne Rowe.

Elizabeth M. Jaffe of Atlanta's John Marshall Law School published *Imposing a Duty in an Online World: Holding the Webhost Liable for Cyberbullying*, 35 HASTINGS COMM. & ENT. L.J. 277 (2013). She presented "Cyberbullying in America: A Discussion of Liability, Policy, and Progress" at the Rutgers Computer and Technology Law Journal and Rutgers Institute for Professional Education (April 2013) and "Teaching Soft Skills to New Lawyers" Southeast Regional Legal Writing Conference (April 2013).

Browning Jeffries of Atlanta's John Marshall Law School published *The Plaintiffs' Lawyer's Transaction Tax: The New Cost of Doing Business in Public Company Deals*, ___ BERKELEY BUS. L. J. ___ (forthcoming Spring 2014); *The Implications of Janus on the Liability of Issuers in Jurisdictions Rejecting Collective Scienter*, 43 SETON HALL L. REV. 491 (2013); *Preliminary Negotiations or Binding Obligations? A Framework for Determining the Intent of the Parties*, 48 GONZAGA L. REV. 1 (2012/13). (Reprinted in 62 DEF. L. J. 37 (2013)).

Allison Kort, see Aaron House.

Amy Langenfeld, Sandra Day O'Connor College of Law at Arizona State University, presented "Walter Matthau and Lawyering Ethics: Film Clips to Introduce

the Lawyer's Role as Advisor," at the Third Annual Western Regional Legal Writing Conference at Whittier Law School in Costa Mesa, California, August 2013.

Bruce Luna of Atlanta's John Marshall Law School published *More on Doctrinal Courses: Integrating Transactional Skills*, 14 TENN. J. BUS. L. 535 (2013).

Hether C. Macfarlane, Pacific McGeorge School of Law, and **Suzanne E. Rowe**, University of Oregon School of Law, published CALIFORNIA LEGAL RESEARCH (2d ed.), part of CAP's Legal Research Series. **Aimee Dudovitz**, Loyola Law School (L.A.) joined them as the third author.

Suparna Malempati of Atlanta's John Marshall Law School published *Beyond Paternalism: The Role of Counsel for Children in Abuse and Neglect Proceedings*, 11 U.N.H. L. REV. 97 (2013). She presented her work in progress at the SEALS Annual Conference in August, and will do so again in October at the Southeastern Law Scholars Conference at the Charleston School of Law: *Due Process for Children in Dependency Proceedings*, available at <http://ssrn.com/abstract=2304423> (discussing the constitutional basis for the child's right to be heard and right to counsel in juvenile court abuse and neglect proceedings; examines Supreme Court case law and critiques Congressional legislation).

Megan McAlpin, Oregon University School of Law, presented *Teaching Together: Working with Casebook Colleagues to Teach Lawyering Skills* at the Third Annual Western Regional Legal Writing Conference held at Whittier Law School.

Abraham P. Ordovery, see Andrea Doneff.

Debora Person, see Suzanne Rowe.

Tawnya Plumb, see Suzanne Rowe.

Judith Popper, see Aaron House.

Sue Provenzano, Northwestern University School of Law, co-authored *The Conscious Curriculum: From Novice Towards Mastery in Written Legal Analysis and Advocacy*, with her colleague **Sarah Schrup**, Director of Northwestern Law's Appellate Advocacy Center. The article appears in volume 108 of the Northwestern University Law Review Colloquy, available at <http://colloquy.law.northwestern.edu/main/2013/09/the-conscious-curriculum.html>.

Katie Rose Guest Pryal, of the University of North Carolina School of Law published

The Genre Discovery Approach: Preparing Law Students to Write Any Legal Document, ___ WAYNE L. REV. (forthcoming); *Reframing Sanity: Scapegoating the Mentally Ill in the Case of Jared Loughner*, in RE/FRAMING IDENTIFICATIONS 159 (Michelle Ballif ed., 2013); *The Rhetoric Of Sissy-Slogans: How Denigrating The Feminine Perpetuates The Terror Wars*, 15 J. OF RACE, GENDER, & JUSTICE 503 (2012); *Hollywood's White Legal Heroes and the Legacy of Slave Codes*, in AFTERIMAGES OF SLAVERY: ESSAYS ON APPEARANCES IN RECENT AMERICAN FILMS, LITERATURE, TELEVISION AND OTHER MEDIA 145 (Marlene Allen & Seretha D. Williams ed., 2012). She presented the following: "Making Madness Public: The Genre of Coming Out Stories of the Psychiatrically Disabled." Paper presented at the Conference on College Composition and Communication, Las Vegas, NV (March 2013); "Rhetorical Genre Theory for Legal Writing Pedagogy." Work-in-progress paper presented at the Law and Rhetoric Colloquium hosted by Stetson University College of Law (March 2013). "Writing Professionally is Writing Ethically." Presentation at the Legal Writing Institute One-Day Workshop, University of North Carolina School of Law, Chapel Hill, NC (December 2012). She was the workshop Co-Organizer and Chair at the Genres in Action. Conference on College Composition and Communication, Las Vegas, NV (March 2013).

Jennifer Murphy Romig of Emory University School of Law recently launched the blog "Listen Like a Lawyer" at www.listenlikealawyer.com. "Listen Like a Lawyer's" mission is to explore the theory and practice of effective listening. The intended audience for the blog is lawyers, law students, law professors, and other legal professionals. She published *How a Popular Social Gaming App Can Help Teach Law Students What Effective Communication Is—and Isn't*, PERSPECTIVES: TEACHING LEG. RESEARCH AND WRITING vol. 22 no. 1 (forthcoming November 2013).

Suzanne E. Rowe, Oregon University School of Law, was a co-facilitator of the ALWD Scholar's Forum at the Central States Legal Writing Conference at the University of Kansas. She also presented *Making Sausage: Politics in the ABA Self-Study Process*, with Carol Parker (Tennessee). For her recent publication, see **Hether C. Macfarlane**. Suzanne also edited the following. The Legal Research Series published by Carolina Academic Press has added

three new titles and three second editions. The new titles are **Hollee Schwartz Temple**, WEST VIRGINIA LEGAL RESEARCH (2013); **Darin Fox, Darla Jackson & Courtney Selby**, OKLAHOMA LEGAL RESEARCH (2013); and **Debora Person & Tawnya Plumb**, WYOMING LEGAL RESEARCH (2013). The new editions are **Tamara Herrera**, ARIZONA LEGAL RESEARCH (2d ed. 2013); **Hether Macfarlane, Aimee Dudovitz & Suzanne Rowe**, CALIFORNIA LEGAL RESEARCH (2d ed. 2013); and **Mary Garvey Algero**, LOUISIANA LEGAL RESEARCH (2d ed. 2013).

Sarah Schrup, see Sue Provenzano.

Courtney Selby, see Suzanne Rowe.

Robert F. Somers of Whittier Law School presented YouWait: Avoid Buffering and Other Issues While Using Video in the Classroom, Global Legal Skills Conference, San Jose, Costa Rica, March 12, 2013. He published *Slander? Prove It: Why a Two Hundred-Year-Old Defamation Law Should Be Changed*, 19 SW. J. INT'L L. 133 (2012). This article argues why a plaintiff should be able to use proof of slander obtained by a private undercover agent.

Carrie Sperling, see Kimberly Holst.

Judy Stinson, Sandra Day O'Connor College of Law at Arizona State University, presented "What Makes a Program a Program?" with Terry Pollman & Linda Edwards at the Association of Legal Writing Directors 2013 Biennial Conference, Marquette University Law School, Milwaukee, Wisconsin, June 2013. She published *The Teaching, Scholarship, and Service Triathlon*, 27(1) THE SECOND DRAFT, SUMMER 2013, at 24.

Hollee Schwartz Temple, see Suzanne Rowe.

Wanda Temm of the University of Missouri-Kansas City School of Law was selected for the 2013 Provost's Award for Excellence in Teaching. This campus award is given to only one faculty person each year and is the highest honor for excellence in teaching for clinical and teaching faculty. She also moderated a panel on The Triumphs and Pitfalls of Going Director Less at the ALWD Biennial Conference. **See also, Aaron House.**

David Thomson of the University of Denver School of Law published *SKILLS & VALUES: LAWYERING PROCESS - LEGAL WRITING AND ADVOCACY* (LexisNexis/Matthew Bender 2013).

This legal writing book is a hybrid text, which means only a portion of the entire text is printed, with the rest residing on the Lexis Web Courses platform. This allows for more interactive features in the online portion of the text that can be achieved in print. In addition, for the professor who might decide to adopt this text, it comes with a fully populated courseware site (on Lexis's version of Blackboard) for their students all ready to go, as well as an online Teacher's Manual with Prezis and PowerPoints to use or adapt for class, handouts, a closed memo assignment, email memo assignments, and checklists for various aspects of the legal writing process. Thus, the combination of the print book and the online site makes this a highly adaptable book for any professor to use to teach first year LRW.

Kristen K. Tiscione, published *A Writing Revolution: Using Legal Writing's "Hobble" to Solve Legal Education's Problem*, 42 *CAP. U. L. REV.* __ (forthcoming 2013). See also, **Kirsten Davis** and **Charles Calleros**.

University of Denver Sturm College of Law

Last year Lawyering Process Program faculty published: one textbook; three book chapters or supplements; and eleven law review articles. LP faculty also made 23 presentations at 16 regional, national, and international conferences. For a complete list, please click: <http://www.law.du.edu/documents/lawyering-process/Scholarship-E-Brochure-13.pdf>.

Kathy Vinson, Suffolk University Law School, was elected to serve as President of the Association of Legal Writing Directors. She presented Problem Solving: Preparing Law Students to be "Client-Ready" at the Southeastern Regional Legal Writing Conference, Savannah, Georgia (April 2013); Problem Solving: Enhancing Students' Development as Legal Professionals, Suffolk University Law School Faculty Colloquium (co-presenter **David Abrams**) (March 2013).

Barbara Wilson, see **Aaron House**.

