

## Looking at the Horizon

*The following is the text of Terry Seligmann's opening remarks at the LWI conference held in Seattle last July.*

Good morning. I'm Terry Seligmann, President of the Legal Writing Institute, and I'm here to welcome you to the 2004 Biennial Conference of the Institute. This is a special conference because it marks 20 years since the founding of the Legal Writing Institute. It is thus especially fitting that the conference is here in Seattle, where LWI began. Seattle University School of Law has nurtured us as host school for most of that time and has hosted multiple conferences. Coming here really feels like coming home.

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I want to thank Associate Dean Kellye Testy and the administration of Seattle University and Seattle University School of Law for their hospitality and support both for this conference and throughout LWI's existence; Professors Laurel Oates and Anne Enquist and administrator extraordinaire Lori Lamb, who have been working since the last conference to welcome us here; Professor Mimi Samuels for managing LWI's website; our conference committee—Laurel Oates, Anne Enquist, Lori Lamb and Steve Johansen; and program committee members Laurel Oates, Anne Enquist, Sarah Ricks, and Ken Chestek, who read all the proposals for presentations to create this great schedule of more than 100 speakers and workshops. The University of Dayton legal writing faculty focused on programming for experienced teachers, and we have lots of it. Sonia Green and Ruth Anne Robbins have taken the idea bank into cyberspace for the first time. Amy Gajda has lined up the Friday lunch celebration's events. Mimi Samuel and Marci Smith are making handouts and bibliographies electronically available for all the workshops you can't get to. And the person who has really shepherded this conference and coordinated all of these diverse pieces, my Conference Co-Chair Susan Kosse. She is responsible for what goes right at this conference; when things don't, the credit is likely to be mine.

The theme of this conference is "Horizons." This was an easy theme to agree on since its infinitely flexible

meaning can cover all kinds of presentation proposals. From a purely geographical standpoint, here we are in Seattle, with mountains on one side and ocean on the other. As an Institute, our members' horizons reach from coast to coast, and on into international spheres. LWI's activities take place on multiple fronts, too—the *Journal of Legal Writing*, our scholarly publication; *The Second Draft*; our active online discussion list; this conference.

But I have a personal take on how this conference theme applies to teaching legal writing. You may know that I teach in Fayetteville, Arkansas, a university town that nestles among the foothills of the Ozarks. The horizons there are close in, with familiar landmarks and the campus towers of our first building, Old Main, visible from most spots in town. Most of the time I go about my business there without

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*LWI President Terry Jean Seligmann addresses participants at the biennial LWI conference in Seattle.*

# From the Editors

This issue focuses on LWI business, as we do after each LWI conference, and we hope it will give you an overview of the activities of the Institute. If you could not attend the conference, we also hope it gives you a sense of the energy that results from gathering together several hundred people who are devoted to improving the teaching of writing in law schools across the country. Some people leave the conference energized to address issues of status and fairness within their home institutions; others leave armed with a binder full of teaching ideas; others rejoice in the supply of assignment ideas to be found in the LWI Idea Bank, now online for the first time. (No more shipping home huge boxes...)

If you have any questions about LWI committees or ongoing projects, please don't hesitate to contact one of the officers or board members listed on the right. Where possible we have indicated the names of current or former committee chairs; the committees for 2004-2006 are still being developed, and more information will be posted on the LWI website as soon as it is available.

This issue also represents a transition of sorts, as Barbara Busharis is leaving the editorial committee while she takes time away from teaching. In the Spring 2005 issue we will be welcoming additional co-editors to work with Joan Malmud and Sandy Patrick, and we are excited about the prospect of new ideas and talents they will bring to *The Second Draft*.

Our tradition of "theme" issues will continue, along with some of our regular features. For the next issue, we invite your submissions on the theme of "My Best Class." Many of you have shared your "best" (or at least, a very good) assignment through the Idea Bank; now, we would like to hear from you about a class that has worked particularly well for you. You are not limited in substance at all; your best class might be on analysis, research, persuasion, writing mechanics, or even citation! We would simply like to hear what worked well for you and, in your opinion, why. Please review the "Guidelines for Contributors" on page 22, and feel free to contact any of the editors with questions. We look forward to hearing from you.

*Barbara Busharis*  
*Sandy Patrick (Lewis & Clark)*  
*Joan Malmud (Oregon)*



## THE LEGAL WRITING INSTITUTE

*The Legal Writing Institute is a non-profit corporation founded in 1984. The purpose of the Institute is to promote the exchange of information and ideas about legal writing and to provide a forum for research and scholarship about legal writing and legal analysis.*

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*The Second Draft is published twice yearly and is a forum for sharing ideas and news among members of the Institute. For information about contributing to The Second Draft, contact Sandy Patrick (Lewis & Clark), [patrick@lclark.edu](mailto:patrick@lclark.edu), or Joan Malmud (Oregon), [jmalmud@law.uoregon.edu](mailto:jmalmud@law.uoregon.edu).*

*Deadline for submitting material for the next issue of The Second Draft: March 15, 2005.*

# The President's Column



*Terry Jean Seligmann,  
University of  
Arkansas-Fayetteville*

I hope that all of you have had a good fall semester. As I write this, I have just about finished commenting on my first year students' first drafts of their initial office memos. The presentations on electronic commenting that LWI members gave this past year at the St. Louis Regional Conference and the 2004 LWI Conference in Seattle, along with generous coaching from other colleagues, have allowed me to try out this method of providing feedback my students can actually read (as opposed to my handwriting). The support for teaching that LWI has been able to provide through conferences, the e-mail discussion list (newly and successfully relocated to Indiana University through the efforts of Professors Ken Chestek and Judith Rosenbaum), and the uniquely collegial legal writing community it represents are among the reasons LWI continues to thrive.

This year was no exception. A newly formed Teacher Exchange and Visitorship Committee chaired by our past President, Steve Johansen, has led to Professors Laurel Oates and Mimi Samuel teaching legal writing to Ugandan government attorneys, to international themes and presenters at the 2004 Conference, to an issue of *The Second Draft* exploring the subject, and to planning for a possible conference in Prague in 2005.

Scholarship by and for legal writing teachers was highlighted in a plenary presentation at the Seattle conference by Professors Linda Edwards and Terrill Pollman, who have also compiled a comprehensive and impressive bibliography of what we are publishing. The first of what we hope will be biennial Writers' Workshops preceded the conference. Scholars presented their works-in-progress to colleagues, while Professors Steve Johansen, Lou Sirico, and Jill Ramsfield facilitated. Our scholarly journal, *Legal Writing*, completed publication of Volumes 8 & 9, is publishing Volume 10 on time, and will be publishing our Proceedings issue with Volume 11. The Journal's Board held a productive retreat and is forging forward under the new Editor-in-Chief, Mary Beth Beazley. During the conference, we had a chance to honor the hard-working Editors of Volumes 1-9.

The enormously successful 2004 Conference allowed over 450 registrants to attend more than 80 separate workshops and presentations over the three-day program. At a formal luncheon, LWI honored its founders, Professors Anne Enquist, Laurel Oates, and Chris Rideout, as well as Lori Lamb, who has kept LWI running administratively for most of its twenty-year existence. The folks at Seattle really know how to run a conference, and this one was as smooth as it could be—except for the 90 degree heat wave that had all of Seattle in a dither. The work of Professor Susan Kosse as co-chair of the 2004 Conference Committee needs to be especially appreciated.

I am looking forward to the Golden Pen and Thomas Blackwell Award Reception to be held on Friday, January 7, at 7:00 p.m. at the 2005 AALS meeting, at which Professor Richard Wydick will be presented with the Golden Pen Award and Professor Ralph Brill will be presented with the joint ALWD/LWI Thomas Blackwell Award. Planning is underway for the 2006 LWI Conference, to be held during the first week of June 2006 in Atlanta, and site selection is already beginning for the 2008 Conference.

My conferences are about to start, so I'll stop here. Please stay involved with LWI and let me know how we can support you in your important work.



## LWI Website Resources

If you haven't perused the LWI website lately, take a minute to go to [www.lwionline.org](http://www.lwionline.org) and check out the resources that are available to you there. You can search the LWI membership directory, locate a committee chair, view the latest news about your fellow members, or search *Second Draft* archives. You can use the Idea Bank, download a copy of the LWI plagiarism brochure, or review detailed information from the ALWD/LWI Survey. Finally, even if you couldn't be at the LWI conference in Seattle, you can view conference speaker videos, access bibliographies submitted by conference presenters, and see photos of conference participants. It's one-stop shopping for LWI information.

# LWI Committee Reports

The following reports summarize the activities of various LWI committees. Some reports are adapted from reports submitted to the LWI Board at the Seattle conference; those reports have been edited to reflect the passage of time, and attachments to the original reports have been omitted to save space. Please do not hesitate to contact any committee chair or LWI President Terry Seligmann if you are interested in a particular committee. Committee chairs are currently being appointed for some committees and updated information will be posted on the LWI website.

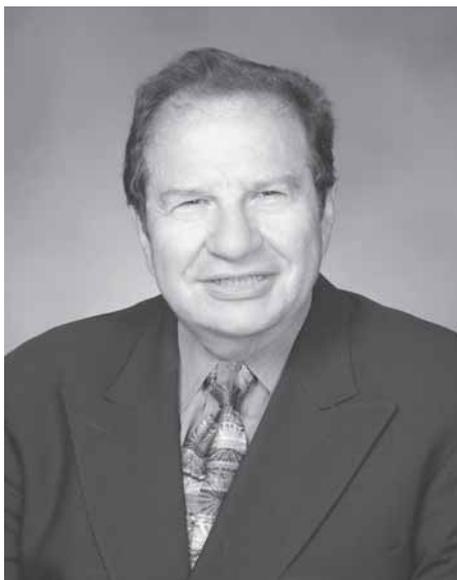
## Blackwell Award Committee (Joint ALWD/LWI committee)

This year the Committee recommends Ralph Brill as the 2004 recipient of the Blackwell Award.

For over three decades, Ralph has done whatever was necessary to promote the field of legal writing and those who work within in it. He has mentored countless LRW teachers and students. He has been a spokesperson before the ABA, served on the ABA Communication Skills Committee, and was the “source” for the idea and much of the content of the ABA Sourcebook on Legal Writing Programs. He has never ceased to offer his personal and professional support to LRW faculty.

We believe his selfless actions in support of legal writing programs and the people who labor within those programs would make him an appropriate recipient of the Blackwell Award. As one nominator wrote, Ralph “always asks himself what he can do for other people whose situations in life are less secure than his own.”

*Rebecca Cochran, 2002-04 Chair*



*Ralph Brill will receive the Blackwell Award at the AALS Annual Meeting in January 2005 in San Francisco. The award is named in honor of Appalachian School of Law Professor Thomas Blackwell, who was killed by a disturbed law student in January 2002. The award recognizes a person who has demonstrated the ability to nurture and motivate students, a willingness to help other legal writing professionals improve their skills or their programs, and the ability to develop new teaching ideas. Detailed information about the award guidelines is posted on the ALWD website, [www.alwd.org](http://www.alwd.org).*

## Conference Scholarship Committee

LWI awarded more than \$7500 in scholarships to seven teachers of legal writing to enable them to attend the 2004 LWI Conference in Seattle. One of the recipients came from overseas to present and attend the conference.

At the recommendation of the Committee, the Board approved changes to the policy to make it clear which expenses would be covered by a scholarship award and to set priorities if all applicants cannot be awarded scholarships.

## 2006 Conference Committee

The Conference Committee co-chairs are Tracy McGaugh and Cliff Zimmerman. Other members are Laurel Oates, Susan Kosse, Anne Rector, Jennifer Chiovaro, and Terry Seligmann. The Site Committee Chair is Linda Edwards, and other members are Carol Parker, Laurel Oates, Anne Rector, Jennifer Chiovaro, Cathy Wharton, and Kathleen Burch.

## Exploratory Committee on Ranking of LRW Programs

The Joint Exploratory Committee on Ranking of LRW Programs is chaired by Eric Easton. LWI members are Tracy McGaugh, Anne Enquist, Kristin Gerdy, and Terri LeClerc (ex officio). ALWD members are Eric Easton, Grace Tonner, and Kristin Gerdy.

## New Member Outreach Committee

The committee had three suggested projects to follow up on after the last LWI conference: (1) create a mentor program for new members, (2) create a reading list for new members, and (3) take the idea of dinner groups after the opening reception one step further to increase new and experienced member participation. In addition to these projects, the committee has continued to welcome each member with a personal letter or e-mail from a member of the committee.

### Mentor Program

After discussion, the committee decided that the best way to approach a mentor program was to solicit mentor volunteers on the listserv and assemble

a list of topics that mentors would be willing to address with new members. The committee came up with a preliminary list of topics for mentors, solicited experienced mentors to address those topics, and prepared a list for new members, which was available initially at the 2004 LWI Conference and thereafter will be included in the New Member Orientation packets that are sent to each new member.

### Reading List for New Members

After discussion, the committee decided that the best way to approach putting together a reading list was to solicit suggestions from the listserv. Initially, we had some concern that we might end up with a list that was too long. However, that has turned out not to be the case. As with the mentor list, the reading list was available initially at the 2004 LWI Conference and will be included in the New Member Orientation packets that are sent to each new member.

### New Member Dinners

The committee was pleased with the idea of experienced members offering to have dinners with new members after the opening reception at the last conference. However, we thought there might be a way to get more participation from both new and experienced members. This has been achieved by soliciting participation of experienced members using the manipulation of the pitiful, but sadly true, story of Tracy McGaugh's first conference experience. This generated a great response. These experienced members were then paired with people who indicated on the LWI registration form that this was their first LWI conference. Sixteen dinner groups were assembled, representing a total of 32 experienced LWI members and 96 new members.

### A Departure

After four years on the committee, two of those as chair of the committee, Tracy McGaugh is leaving the committee to make room for some "new blood" with new ideas.

*Tracy McGaugh, 2002-04 Chair*

## Outreach Committee

Our fourth Golden Pen Award was presented to Judge Robert E. Keeton in January 2004. A description of that event, along with photos, appears on the LWI website. It was the best attended of all the award ceremonies to date. We even had two federal judges in the audience.

Richard Wydick was nominated for the 5th annual Golden Pen award, and the committee quickly and unanimously agreed on that choice.

Wydick has written one of the most successful legal-writing books of all time—*Plain English for Lawyers*—so he has obviously made an extraordinary contribution to the cause of better legal writing.

This award would also continue our efforts to diversify the awards. We have not yet recognized an influential book on legal writing, and this seems like a good place to start. The book should be familiar to almost everyone who has any interest in legal writing.

*Note: The LWI Board voted to adopt the recommendation of the Committee and will award the Golden Pen Award to Richard Wydick at a reception to be held on Friday, January 7, at 7:00 p.m. at the AALS Conference in San Francisco.*

## Plagiarism Committee

This year the Plagiarism Committee added an extensive bibliography of materials to the LWI web page. We also have posted there current events about plagiarism, including a news article about Harvard faculty accused of plagiarizing and their excuses.

## Publications Committee

1. The *Journal* is on track. Volumes 8 and 9 have been published. Volume 10 is completed and in production. Volume 11 will be the Proceedings issue.

2. The *Journal* Board is in the process of rotating. Mary Beth Beazley will be taking over the position of

Editor-in-Chief, subject to approval of the LWI Board of Directors. As some senior members of the Journal Board retire, new members will replace them. Subject to the LWI Board's approval, the new Board members will be Mary Garvey Algero, Kenneth Chestek, Kirsten Davis, Kristen Gerdy, Steve Johansen, and Joel Schumm. The Board will also be selecting Assistant Editors.

3. At the suggestion of the *Journal* Board and with the approval of the LWI Board, LWI held its first Writers Workshop before the Seattle conference. The Workshop was designed to assist LWI members who are engaged in scholarly writing for the purposes of gaining tenure or promotion. There were ten participants as well as three facilitators: Steve Johansen, Jill Ramsfield, and Lou Sirico.

*Lou Sirico, 2002-04 Chair*

## ALWD/LWI Survey Committee

The major change in the Survey this year was partnering with Cicada Consulting to outsource much of the technical work on the project.

### Review of 2004 Survey

During 2003 the Survey Committee began considering and investigating the possibility of outsourcing much of the work on the ALWD/LWI survey with the intent to make the survey data more easily available and manipulable by ALWD and LWI members. We hoped to move away from reliance on the excessive volunteer time needed to administer and compile the survey as well as to fulfill specific requests for customized survey reports.

The Committee began discussions with Cicada Consulting at the ALWD conference in Windsor, Ontario. In November, the Committee requested that the boards of LWI and ALWD approve a motion to allow the Co-Chairs of the Survey Committee and the Presidents of ALWD and LWI to negotiate a contract with Cicada to provide services beginning in

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## Committee Reports

*Continued from page 5*

December 2003 and to approve the funding necessary for the project. Both boards approved. The survey chairs, along with ALWD President Jo Anne Durako and LWI President Steve Johansen, negotiated a contract with Cicada Consulting that was executed in March 2004.

As for the survey itself, only minor changes to the text were made, although the conversion to the Cicada format introduced a new “look” to several survey questions. The 2004 survey also included a question about LRW faculty publications. This information was forwarded to Linda Edwards and Terry Pollman to help update their comprehensive bibliography.

Working with Adrian Dunston, Lewis Downey, and Shawn Drumgo at Cicada, we were able to resolve most technical problems by early April 2004. The survey was launched on April 19, 2004, and ran through May 7. Although a few technical problems occurred (most resulting from users who “timed out” of their sessions by staying on a particular survey page for more than an hour), the vast majority of those problems were remedied, and a clean and reliable data set resulted. A record 176 schools responded. The results are contained in the accompanying report and are scheduled to be posted on the ALWD web site and linked to the LWI web site in late July (immediately following the Seattle conference). Respondents can view the survey results and manipulate the data to show how answers to specific questions affected other answers on the survey by logging in to <http://survey.cicada.com/login> and using their regular usernames and passwords.

### 2004 Survey Budget

ALWD spent \$5,000 for the 2004 survey. This expenditure covered technical development of the survey as well as hosting costs, etc.

Projected costs for future years should be less than \$3,000 per year.

Kristin Gerdy will remain on the survey committee, and she will remain the primary administrative contact with Cicada for the 2004-2005 year.

The Survey Committee is interested in any ideas for the 2005 hot topic section.

*Kristin Gerdy, 2003-04 Committee Chair*

### Upper Level Writing

The Upper Level Writing Committee was formed after the 2002 LWI Conference and was charged with studying how to facilitate upper level writing courses at law schools. The Committee decided to initially focus on three areas. First, we asked the editors of *The Second Draft* to consider a regular column on upper level writing concerns, something that we have now established and have published four times. Next, we asked the LWI/ALWD Survey Committee to clarify a few survey questions so that legal writing professors would be able to better examine the trends in upper level writing courses. Last, we asked the 2004 Conference Committee to consider adding more programming for people interested in upper level writing courses and especially legal drafting courses. As many of you know, the 2004 Conference Committee did a wonderful job soliciting and selecting a variety of programs of interest to professors teaching upper level courses. The Committee continues to be committed to encouraging more legal writing professors to experiment with teaching 2L and 3L students.

*Ruth Anne Robbins, 2003-04 Chair*

### Website Committee

*This report summarizes the committee's activity in maintaining and updating the LWI website.*

1. General Updates: We updated the Board of Directors, Executive Committee, Committees & Reports, Second Draft, Golden Pen Award, and Legal Writing Journal pages.

2. Plagiarism Page: Working with Terri LeClercq, we overhauled the Plagiarism Page.

3. July 2004 Conference: We updated the Conference Page to provide information to the membership about the conference. For the first time, we are putting the Idea Bank online on a password-protected page. Mimi Samuel, Web Manager, worked with Ruth Anne Robbins and Sonia Green to coordinate this project. All submissions to the Idea Bank will be online before the Conference, and all submitters will be given a password to access the Idea Bank. In addition, Marci Smith has coordinated the online submissions of handouts and bibliographies. For the first time, these submissions will be posted prior to the Conference, so participants can download them.

4. On-Going Projects: Ken Chestek continues to collect information for the News pages. Adam Milani is working to identify monthly columns written by members so that we can put links to those columns on the website. He is also working on updating the syllabus bank. Marci Smith is working on creating a Grade Sheet Bank, and Mimi Samuel is working with Tracy McGaugh to update the New Teachers' Resource page.

*Mimi Samuel, Website Committee Chair and Web Manager*



# A Legal Writing Lesson from *Brown v. Board of Education*

John D. Schunk, Santa Clara University  
School of Law

Last May, this country celebrated the fiftieth anniversary of *Brown v. Board of Education*, 348 U.S. 886 (1954). Many law schools and other organizations held forums to discuss the effects of this seminal United States Supreme Court decision. If one ever has a chance to review the briefs filed in this appeal,<sup>1</sup> one might be surprised by how the initial Brief for the Appellants contrasts with the way in which many first-year law students use and cite cases in their legal writing.

When one reads the Brief for the Appellants in *Brown*, one cannot help but be struck by its length. It is only thirteen pages long. The legal argument ran only from the middle of page 6 to the top of page 13. The appellants' legal argument consisted of only 1638 words. In this short space, the appellants managed to cite the court to 37 different cases in support of its argument.

If one contrasts this legal argument with much of the legal writing submitted by law students today, the contrast would be stark. Under the standard conversion rate used to set word count limits for appellate briefs (e.g., 280 words equals one page), the legal argument in the Brief for the Appellants would have been only 5.85 pages when double-spaced on a current word processing software program. At

*[T]he appellants' legal argument in Brown would barely qualify as a "major assignment" for purposes of the ALWD/LWI annual survey...How could a brief in an important case like this be so different from the office memoranda and advocacy documents many law student submit?*

this length, the appellants' legal argument in *Brown* would barely qualify as a "major assignment" for purposes of the ALWD/LWI annual survey. For this survey, "[a] major assignment is one in which the final product is equal to or greater than 5 pages."

How could a brief in an important case like this be so different from the office memoranda and advocacy documents many law students submit? The answer is that the Brief for the Appellants in *Brown* eschewed doing one of the things that many legal writing textbooks suggest students do routinely. In this instance, the Brief for the Appellants could cite 37 cases in less than 1650 words because it did not provide short summaries or synopses of the cases it cited. Many students today feel compelled to "recount the relevant facts of the precedents" or to include lengthy "descriptions of the analogous cases."

Possibly, the Brief for the Appellants in *Brown* can remind legal writing teachers of the importance of the judgment students should use in selecting how to use cases in any legal analysis. Generally, students can use a case in one of three ways in their legal writing.<sup>2</sup> First, students can use a case for a general proposition only. This requires students to state only the general proposition and cite the case. Second, students can use a case for a general proposition while using a parenthetical for illustration. For this, the student states the general proposition, cites the authority, and adds a parenthetical with information designed to help the reader understand the authority's application. Third,

students can use a case for a general proposition and then develop an in-text summary as an example. This method requires the most writing. Here, students state a general proposition and then provide an in-text summary ranging from a few lines to an entire paragraph.

The difference between the Brief for the Appellants in *Brown* and much of the legal writing first-year law students submit can be found in the different judgment about which of these three techniques should be used most often. The appellants' attorneys in *Brown* relied mainly on the first method to make a constitutional argument citing 37 cases in less than six pages. Many law students feel compelled to use the third method almost to the exclusion of the first two methods. This makes their writing much longer. Students using this third method routinely can find it difficult to write an office memorandum using only three or four cases in less than eight pages.

If law schools seek to teach future attorneys how to write concise legal arguments, the Brief for the Appellants in *Brown* can serve as a reminder that winning legal arguments need not be long arguments. ♦

<sup>1</sup> This case went to the United States Supreme Court on an appeal from the judgment of a three-judge district court in Kansas. It did not arrive at the court through the granting of a petition for a writ of certiorari.

<sup>2</sup> The summary of these three techniques borrows much from the description used by Linda Edwards in *Legal Writing: Process, Analysis, and Organization* 135 (3d ed., Aspen L. & Bus. 2002). Another helpful description of techniques and reasons for varying the depth of case analysis appears in Richard K. Neumann, Jr., *Legal Reasoning and Legal Writing: Structure, Strategy, and Style* (4th ed., Aspen L. & Bus. 2001), at pages 99-104.

## Special Feature: Using Macros to Comment on Student Writing

### A Little Technology Can Improve Consistency, Quality & Efficiency

*Sarah E. Ricks, Rutgers School of Law–Camden*

As a new legal writing teacher, I approached my first pile of student papers with excitement, eager to discover what lessons the students had absorbed. The process was slower than I'd anticipated. Excitement waned. Hands cramped. I became concerned that Memo #26 was not getting the same quality of attention as Memo #4, and that there was a corresponding drop-off in the quality of my interlinear handwritten comments.

I turned to two of my Rutgers–Camden colleagues for guidance. Deborah Shore gave me a three page list of comments responding to common problems in student writing. Carol Wallinger showed me how to use a WordPerfect macro—a short “name” assigned to particular text which, when typed, pulls up the full text. (There are similar features in Word). Together, Carol and I used Deborah's core list to develop a more efficient grading system using Word Perfect macros. I now use that system for commenting on both final memos and final briefs.

#### **Why this Grading System is Good for Students**

Using the macro grading system, I can provide each student with two to four pages of single-spaced, typed comments that are individually tailored to that student's final memo or brief. Yet, once I've finished reading the paper, it takes less than twenty minutes to generate a comment sheet for each student—even though the comments are tailored to the strengths and weaknesses of each student's final written product.

#### **How I Use this Grading System**

While I use this grading system for both final memos and briefs, I'll limit the explanation here to briefs.<sup>1</sup>

Before I grade the first brief, I anticipate the recurring comments I'm likely to make and type those up into a master list. For each comment—whether one line or a full paragraph—I create a separate WordPerfect macro, the three to four character “name” that will recall the entire text of the comment.

For each brief, I generate a separate hard copy of the master list of comments likely to be necessary for multiple briefs. As I read each brief, I keep a corresponding hard copy of the full master list of comments in front of me and, as I read, I use a pencil to check off applicable comments on the hard copy of the master list. Since the typed comments cover most recurring problems, I can limit the handwritten comments directly on the student's paper to strengths and weaknesses unique to that brief.

Drafting the master list of comments does take time. For my spring 2004 appellate brief problem, the full text of likely recurring comments was twelve pages. However, the vast majority of comments in the master list remain the same year-to-year, regardless of the subject matter of the brief problem. These comments capture the themes of the advocacy course. They are familiar to my students from their textbooks, from class, from my e-mailed responses to their questions and from the self-editing workshop we do in class just before students turn in the briefs. For example, each year I am likely to make the following comments in grading student appellate briefs:

#### **Question Presented**

The Question Presented should be persuasive; that is, the court should have no doubt which side you represent because both the phrasing of the legal test and the key facts selected should clearly suggest that your client should win and why.

#### **Rule Proof**

Be sure to state the legal rules in ways that are helpful to your client's position. Try to foreshadow your client's argument in the way you phrase the legal rules.

As I read each student brief I also mark up the corresponding hard copy of the master list of comments, so that I am modifying the applicable comments as they ultimately will appear in the comment sheet received by the student. I may emphasize a particular comment as “key,” reference a particular page of the brief, or modify the comment by crossing out irrelevant text in the comment or by adding text tailored to that brief. For example:

This is key: Your credibility with the court is an important asset. Make sure not to lose credibility by making factual assertions unsupported by the appellate record before the court. See Brief at 6, 16.

Some comments on the master list are relevant only to that year's brief problem. These I use as a checklist to see if a student has included specific legal or factual points, and edit the applicable comment sheet for that brief accordingly. For example, a comment from one year's master list functioned as a checklist of key facts that an aggressive Appellant would want in the Statement of the Case in order to argue that an off-duty police officer acted under color of law in assaulting the Appellant, starting with the phrase “Would the Statement of the Case be more persuasive if it included [detailed checklist of a dozen key facts]?” As I read each brief, I checked if each key fact was mentioned and modified the individualized comment sheet to reference only those facts omitted by that student brief.

After I've finished reading the briefs, I use the WordPerfect macros to recall the text of the applicable comments from the master list. I then modify the comments to generate an individualized comment sheet for each student.

Because I do not rely solely on the pre-fabricated list of comments, but instead integrate the

customized comments I have made on each hard copy of the master list as I read each brief, it takes an additional twenty minutes to generate the two to four pages of individualized comments for each student.

#### Why this Grading System is Helpful to Legal Writing Teachers

Consistency, efficiency, and mobility. Drafting the master list of likely recurring comments on the student briefs and referring to it constantly as I read each brief helps me to consistently look for the same things in each brief. That helps me stay focused. The master list of comments also helps me be consistent in what I say to different students when I see the same problems in their briefs. Brief #26 gets the same quality of comments as Brief #4. Whether I'm encountering a fresh mistake or being worn down by encountering the same mistake in fifteen different briefs, my comments maintain an even, neutral tone, unaffected by frustration, fatigue, or boredom. The master list of comments also reminds me to say something nice when I can (e.g., "You've done a good job organizing the Rule Proof around legal principles, rather than cases").

Using the master list of anti-

pated recurring comments, then using macros to draft individual comments sheets for each student, helps to move efficiently through a pile of student papers. It greatly reduces the need for slow, handwritten comments. Using this

grading system, it generally takes about 45 minutes to finish reading and marking up a memo and

corresponding hard copy of the master comment sheet. Marking up an appellate brief takes about an hour. I can read three to six memos a day (and two to three briefs a day) without sacrificing the quality of comments and without grading for more than two consecutive hours. For each student, I then spend another 20 minutes generating individual comments, using macros.

This grading system is mobile, an important attribute for those of us who like to grade in cafes while sipping lattes. The students get detailed, typed comments, without tethering me to my office. Those teachers lucky enough to have laptops would be even more mobile.

Finally, this grading system has a CYA benefit. While the prospect is unpleasant, having a detailed, multi-page list of reasons for a student's grade on a brief or memo is a useful tool for a teacher whose assessment is challenged.

#### Conclusion

Using macros in grading is just the tip of the iceberg. Legal writing teachers are increasingly making creative use of

widely available technologies to improve the feedback process, including using word processing to insert written balloon comments directly on student drafts, or to insert voice comments directly into student drafts and other techniques I look forward to trying.<sup>2</sup> But using macros is a relatively low-tech approach that saves a great deal of time and helps ensure consistency and quality in commenting on student writing. ♦

<sup>1</sup> The usefulness of word processing macros in grading legal writing has been recognized elsewhere, e.g., Laurel Currie Oates, *The Paperless Writing Class, The Second Draft*, June 2001, at 18 (available at [www.lwionline.org/publications/seconddraft/jun01.pdf](http://www.lwionline.org/publications/seconddraft/jun01.pdf)); Anne Enquist, *Critiquing and Evaluating Law Students' Writing: Advice from Thirty-Five Experts*, 22 Seattle U. L. Rev. 1119, 1139 (1999); Suzanne Ehrenberg, *Legal Writing Unplugged: Evaluating the Role of Computer Technology in Legal Writing Pedagogy*, 4 Legal Writing: J. Legal Writing Inst. 1, 4 (1998); Lucia Ann Silecchia, *Of Painters, Sculptors, Quill Pens and Microchips: Teaching Legal Writers in the Electronic Age*, 75 Neb. L. Rev. 802, 830 n. 139 (1996) (explaining a method other than that set out here).

<sup>2</sup> This article is based on a presentation at the December 2003 New England Legal Writing Consortium (with Margaret Sova McCabe). I would be happy to share the 12-page master list of comments I used for the Spring 2004 appellate brief problem with any legal writing teacher who contacts me at [sricks@camden.rutgers.edu](mailto:sricks@camden.rutgers.edu).

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*Please make sure all of your legal writing colleagues are getting The Second Draft by e-mailing address changes or additions to Yonna Shaw, LWI Program Assistant, at [shaw\\_yw@Mercer.edu](mailto:shaw_yw@Mercer.edu).*

# Clinic Collaborations and Creating the Law In Upper-Level Writing Courses

Steven D. Schwinn, University of Maryland School of Law

About a year and a half ago, as part of a writing program evaluation, a clinical professor—and one of my dear colleagues and friends—had this to say about legal writing and analysis in the law school: “We teach our students how to *apply* the law, but we ought to be teaching our students how to *create* the law.” I must confess that I did not appreciate the full import of his statement until he and I took up his challenge and together created an upper-level writing course in which we demanded that our students do just that: create the law.

Our idea was simple, perhaps even obvious, for two faculty—a legal writing professor and a clinical professor—who sought to collaborate: we would carve out a special section of a required upper-level Appellate Advocacy writing course to work hand-in-hand with an upper-level Post-Conviction Clinic on a case involving an innocent man serving a life sentence who had been incarcerated more than 30 years and who had apparently exhausted his post-conviction remedies. The collaboration was a quid pro quo: the post-conviction clinic (and, importantly, our client) received the much-needed support of 25 additional students from the writing course and, in exchange, students in the writing course received a singular educational opportunity to work with a live, complex case.

We structured the Appellate Advocacy course around concrete issues that we identified as central to our client’s case, and we assigned each issue to a team of four students, with two students on each side. Because the course was Appellate Advocacy, we added a hypothetical trial court order denying a petition for post-conviction relief to the otherwise original, unaltered case file. This twist did not change the substance of our students’ work; it simply placed that work in a hypothetical appellate court (where our client’s post-conviction petition likely would have landed, anyway). We met with students as a class and separately by issue each week over the course of the semester to monitor and guide their progress. We required students to draft an appellate brief on their issue, to make an oral argument, and to rewrite their brief based on our feedback and additional research. We then fed the results of our students’ work into the work of the clinic on the actual post-conviction petition and related petitions for relief.

Our students’ issues ran the gamut from substantive bases for post-conviction relief—such as ineffective assistance of counsel in the original criminal case and in the

original criminal appeal—to procedural questions arising out of the posture of the case. Perhaps the most interesting issue from a pedagogical standpoint turned out to be the question related to the interests of justice: Could our client’s case be reopened “in the interests of justice” even after 30 years and apparently exhausted post-conviction processes? The Maryland Post-Conviction Act, like many similar acts, contains this generic catch-all exception of “the interests of justice” for extraordinary and unforeseen circumstances.

The problem was that nobody knew what that phrase meant. There was no case law interpreting this phrase, and the legislative history was scant and indeterminate. Not surprisingly, the situation led to extreme frustration. (At one point our students even complained that we were deliberately hiding the ball—that we (the faculty) *must* know the answer to the problem!) But our students also exhibited flashes of inspiration: they turned to “the interests of justice” in other statutory contexts, they looked to other jurisdictions, and they crafted policy arguments out of what little legal authority they

could find. They constructed arguments by piecing together disparate and unrelated authority and by using their creativity. In short, they *created* the law.

In deconstructing this experience, it

occurred to us that the defining characteristic of these students’ issue—and, indeed, each student’s assigned issue in this case, to varying degrees—was that we (the faculty) did not already know the answer. (And for many issues, like the “interests of justice,” the answer simply did not exist.) Nor did we know the arguments. We didn’t even have immutable ideas about how to approach these complex questions.

It occurred to us further that we did not already know the answers because we did not create the problem. We did not write the legal documents and transcripts, we did not define the issues, and we did create the case file with the benefit of prior exhaustive legal research. In other words, we did not do the kind of leg work that we legal writing faculty customarily do when we create problems or simulations for our students. Instead, we took the actual case file as it existed (and was developed through factual research over the course of the semester), distributed it to our students, and worked with them as partners in a collaborative, problem-solving team.

This approach pushed our upper-level students beyond the primary skills in analysis and argumentation that they developed in their first year. Our students moved beyond their roles as passive interpreters of the law in a synthetic,

## The Next Step

## Looking at the Horizon

Continued from page 1

noticing the landscape. But every so often, I come over the crest of a hill in the late afternoon, and the light bathes the trees and hills with soft colors that lift my heart and make me glad to be in that spot at that moment.

I'm also lucky enough to spend some time each year on a beach on Cape Cod on Martha's Vineyard Sound, where there is nothing but lapping water as far as I can look. Without a boat, that's as far as I go—looking at the horizon from the sand.

Coming to an LWI conference always affects me as a teacher the way living with these landscapes does as a person. As I start my twelfth year teaching legal writing, I will enter a familiar place and teach material I know well. My students will struggle in the same ways that those preceding them have struggled. Some of my classes will go well, some will bomb, and I will not be able to predict which. But some of the presentations I go to in the next few days will shine a new kind of light on what I teach and how I teach it. What I take home with me and bring to my teaching will help me have that feeling of cresting the hill and seeing the trees and the hillside anew more often when I go back into my classroom.

When I go to other presentations, it will be like looking out at an ocean, which I have no idea how to approach or traverse and may never even have thought I would want to. By the end of the program, though, I will have been given my first sailing lessons. If and when I am ready to leave the beach, I'll have a chance of navigating through those waters.

I hope that this conference helps you as it has always helped me—that your horizons are sharpened and expanded and that you leave with renewed friendships, information, and energy as legal writing professionals. ♦

constructed simulation, as they were coming out of their first year. Our first-year hypotheticals and simulations, as rich and realistic as they are, are constructed upon the very legal authority that we expect our students to use to analyze or argue their problems. But if our first-year problems are constructed upon their own answers, they leave little room for students to develop as more active creators of the law. There is little there to create.

In contrast, our upper-level approach—with all its uncertainty and potential frustration for our students—ultimately empowered them as active agents in the law-making process. The course challenged them to develop sophisticated, upper-level skills to deal with—and, indeed, thrive upon—the inherent indeterminacy of live-client practice and unsettled law. Students transcended their basic, first-year skills in application and argumentation to develop a richer, more complete set of skills that included creative problem-solving and creative argumentation. In this process, we shared many “light-bulb moments” in the course, where students visibly understood the shift in their roles and began to become comfortable as creators of law.

This collaboration between the upper-level writing course and clinic, then, had a variety of benefits, from helping to better serve a client to introducing upper-level writing students to the challenges of live-client practice. And similar collaborations could have even more copious benefits. But the singular benefit of this offering was to empower students to develop from passive interpreters to active creators of the law. In this respect, we certainly met my colleague's challenge that “we ought to be teaching our students how to *create* the law.”

*Post Script: After this article was written, we learned that our work led to the governor's commutation of our client's life sentence. After 36 years in prison, a wrongly convicted Mr. Walter Arvinger went free. ♦*

## [Not Just] For Newer Teachers: Bringing Upper Level Course Experiences Into the Legal Writing Course

Timothy D. Blevins, Barry University

*Inspired by the theme of the last issue of The Second Draft—What Keeps Us Going?—Tim Blevins wrote that getting fresh teaching ideas from working with upper-level students allows him to reach his first-year students in new and interesting ways. Working with students at a later stage of their legal education also gives him insight into techniques that will be helpful to students just starting out. If “The Next Step” has inspired you to think about teaching an upper-level course, this column may give you some more food for thought: namely, that teaching second- and third-year students gives you new ideas to bring back to the legal writing classroom.*

Teaching upper level courses is similar, for me, to placing the proper punctuation at the end of a sentence. The story goes on, but the thought is complete. The first semester of legal writing provides unique challenges to both students and professor—challenges that are replaced by new ones by the time the students move into upper-level courses. Some first semester comments, such as “I didn't know it would be this hard,” give way to upper-level concerns regarding the exam schedules. A more perplexing remark, however, “I don't understand what we are doing or why we

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## Upper Level Experiences

Continued from page 11

are doing it,” continues to plague many students beyond the first year. My experience teaching Client Counseling and Advanced Appellate Advocacy, both upper level elective courses, has afforded me the opportunity of being with perplexed students when the pieces of the puzzle begin to take shape and they recognize the hows and whys of legal writing.

*[T]eaching Client Counseling and Advanced Appellate Advocacy, both upper level elective courses, has afforded me the opportunity of being with perplexed students when the pieces of the puzzle begin to take shape...*

One such opportunity arose during a Client Counseling course. This course is well received by the students because it brings into the learning mix the interactions between people as opposed to the more passive aspects of classroom learning. It is also fun to teach. It consists of three components: client interviewing, client counseling, and negotiating. I create problem sets that begin with a client interview, proceed through a counseling session, and result in one or more negotiation sessions. It is during these client interviews that I see how students have taken the lessons learned from writing the facts in memorandum and briefs and apply those lessons while collecting facts and impressions. What I learned was that the students were more engaged in the collecting and cataloging of facts when there was a question and answer session with the client as opposed to handing students fact sheets. I also saw an increased interest in, and much improved, legal analysis when the students were challenged by questions from the client in the counseling session. I began to look for a means by which I could bring the client into the first semester legal writing class. The use of technology seemed to provide a partial and exciting answer to my quest.

The client counseling course had about the same number of students as did a single section of legal writing, so the number of students did not pose any difficulty. However, in the legal writing course I generally had two or three sections, all working with the same problem. In order to bring some of the realism of a client interview into the legal writing course, I created a video of an interview, converted the interview tape to a digital file, and placed the digital file on a webpage. This gave all my legal writing students access to exactly the same information. They could review the interview as often as they liked and they could

control the interview in real time so that they could take notes. I truly enjoyed the experience of being able to respond to student questions regarding the content of the “interview” by posing the question “What did the client say?” and thereby re-directing the student back to the client rather than a fact sheet.

The video greatly reduced the possibility that a student would miss or misunderstand any of the facts given by the client. The video also eliminated the anxiety of students who feared they did not hear something in the interview or that they had heard the information wrong. I saw an increase in the quality of the writing as reflected in more complete, yet succinct, fact sections in their memoranda. The student comments regarding the videos were very encouraging, as well. The experience was not exactly the same as the live client interview but the uniformity in delivery of the information overrode other concerns. The formula was balanced: The students were happier and more interested, and I was presented with better and more interesting documents.

Another opportunity to see pieces of the puzzle begin to come together occurred during Advanced Appellate Advocacy. Enrollment in this course is between eight and fifteen students. The course focuses on the appellate process but, out of necessity, begins with a review of the trial process. I have encouraged other faculty members to join me in the classroom so the students could gain from experiences in addition to mine. One visitor explains the process of preserving error during trial in order to mount an effective appeal. Another visitor explains the process of filing the appeal. This collaboration with other faculty members and the discussions regarding the trial process often suggest details that I have never experienced.

Because I found the collaborative work interesting, I was able to transfer that interest to my first-year students and their efforts in dealing with both legal writing issues and, eventually, the appellate issues, in their analysis and discussions. I found that students more willingly and enthusiastically discussed the appellate brief issues when I introduced more appellate practice into the course.

In summary, the use of technology to bring clients and upper level course experiences into the legal writing classroom makes teaching legal writing more interesting to me and for my students. The opportunity to teach upper level elective courses allows me to reflect on the interactions between the multiple subject matters the students will see in law school and how this integration finds its way into the practice of law. ♦

# Writing Specialist



## Filling up the Candy Jar: Advantages of a Full-Time Writing Specialist

*Kim Baker, Roger Williams School of Law*  
A first-year student thanked me recently for taking the time not only to help him improve his writing but also to help him build the confidence that he could improve. Beyond the nice pat on the back, this encounter reminded me of just how much better I practice as a full-time writing specialist than I did as a part-timer. I owe my full-time position to the tenacity of our legal writing director, Jessica Elliott, who finally convinced the administration and me over a year-long period that being full-time had many advantages.

Prior to directing our legal writing program, Director Elliott taught legal writing at a program with a full-time writing advisor, an experience she shared with me to illustrate practical advantages. She referred also to a comprehensive analysis of the history of writing advisors at law schools by Professors Jessie Grearson and Anne Enquist, which quantifies their advantages.<sup>1</sup> This article will build on the professors' work and assert two reasons to consider a full-time writing advisor even if you already have a part-time one: it deepens an immersion in the culture of the law school, which deepens understanding of students' writing needs; this, in turn, leads to more effective and long-lasting solutions.

Participation in the culture of our law school begins with my widespread visibility at orientation each August. On day one, while first-year students roam the building buying books, applying for a parking sticker, getting their course schedule, and browsing through information by the local Chamber of Commerce, I sit at a table in the middle of the hubbub greeting students as they walk by. I distribute a handout describing the service of the writing specialist, answer questions about the service, and

encourage first-year students to visit me to discuss their legal writing. This initial visibility pays off throughout the five days of orientation and into the first year as students recognize me and interact with me in the corridor, lunchroom, and library. Some students claim that being able to put a face with a name made seeking help easier. Student-encounter statistics show a significant increase in business from my part-time to full-time practice, considering the number of students per hour ratio.

The increased visibility leads the writing specialist to become part of the school's culture. The everyday rhythm of classes, discussions, chit chat. The things that make a school tick and stick together. Being part of the culture was almost impossible as a part-time writing specialist. I would run in from the university in the late afternoon to hold office hours. I did not know any of the students, law school professors, or staff very well, nor did I have time to get to know them. I was relating to individual students only. I had no sense of the larger picture, the mission, the strain of law school, or the highly stylized nature of legal writing.

As my visibility has increased and my immersion in the culture has deepened, my understanding of the writing needs of law students, first-years particularly, has evolved. Early each semester, before the crush of the crowd clamoring to see me, I attend the legal writing class of Director Elliott, something I was never able to do while part time. Attending class enables me to deepen my understanding of legal writing, to hear what students hear, and to "take the pulse" of their writing skill level, needs, and fears. This deeper understanding enables me to relate better to students, as well as help them improve their legal writing skills.

Understanding better what legal writing demands, I have been able to assess writing problems in context and to develop effective solutions. I have more time to spend in one-on-one sessions assessing not only specific skills issues but also related writing problems stemming from ESL or writing anxiety. Writing research suggests that examining writing difficulties in context and identifying the source of the difficulty leads to behavior modification, not just rule reinforcement. For the writing advisor, this translates into independent student self-assessors less dependent on the writer advisor, or, eventually, the judge, partner, etc. To solve the problem of how to reach more law students, particularly those who do not come in to work with me personally, I distribute an e-mail Writing Tip of the Week. This particular solution has been very successful. Not only do the tips reach a wide audience but students report a sense that someone takes the time to think about their writing needs. I also have time to develop handouts, such as one to streamline the lengthy document explaining TRRAC.

Having a part-time writing advisor is advantageous to any law school. This professional supports the legal writing program particularly. Having a full-time writing advisor integrates this professional into the fabric and mission of the school by supporting not only the legal writing program, but also exam practice, career services, student scholarship, and bar preparation. The only drawback is needing to refill the candy jar on my desk more often now. ♦

<sup>1</sup> Jessie Grearson & Anne Enquist, *A History of Writing Advisors at Law Schools: Looking at Our Past, Looking at Our Future*, 5 Leg. Writing (1999).

# Highlights of the 2004 ALWD/LWI Survey of Legal Writing Programs

Kristin B. Gerdy

*Note: In the interest of conserving space, extensive footnotes to the survey itself have been omitted. The data here comes directly from responses to specific questions and is presented in more detail in the Association of Legal Writing Directors/Legal Writing Institute, 2004 Survey Results (conducted by Kristin Gerdy)(copy on file with author, as well as at [www.alwd.org](http://www.alwd.org) and [www.lwionline.org](http://www.lwionline.org)).*

For the sixth straight year response rates to the ALWD/LWI Survey increased. A record high 176 schools participated for a 93% response rate in 2004 (up from 92% in 2003 and 83% in 2002), thanks to the cooperation of program directors. This year's pool of solicited schools was also the largest ever, with 190 schools solicited for information, representing all U.S. AALS Member law schools and AALS Non-Member Fee-Paying schools as well as the University of Windsor in Ontario, Canada, the host of the 2003 ALWD Conference.

## Legal Research and Writing Director Experience and Salaries

The average director's salary for a 12-month calendar contract period in 2004 was \$91,390, up slightly from an average of \$86,586 in 2003, \$85,389 in 2002, and \$81,636 in 2001. The average director reflects a steady increase of experience over the last four years. In 2004, the average director graduated from law school 19.43 years ago (compared with 18.6 years in 2003, 18.1 years in 2002, and 17.55 years in 2001), taught in law school for 12.74 years (compared with 11.7 years in 2003, 11.4 years in 2002, and 10.9 years in 2001), and directed at her current law school for 7.82 years (compared with 7.2 years in 2003, 6.9 years in 2002, and 6.1 years in 2000).

Regional factors affected the average directors' salaries in 2004 as in earlier years. Directors in the New York

City and Long Island region reported the highest average salary at \$124,360, while directors in the Northwest and Great Plains region reported the lowest average salary at \$74,000.<sup>1</sup>

## Legal Research and Writing Faculty Salaries and Other Support

The average low salary for full-time legal research and writing (hereinafter "LRW") faculty base salaries rose in 2004 to \$49,419 compared to 2003 figures of an average low of \$48,931. However, the average high fell to \$59,395 from an average high of \$60,198 in 2003.

Regional differences for LRW salaries reflect the same trends as seen in director salaries at the top and bottom, but the middle regions shift slightly. The highest average salaries are found in the New York City & Long Island region, at an average of \$66,500, with salaries in the Northwest & Great Plains region coming in at the bottom with an average of \$38,500.

In addition to formal salary, 70 programs provide LRW faculty with summer grants averaging \$6,911, up from \$6,748 in 65 programs in 2003 and \$6,371 in 57 programs in 2002. Further, the vast majority (99 programs), provides their LRW faculty with developmental funding averaging \$1,946, up from \$1,909 in 2003 and \$1,713 in 2002. And over 75% of programs (97) provide funding for research assistants, with 76 providing funding for all reasonable requests and 21 providing an average of \$1,475, down from an average of \$1,574 in 2003, but up from an average of \$920 in 2002.

## Other Variables Related to Salaries

Three additional variables seemed to impact LRW salaries in 2004: law school setting, institution type, and LRW staffing model.

In 2004, salaries were higher for directors and LRW faculty in urban

areas. This is a change from 2003 when salaries for directors and LRW faculty were higher in suburban areas, but is consistent with data from 2001. Salaries were higher for directors at private law schools (\$88,258) than for directors at public law schools (\$85,933). Further, average directors' salaries were highest for directors in programs with tenure-track teachers hired to teach LRW (\$100,700) and were lower in adjunct-taught programs (\$97,353) and complex hybrid programs (\$92,898). Salaries were lowest in programs with part-time faculty (\$86,000) or with LRW faculty on contract (\$79,441). For LRW faculty, average current salaries were highest if the faculty were tenured or tenure-track (\$59,208) and lowest for full-time non-tenure track faculty (\$53,758).

## Staffing Models and Status Issues

According to the survey responses, most programs used full-time non-tenure-track teachers (79 or 45%), a hybrid staffing model (59 or 34%), or adjuncts (19 or 11%) in 2004. Six programs used solely tenured or tenure-track teachers hired specifically to teach LRW, and another nine programs used such teachers in hybrid programs. Twenty-eight programs reported having assistant directors in 2004, up from 18 in 2003 and 19 in 2002. The average salary for an assistant director was reported as \$70,659, compared with \$63,111 in 2003 and \$54,176 reported in 2002.

In 2004, there were more tenured directors than in 2003 (35 vs. 26) and fewer tenure-track directors (16 vs. 22) than in 2003. In addition, 10 directors have clinical tenure or tenure-track status (2 more than 2003 but the same as in 2002). About 36% of those responding were tenured or tenure-track including clinical tenure status (down from 40% in 2003 but consistent with 36% in 2002). However, 43% (60 of 139) of the directors whose primary responsibility is LRW

are not on tenure-track (up from 40% in 2003).

LRW faculty in most programs are on short-term contracts with 60 on 1-year contracts, 24 on 2-year contracts, 36 on contracts of 3 years or more, 20 have ABA Standard 405(c) status, another 8 are on ABA Standard 405(c) status track, and 24 are on tenure track. The overwhelming majority of those on contract have no cap (105 of 115 or 91%, which is consistent with the 2003 numbers of 110 of 121 or 91%).

At 74% of the reporting law schools the program directors have a form of "Professor" in their official title (106 of 143). "Director" is the next most common title (68 or 48%). For LRW faculty, many have some form of "Professor" in their official title (84 or 65%), many are "Instructors" (35 or 27%), with "Lecturer" being the next most common title (17 or 13%).

The vast majority of directors serve on faculty committees as voting members (127 or 89%). For LRW faculty, those in 98 (76%) programs serve on faculty committees with 91 (71%) programs affording voting. The majority of directors (106 of 142) also attend and vote at faculty meetings with 7 non-tenure track directors voting on all matters and 39 more voting on all but hiring and promotion. These voting rights are in addition to the 51 tenured and tenure-track directors, who were assumed to have voting rights.

LRW faculty vote at faculty meetings in 72 programs with 31 of those programs affording voting on all matters. At 44 more programs, LRW faculty members attend, but do not vote. Reporting on the scope of their voting rights, 120 survey respondents reported that they do vote on curricular matters at faculty meetings; however, 24 respondents do not. Finally, when asked whether they vote regularly when allowed, 123 survey respondents answered affirmatively with only eight reporting that they do not vote regularly.

## Curriculum

Virtually all writing programs extend over 2 semesters averaging 2.27 credit hours in the fall and 2.19 hours in the spring. In addition, 42 programs have a required component in the fall of the second year, averaging 2.0 credit hours.

Almost all LRW courses are graded with grades that are included in the students' GPA (146 programs). Most programs grade at least some assignments anonymously (98), but 73 programs do not. Additionally, 146 programs require rewrites, with 55 of those programs requiring rewrites on all assignments; 67 programs grade all rewrites; 37 grade only the rewrites; and 25 grade only the final drafts.

The majority of programs integrate research and writing instruction (141 programs). At 85 schools, legal research is taught by LRW faculty. At 42 schools, it is taught by librarians. At 49 schools, LRW faculty and librarians teach legal research in combination, and at 22 schools teaching assistants and other students are responsible for teaching research.

In addition to their traditional LRW faculty, 44 law schools employ a full-time or part-time writing specialist, and 121 schools offer an academic support program.

The most common writing assignments during the 2003-04 academic year were office memoranda (170), appellate briefs (142), pretrial briefs (97), and client letters (92). The most common oral exercises were appellate arguments (138), in-class presentations (62), and pretrial motion arguments (56).

The most common methods of commenting on papers during the 2003-04 academic year were comments on the paper itself (169), comments during conferences (143), comments at the end of the paper (129), general feedback addressed to the class (124), grading grids or score sheets (104), and feedback memos addressed to individual students (100).

The most common teaching activities and the average amount of time spent in each activity were lecture (159 spending an average of 32.8%), questions and answers and class discussion (154 spending an average of 23.6%), group in-class exercises (147 spending an average of 17.99%), demonstrations (135 spending an average of 11.67%), individual in-class exercises (131 spending an average of 11.41%), and in-class writing (115 spending an average of 8.74%).

LRW programs continued to use technology to improve and supplement teaching in 2004. According to survey respondents, 44 programs have web pages, down from 56 web pages reported in 2003 and 64 web pages reported in 2002. Class e-mail or listserv continued to be popular during the 2003-04 year with 146 programs using them with a 4.28 average satisfaction rating (out of a possible 5). Other technology use was reflected in 77 programs with course web pages with a 3.67 average satisfaction rating, and 97 programs made use of electronic "smart" classrooms (compared with 91 programs in 2003 and 68 programs in 2002) with a 4.10 average satisfaction rating.

As of the time of the survey, 57 programs plan to teach the *ALWD Citation Manual* only for the 2004-05 academic year, while 89 programs plan to teach the *Bluebook* only; 18 plan to teach both methods, 4 plan to leave the choice to each teacher, and 3 either plan to teach a different system or are undecided as to which system they will teach.

The majority of LRW faculty say that they have a large degree of academic freedom with regard to curricular choices. For instance, faculty in 160 programs reported that they had the authority to choose or change their legal research and writing textbooks (such as citation manuals) and their legal research and writing teaching methods

CONTINUED ON PAGE 16

## ALWD/LWI Survey Highlights

Continued from page 15

(such as lecture, small group exercises, guest lecturers, joint teaching), while only 6 did not. Slightly fewer programs have the authority to choose or change their legal research and writing exam methods (such as essay, short answer, bluebook, “problems” requiring a written memo or brief to be written) (151 programs), while 9 did not. And 154 programs have the authority to choose or change their types of legal research and writing assignments (such as length of assignments, subject area, appellate or trial brief, due dates), while 11 do not.

The largest degree of differences in academic freedom reported by survey respondents involved the level of control over final decisions on proposed curricular changes. When asked who has the final authority to adopt or reject recommended changes in methods and scope of teaching in the required legal research and writing program, 29 responded that the dean or deans had such authority; 7 reported a faculty committee; 49 reported the faculty at a full faculty vote; 68 reported the legal writing director; 40 reported the legal writing faculty as a whole; and 14 reported that someone else had the ultimate authority on such matters.

*Directors and faculty members in legal research and writing programs do much more than attend to administrative tasks and teach classes. They are involved in nearly every aspect of their law schools and traditional academic life.*

### Workload

Directors and faculty members in legal research and writing programs do much more than attend to administrative tasks and teach classes. They are involved in nearly every aspect of their law schools and traditional academic life.

In 2003-04, directors spent 35% of their time teaching in the required program, 28% on directorship duties, 18% teaching outside the required

program, 12% on service, 11% on scholarship, 5% on academic support, and 9% on “other” activities.

During the 2003-04 academic year, the “average” director taught 32 entry-level students 2.9 hours per week using 3.32 major and 4.25 minor assignments, read 1,218 pages of student work, and held 37.6 hours of conferences during the fall semester. The spring semester workload was comparable. These numbers and averages are all comparable with those reported for the 2003 survey. Directors spent an average of 46 hours preparing major research and writing assignments and 50 hours preparing for classes in the fall and comparable time in the spring.

In the 2003-04 academic year, the “average” LRW faculty member taught 45 entry-level students 3.6 hours per week using 3.23 major and 4 minor assignments, read 1,554 pages of student work, and held 48 hours of conferences. Again this past year, classes were within the maximum range recommended by the ABA *Sourcebook on Legal Writing Programs*. This compares with the prior year in which the “average” LRW faculty member taught 44 entry-level students 3.6 hours per week using 3 major and 3.5 minor assignments, read

1,561 pages of student work, and held 51 hours of conferences—a comparable workload. LRW faculty spent an average of 34 hours preparing major research and writing assignments, 55 hours preparing for classes in the fall, and slightly less time in the spring.

In addition to teaching in the required LRW program, many directors taught courses beyond the first-year program (86 or 61%). They taught an average of less than 1 upper-level

writing course and 1.36 non-LRW courses in subjects ranging from advanced appellate advocacy to feminist jurisprudence. LRW faculty members also teach upper-level courses (98 or 76%). These courses are both upper-level LRW courses (47) and non-LRW courses (85). These courses are taught both during the regular academic year (79) and during separate summer sessions (65).

Besides classroom teaching, LRW directors and faculty members are actively engaged in academic scholarship. For 52 or 37% of directors, there is an obligation to produce scholarship. For 23 there is no obligation, but there is an expectation they will. For LRW faculty, there is an obligation in 20 programs to produce scholarship, encouragement to produce scholarship in 29 programs, and an expectation to produce scholarship in 7 programs, while 72 programs impose no such obligation or expectation. The vast majority of respondents (150 of 154) report that they have the authority to choose or change their scholarship topics (such as legal writing topics, pedagogy topics, doctrinal topics).

### Gender Highlights

Consistent with earlier surveys and published reports of gender disparity in legal academia, the 2004 survey reports differences along gender lines.<sup>2</sup>

Female directors earn less than male directors when measured by 12-month salaries (\$90,382 female; \$94,500 male); less than 12 month salaries (\$82,834 female; \$102,278 male); and salaries reported combined (\$85,773 female; \$92,094 male, a 12% difference.) (Salaries reported in 2003 had combined average of \$82,273 female; \$93,774 male, a 12% difference, while 2002 had combined averages of \$79,806 female; \$87,790 male, a 9% difference.) In the range of salaries paid, female directors’ salaries have a wider range than males’ (\$52,000 to \$156,000 female; \$52,000 to \$150,000 males).

Fewer females than males earn more than \$100,000 (27 of 95 females, or 28% of females; 12 of 30, or 40 % of males). However, the number of females earning more than \$100,000 has risen since 2003 when 16 of 82 (or 19%) earned such salaries, and has risen substantially since 2001 when only 6 of 68 (or 9%) earned such salaries. Females with comparable years of experience directing at their present schools earn sometimes less, sometimes the same, and sometimes more than their male colleagues.

In programs headed by female directors, the salary range for LRW

*Consistent with earlier surveys...the 2004 survey reports differences along gender lines.*

faculty was lower: the averages at the low in the range were lower (\$48,478 low with female director; \$52,616 low with male director). The averages at the high end of the range were also lower (\$58,287 high with a female director, \$63,775 high with a male director).

Female directors were somewhat less often tenured than were male directors (27% of females; 37% of males). When tenured and tenure-track directors were combined, males just pass females (44% male; 39% female). Significantly more female directors continue to find themselves on contract than males (47% females; 27% males, compared with 56% females; 11% males in 2003).

Fewer females teach courses beyond required writing course than males (60% female; 67% male). The overall level of directors teaching upper-level courses has increased slightly from the 2002 data when 51% females and 77% male directors taught

those classes. A similar percentage of female directors teach academic support as their only upper level course than males (4% females; 6% males, compared with 3% females and 3% males in 2003).

Finally, female directors were slightly less often eligible for paid sabbaticals (35% female; 38% male), slightly more often eligible for unpaid sabbatical (13% female; 11% male), and were slightly less often eligible for other leave and reduced loads (46% female; 51% male).

### Conclusion

Like its predecessors over the years, the 2004 Survey captures a snapshot of vibrant and varied programs and talented and dedicated faculty. Legal research and writing faculty may be as different as the schools and geographic regions they represent, but together they represent a dedication to dynamic teaching and scholarship. ♦

<sup>1</sup> The average regional salaries for the remaining regions were: Northeastern \$94,084; Mid-Atlantic \$90,263; Far West, \$87,428; Great Lakes/Upper Midwest \$86,127; Southeast \$80,552; and Southwest & South Central, \$79,060.

<sup>2</sup> See e.g. Jo Anne Durako, *Second-Class Citizens in the Pink Ghetto: Gender Bias in Legal Writing*, 50 J. Leg. Educ. 562 (2001); Jan M. Levine & Kathryn M. Stanchi, *Gender and Legal Writing: Law Schools' Dirty Little Secrets*, 16 Berkeley Women's L.J. 3 (2001); Jan M. Levine & Kathryn M. Stanchi, *Women, Writing & Wages: Breaking the Last Taboo*, 7 Wm. & Mary J. Women & L. 551 (2001); Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing Programs*, 70 Temp. L. Rev. 117 (1997).

## Writing for *The Second Draft*

We encourage you to consider submitting an essay to *The Second Draft*, regardless of whether you have published before. Writing a “theme” essay can be an ideal springboard to a larger article, or can help you clarify ideas that might merit further development elsewhere. We are always delighted to hear from first-time contributors!

If you are interested in writing a “special feature” or a column, the first step is often discussing an idea or topic. The long-time column “From the Desk of the Writing Specialist” is coordinated by Anne Enquist, who can be reached at ame@seattleu.edu. The column “The Next Step,” which explores upper-level writing instruction, is coordinated by the Upper-Level Writing Committee. For information contact Ruth Anne Robbins, ruthanne@camden.rutgers.edu. The special features are selected by the *Second Draft* editors. Special features and columns are sometimes planned months ahead of publication, and their publication in a particular issue cannot be guaranteed.

If you have ideas for “themes” that would be of special interest, or have any comments about the content of this or other issues of *The Second Draft*, please contact the editors.

Finally, if you are planning a regional legal writing conference, please let us know as far in advance as possible of the dates and locations involved. We are happy to publish news or pictures from regional conferences as space is available.

## Publications and Promotions

Three new Lawyering Process Professors, **Robert S. Anderson**, **Monica J. Ramunda**, and **Nantiya Ruan**, have been added to the faculty at the University of Denver.

**Dan Barnett** (Boston College Law School) was awarded the 2003-04 Boston College Distinguished Teaching Award. Dan was one of only three faculty members who received this university-wide excellence in teaching award last spring.

**Kate Bohl** (Stetson), with fourteen years of teaching experience and extensive publication expertise in the area of grandparent visitation, was one of two National Judicial College faculty teaching opinion writing at the Native American Tribal Judges program.

While teaching Research and Writing and supervising Stetson's Academic Support program, **Brooke Bowman** (Stetson) is also working in a distance education program on a Master of Science in Library and Information Science from the University of Illinois.

**Brad Clary** (University of Minnesota) was appointed to an endowed professorship. The Papke Endowed Professorship, named for 1940 alum Vaughan G. Papke who left a substantial bequest to the Law School when he died in 1995, is expressly for full-time clinical faculty. The professorship was designed to encourage clinical professors to do interesting and important scholarship in their particular fields. The professorship is awarded on a two-year basis, and Brad's appointment will run from 2004-06.

**Susan DeJarnatt** (Temple) published an article, *The Philadelphia Story: The Rhetoric of School Reform*, 72 U. Mo. Kansas City L. Rev. 949 (2004).

Following a policy newly adopted last year, the faculty at **Cleveland-Marshall College of Law** has voted to award five-year contracts to Director of

Legal Writing **Barbara Tyler** and Legal Writing Professor **Brian Glassman**.

**Molly D. Current** has been appointed to serve as the Director of Santa Clara University's Legal Analysis, Research and Writing program beginning with the 2004-05 academic year. Molly was previously teaching in the legal research and writing program at Chicago-Kent College of Law as a Visiting Assistant Professor.

**Jo Anne Durako** (Stetson) was named the new Director of the Legal Research and Writing Program after **Darby Dickerson** became Dean of the law school. Also, the legal writing faculty has expanded to ten teachers. In August, Jo Anne spoke on *Visual Clarity—Designing the Document* before the Business Law Section at the annual ABA meeting in Atlanta. She is also working with the AALS to plan the 2005 New Teachers Workshop, which will include a full day for new LRW faculty.

**K.K. DuVivier** (University of Denver), Assistant Professor and Director of the Lawyering Process Program, will publish an article, *State Ballot Initiatives in the Federal Preemption Equation: A Medical Marijuana Case Study*, in the March 2005 issue of the Wake Forest Law Review.

**Elizabeth Fajans**, **Mary Falk**, and **Helene S. Shapo** (Brooklyn Law School) published their book, *Writing for Law Practice*, with Foundation Press.

The John Marshall Law Review will be publishing **Scott Fruehwald's** (Hofstra) article, *The Boundary of Personal Jurisdiction: The "Effects Test" and The Protection of Crazy Horse's Name*, in its Winter Issue.

**Elizabeth L. Inglehart**, **Kathleen Dillon Narko**, **Clifford S. Zimmerman** (Northwestern) published an article, *From Cooperative Learning to Collaborative Writing in the Legal Writing Classroom*, 9 Leg. Writing 185 (2003). The article, which expands on a presentation they made at the 2002 LWI

conference, focuses on the use of cooperative and collaborative learning in the legal writing classroom.

**Lisa McElroy** (Roger Williams University) recently accepted an offer to publish her new children's book, *LOVE, LIZZIE*, in the fall of 2005 with Albert Whitman Books. The work is a fictional picture book about a little girl whose mother has been posted overseas on active military duty, and it includes a foreword by U.S. Senator Dianne Feinstein.

**Sharon Reich Paulsen** (University of Minnesota) was appointed Vice-President and Chief of Staff in the Provost's office. Sharon was on the executive committee that originally recommended the formation of ALWD almost a decade ago.

**Sarah Ricks's** (Rutgers-Camden) article, *Some Strategies to Teach Reluctant Talkers to Talk About Law*, is forthcoming in the *Journal of Legal Education* (December 2004). The Pro Bono Research Project, designed and co-coordinated by Sarah and the Rutgers-Camden Dean for pro bono programs, was profiled in *The Philadelphia Lawyer Magazine* (Fall 2004). The Project pairs upper level Rutgers-Camden students with public interest law practitioners for the purpose of completing a discrete legal research assignment. Also, Sarah recently taught a CLE seminar on legal writing for transactional attorneys to one hundred Philadelphia government lawyers.

**Ruth Anne Robbins** (Rutgers-Camden) was promoted to Clinical Associate Professor of Law, a rank that comes with 405(c) status. Ruth Anne built Rutgers' domestic violence clinic from scratch, doubled the scope of the school's initial domestic violence pro bono program, and co-authored the attorney practice treatise in New Jersey dealing with that area of law. The faculty's decision was based in part on her teaching, service, obsession, and scholarship in legal writing. Ruth Anne also completed the second edition of her book, *New Jersey Domestic Violence Practice and Procedure*, (2d ed. N.J. Inst. of CLE 2004), that she co-wrote with a family court judge and with an attorney who was her former student. Finally, Ruth Anne is soon publishing an article, *Painting with Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents*, 2 J. ALWD 108 (2004).

**Sophie Sparrow** (Franklin Pierce Law School) was recently awarded tenure. She also had an article published recently in the *Michigan State Law*

*Review, Describing the Ball: Teaching by Using Rubrics—Explicit Grading Criteria.*

Associate Research and Writing Director **Stephanie Vaughan** (Stetson) is chair of the ALWD Model Moot Court Rules Committee, which will soon have a set of sensible, practical, and pedagogically sound rules for moot court programs.

Professor **Michael A. Zamperini** (Golden Gate University) has again won the John A. Gorfinkel Award for Outstanding Instructor. The graduating class chooses the recipient of this prestigious award, which is presented during the commencement ceremony. He teaches legal writing along with several other doctrinal courses.

**Cliff Zimmerman** (Northwestern), a fifteen-year veteran of legal writing, was named Interim Associate Dean for Student Affairs. Cliff will either stay on in that position next year or return to teach in the Communication and Legal Reasoning program.

**Emily Zimmerman, Mitch Nathanson, and Libby White** (Villanova) have been promoted to the rank of "Associate Professor of Legal Writing." These promotions were the school's first formal set of promotions under the new standards and procedures that their faculty adopted earlier this year.

## Program News

The **Case School of Law** faculty changed the title of legal writing faculty to "professor" and voted to give them long-term contracts of three and five years.

For the first time, faculty at **Golden Gate University** added an award for Academic Excellence in Legal Writing to the fourteen other student achievement awards given to graduating students.

Director **Sue Liemer** (**Southern Illinois University**) announced that after three years of considering school writing requirements, the faculty adopted a "Writing Across the Curriculum" rule proposed by the Curriculum Committee. The rule requires students to complete a writing assignment in every course, and that assignment is returned with the instructor's feedback.

**CONTINUED ON PAGE 20**

## News

Continued from page 19

**Marquette University Law School** has now moved from a program staffed primarily by part-time adjunct faculty to one staffed entirely by full-time faculty. Last spring the school hired the last of its six full-time Legal Writing & Research faculty members.

The **Michigan State University College of Law** faculty voted to give the title of Assistant Clinical Professor, Associate Clinical Professor, or Clinical Professor to those formerly known as Research, Writing and Advocacy Instructors. The new title will be followed by the phrase “of Law.”

The tenured faculty of **Oklahoma City University** voted to change the legal writing faculty title from “instructor” to “Legal Research and Writing Professor.”

In October, **Washburn University School of Law** faculty unanimously voted to grant full tenure-track status to its legal writing faculty beginning next academic year. The program plans to recruit two tenure-track legal writing professors for next fall, and at least two more the following year. Beginning next fall, the legal writing faculty will share the same status, benefits, and responsibilities as the doctrinal and clinical faculty.

The faculty at **Wayne State University Law School** voted to allow the legal writing director to vote in faculty meetings. This decision and a previous decision to lift caps last year was due in part to the LWI/ALWD survey.

## Events

The Legal Reasoning, Research & Writing faculty at **Boston College Law School** hosted the semi-annual meeting of the **New England Legal Writing Consortium** on Friday, December 10, 2004. The Consortium is a group of legal writing faculty members from around New England (and sometimes farther away) who meet twice a year on topics of interest. The December meeting, a problem-based and hands-on session, focused on the theory and practice of giving students analytical feedback on draft memos. Participants received problem materials and sample drafts of student work based on that problem. Each participant drafted written feedback and met in small groups at the conference to discuss similarities and differences in approach. For more information please e-mail Jane Kent Gionfriddo at gionfrid@bc.edu.

## Marilyn Walter To Receive Section Award

*Tom McDonnell, Chair of the AALS Section on Legal Writing, Reasoning and Research, has announced that Professor Marilyn Walter of Brooklyn Law School is this year's recipient of the Legal Writing Award. She will receive the award at the AALS Section luncheon in San Francisco on Saturday, January 8, 2005.*

*The award is given by the AALS Section on Legal Writing, Reasoning and Research for distinguished service to the Section and to the field of Legal Writing.*

*Professor Mary Lawrence, in her nominating letter, described Marilyn's contributions as follows:*

Marilyn held every leadership position in the Section, serving in each for two-year terms. During her leadership, Section membership grew; the AALS recognized the growing importance of legal writing by sponsoring a then-unprecedented second national conference on legal writing.

Through her work on the ABA Communication Skills Committee, Marilyn has for over a decade worked to improve the status of legal writing programs and the ABA standards governing legal writing professionals. Probably, the most far-reaching influence of her AALS and ABA work has been the *Source Book on Legal Writing Programs* (1997). Marilyn was one of the five co-authors of that groundbreaking book.

Marilyn has mentored literally scores of legal writing directors and teachers. She and Helene Shapo of Northwestern were the first to propose and implement sessions for new teachers at legal writing conferences. Such sessions are now a staple at meetings of legal writing professionals.

*Writing and Analysis in the Law*, which Marilyn co-authored...has been adopted by legal writing programs nationwide. A pioneer text in the field, it is still widely used.

Please help me congratulate Marilyn and thank her for all that she has done for Legal Writing.



*News items relating to publications, promotions, program changes, or upcoming conferences and meetings can be sent throughout the year. Please e-mail news to [patrick@lclark.edu](mailto:patrick@lclark.edu).*

## 2004 LWI Conference Highlights



Chris Rideout (far left) and Laurel Oates (middle) were honored for being founders of the Legal Writing Institute. Professor Rideout was also honored for his service as editor of the LWI Journal, *Legal Writing*.



Mimi Samuel, LWI webmaster and chair of the Website Committee, appears at the right.



Lori Lamb (below) was also honored at the 2004 Conference. As Terry Seligmann explained, Lori “has kept LWI running administratively for most of its 20-year existence.”



Anne Enquist, at center, lunching with other LWI members before the award ceremony, during which she was honored as one of LWI’s founding members. From left: Laura Graham (Wake Forest), Ben Bratman (Pittsburgh), Anne, Chris Coughlin (Wake Forest), and Toni Berres-Paul (Lewis & Clark).



Cliff Zimmerman gets an early start on 2006 Conference planning with Coleen Barger.



The University of Houston sent a large crew: back row, l.-r., Kate Brem, Susan Rachlin, Rhonda Beassie; front row, l.-r., Tobi Tabor and Merle Morris.



Ruth Anne Robbins, Terry Seligmann, and Tracy McGaugh enjoy the Seattle sunshine.

## Guidelines for Contributors

We welcome unsolicited contributions to *The Second Draft*. Our goals include providing a forum for sharing ideas and providing information that will be helpful to both experienced and novice instructors. Each newsletter will have a “theme,” with the exception of newsletters that follow the LWI biennial conferences, but the content of the newsletter will not be limited to a particular theme.

**Content of submissions.** We encourage authors to review recent issues of *The Second Draft* to determine whether potential submissions are consistent with the type of contribution expected and with the format and style used. Submissions should be written expressly for *The Second Draft*, but we will consider submissions which explore an aspect of a work in progress that eventually will be published elsewhere. The ideal length for submissions for a “theme” issue is approximately 500-750 words. Longer articles will be considered if their content is particularly newsworthy or informative.

**Deadlines.** Material can be submitted to the editors at any time. Submissions received after a deadline for one issue will be considered for a later issue, with the exception of submissions written to respond to a particular “theme.” For the next issue, the deadline for submissions will be March 15, 2005.

**Form of submissions.** We encourage electronic submission. Submissions can be attached to an e-mail and sent to Sandy Patrick, [patrick@lclark.edu](mailto:patrick@lclark.edu), or Joan Malmud, [jmalmud@law.uoregon.edu](mailto:jmalmud@law.uoregon.edu). If electronic submission is not possible, please contact the editors. Documents in WordPerfect or Word are accepted. Include your name, full mailing address, phone number(s), and any other contact information.

**Review and publication.** Submissions are reviewed by the editors. One of the editors will notify the author of the article’s acceptance, rejection, or a conditional acceptance pending revision. Articles that require extensive editing will be returned to their authors with suggestions and their publication may be delayed. If an article is accepted, it may be further edited for length, clarity, or consistency of style.

**LWI Board Meetings**

AALS Meeting: Friday, January 7, 2005, 7 a.m., Renaissance Hotel, Cervantes Room  
 2006 LWI Conference: June 2006

**2006 LWI Conference**

June 8-11, 2006, Atlanta, GA

**Board of Directors Elections**

Call for Nominations: January 2006  
 Elections: March 2006

***Legal Writing: The Journal of the Legal Writing Institute***

Status of Volume 10: Publication anticipated in January 2005  
 Status of Volume 11 (Conference Proceedings): Acceptance process proceeding; publication anticipated in Fall 2005  
 Status of Volume 12: Currently accepting submissions  
 For information, contact Mary Beth Beazley, Editor-in-Chief, beazley.1@osu.edu

***The Second Draft***

Deadline for submissions for Spring/Summer 2005 issue: March 15, 2005  
 Deadline for submissions for Fall/Winter 2005 issue: October 15, 2005

*Thanks to FSU Printing & Mailing Services for assistance with Volumes 15-18, and to Yonna Shaw for maintaining the mailing list. And a heartfelt thank you to all the wonderful LWI members who have inspired, challenged, and shared their ideas so generously. It has been a privilege to work on The Second Draft.*

*Barbara Busharis*

***The Second Draft: Bulletin of the Legal Writing Institute***

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If you weren't "on the  
boat" at the 2004 LWI  
conference, save the dates  
of the 2006  
conference now: June 8-  
11, 2006, in Atlanta, GA.  
We hope to see you there!

