LEGAL WRITING INSTITUTE

THE SECOND DRAFT

Bulletin of the Legal Writing Institute

Volume 15, No. 1 January 2001

Joining the Club Without Paying Its Dues: Newcomers View Their First LWI Conference

By Tracy Bach, Assistant Professor of Legal Writing, Vermont Law School

At the opening session of this summer's Legal Writing Institute Conference at Seattle University, LWI President Jane Kent Gionfriddo asked people attending their first conference to stand and be recognized. I and (what seemed like) a majority of those in the auditorium rose from our seats. Looking into the sea of faces, I began to wonder: all of us newcomers had become LWI members gratis by dint of becoming legal writing teachers, but had we really joined the club? When I left Seattle a few days later, chock full of teaching tips, the latest in LRW research and scholarship, and insights into the organization, I was curious about what others took home from their initial LWI meeting.

Like all good professional gatherings, the Seattle conference provided a forum for putting faces with names. "It was good to see others as enthusiastic about their work as I am about mine," said Michael Santana, an Assistant Professor of Legal Writing at Vermont Law School. While not quite the meet and greet frenzy of Sundance or even the annual law school orientation picnic, the conference created opportunities to see in person the people whose books you've taught from and listserv advice you've relied on. Not only does it satisfy your curiosity, it brings you that much more into the fold.

Moreover, the substance of the LWI sessions showed the concern for good teaching and caring collegiality that exemplifies this organization. It was clear from each session that experienced teachers saw the conference as a chance to mentor those just starting out, to help newcomers learn how to teach students positively. Numerous sessions focused on pedagogy, from how to create assignments and critique student work to drawing lessons from different disciplines to enrich our own teaching. Especially popular was a workshop on critiquing student papers, coordinated by Daniel Barnett of Boston College Law School. Judy Giers, who became a legal writing instructor at the University of Oregon last June and attended the conference in July "before teaching a day," benefitted from the hands-on conference sessions and found the Basics track very useful. While taking a break from critiquing a stack of 54 first-year memos, she happily acknowledged that "I took part of the problem on covenants not to compete [used in the critiquing session] and incorporated it into my curriculum this fall. I already had sample memos to use as a baseline."

Ben Bratman, Associate Director of Legal Research and Writing at the State University of New York at Buffalo School of Law, also found the session materials and insights remarkably helpful. "I could take these tangible ideas back to the classroom and apply them," he recently

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The President's Column

This column contains excerpts from Professor Gionfriddo's address at the 2000 LWI Conference.

As many of you know, a group of legal writing faculty, representing both LWI and the Association of Legal Writing Directors, has been engaged in a continuing effort to improve the ABA accreditation standards that regulate employment conditions for legal writing faculty, and in particular to convince the ABA to include all full-time legal writing faculty within the protections of Section 405(c) of the standards, which requires job security for clinical faculty. We have kept you up-to-date on this effort through postings on the legal writing and research listservs and through discussions at the LWI Conference—and we will continue to do so since our work on this project is definitely a "work in progress."

Over the past two years more than 27 legal writing professors have testified before the Standards Review Committee of the ABA's Section on Legal Education and Admissions to the Bar. All these people have made impassioned, cogent and compelling arguments. Last February, I was one of the group who testified at the Committee's hearings in Dallas. Those of you who know me well know that flying on planes is not the thing that Jane Gionfriddo likes the best in the world. That I felt compelled to fly from Boston to Dallas to testify illustrates just how strongly I feel about this issue.

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From the Editors

Beginning with this issue, *The Second Draft* will be edited by Barbara Busharis (Florida State) and Suzanne Rowe (University of Oregon). We are thankful for the detailed files that our predecessors, Jane Kent Gionfriddo and Joan Blum, handed down at last summer's LWI Conference in Seattle. More importantly, we appreciate the hard work and high standards they, along with Elisabeth Keller and Judith Tracy, brought to this publication, and hope to continue in their footsteps. Their creativity and leadership have made *The Second Draft* invaluable for new and experienced teachers alike.

This issue of *The Second Draft* focuses on the LWI Conference. In addition to the cover story on newcomers' views of the Conference, the issue includes excerpts from President Jane Kent Gionfriddo's address–reporting on the ongoing efforts to reinforce the ABA accreditation standards that directly and indirectly affect the teaching of legal writing and research–and Professor Jo Anne Durako's plenary presentation on the AWLD/LWI survey. Conference proceedings will be published in a future issue of LWI's peer-edited journal, *Legal Writing*. This issue also contains reports from LWI committees on the past year's achievements and current projects. Committee members and chairs are listed with each report. We also share news about individual LWI members, programmatic changes, and conferences, and include our recurring feature "From the Desk of the Writing Specialist."

We plan to continue the tradition of "theme" issues over the next two years, and hope to add some regular newsletter features as well. In particular, we would like to include a column aimed at new teachers where more experienced faculty can share miscellaneous tips and suggestions for making the most of the first year or two of teaching. You are welcome to submit items for the "News" column at any time, including news of promotions, publications, conferences or symposia, and program developments.

For the Spring 2001 issue, we invite your comments on the following questions: what techniques have you used to encourage collaboration between students, including peer editing or group work? What are the benefits and drawbacks of these techniques? What suggestions would you have for teachers seeking to expand their students' experience of working with others within the constraints of a first-year legal writing and research program? We look forward to hearing from you.

In This Issue

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Deadline for submitting material for the next issue of The Second Draft*: March 15, 2001.*

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 teachers. 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 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." In 2001, we will have the following deadlines for considering material for each issue:

Issue	Submission Deadline	Publication Date
Spring 2001	March 15, 2001	May 2001
Fall 2001	October 15, 2001	December 2001

Form of submissions. We encourage electronic submission. Submissions can be attached to an e-mail and sent to either Barbara Busharis at bbushari@law.fsu.edu or Suzanne Rowe at srowe@law.uoregon.edu. If e-mail submission is not possible, you may also send a diskette or a paper copy to Barbara Busharis, FSU College of Law, 425 W. Jefferson St., Tallahassee, FL 32306-1601. Documents in WordPerfect are preferred; for other acceptable formats, contact the editors. 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. The initial review process will generally take approximately two weeks. Articles which 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.

The President's Column

(continued from page 1)

Below is my testimony. I hope it will help you think about what *you* will say when your turn comes to speak, whether at your own school or at the national level.

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"My name is Jane Kent Gionfriddo. I'm an Associate Professor and Director of Legal Reasoning, Research & Writing at Boston College Law School. I'm also the President-Elect of the Legal Writing Institute, a national organization of legal writing faculty at all ABA-accredited law schools in the United States, faculty members in English departments, members of independent research-and-consulting organizations, and attorneys in practice, all of whom are committed to the development of excellent legal writing in law practice and to the teaching, curriculum development and scholarship on legal analysis and legal writing in all law schools.

I'm here today to speak about the positive effects of 405(c) status for all full-time legal writing faculty. I want to begin by saying that I don't need to be here today because I already have the 405(c) support of my institution. I'm here because I know first-hand why 405(c) status is crucial to the development of the discipline to which I have committed the last eighteen years of my professional life. My five LR&W colleagues and I have had the support from our faculty as well as a long line of Deans at Boston College Law School who have had the vision to recognize that excellence in a legal writing faculty provides depth and breadth to the entire law school curriculum.

My five LR&W colleagues and I have had the support from our faculty as well as a long line of Deans at Boston College Law School who have had the vision to recognize that excellence in a legal writing faculty provides depth and breadth to the entire law school curriculum.

In essence, our 405(c) status has given us the kind of job security that over the years has allowed us to focus our energy and creativity on developing a sophisticated LR&W curriculum. It is this kind of curriculum that answers the question of 'why should legal education care about developing the status of a group of faculty who teach legal reasoning, research and writing courses in the first and upper level law school curriculum?'

For instance, we would all agree that the first year of law school is all about teaching students how to 'think like a lawyer.' The question for legal education is, how best do we do this? By what combination of approaches to teaching legal analysis, by what pedagogical methodologies do we help the broadest range of students become excellent in 'thinking like a lawyer'?

Most first-year courses, those focused in a particular subject area, teach legal doctrine and analysis through a systematic study of cases and other authority in large classes using the Socratic Method. This is a time-honored and proven method to teach first-year students legal analysis. We all understand this in legal education; less well understood, though, is that a sophisticated LR&W course teaches legal analysis from a different perspective, one that greatly complements the traditional approach.

A legal writing course teaches students the process of legal problem-solving—identifying relevant authorities, analyzing them individually and synthesizing them to figure out what they say about an area of law, and applying them to a particular client's problem in a particular jurisdiction. Working in this real-life context forces students to grapple with the analytical process in a way different from that within the traditional doctrinal classroom.

Moreover, legal writing courses are specifically designed to teach written expression of that analysis. We all know from writing legal scholarship or law practice documents how writing forces us to confront what we understand and what we do not. Writing brings us face to face with the precision and clarity of our thinking about a particular issue—or lack thereof—especially when, as in legal writing classrooms, we are given substantial written and oral feedback on where we have succeeded and where we have failed.

Both of these approaches—the traditional doctrinal approach and that in LR&W—are fundamental to training students in the first year of law school. Giving 405(c) status to the group of professionals who provide some of this fundamental training simply recognizes that legal education wants all law school faculty to have the kind of job security that results in the kind of high level instruction and curriculum development that benefits our students and thus ultimately the legal profession.

405(c) status is simply something whose 'time has come.' It is not something dangerous; rather, it is something positive that will encourage, in fact take advantage of, the contribution of a group of talented, creative, committed people, which can only enhance the curriculum of individual law schools and legal education in general."

[Ed. note: a report that ALWD and LWI sent to the Standards Review Committee and the Council of the Section on Legal Education and Admission to the Bar is available on the ALWD website at www.alwd.org. *The changes proposed in the ALWD/LWI report were not adopted, and the current proposals are more modest than the ALWD/LWI proposals. The text of the current proposals, which would affect Standards 302 and 405(d) rather than bringing legal writing teachers within the ambit of 405(c), is available at* www.abanet.org/legaled/standards/proposed.html. *A hearing on the proposed changes was scheduled to take place at the AALS meeting in San Francisco in January; additional hearings will take place at the ABA Mid-Year Meeting in San Diego, CA, on Friday, February 16, and at the American Law Institute Annual Meeting in Washington, DC, on Wednesday, May 16. Comments on the current proposals should be addressed to Dean Barry Currier, Deputy Consultant, at currierb@staff.abanet.org. The Council anticipates making a final recommendation regarding these standards by June 2001.]*

We extend our thanks and appreciation to all the contributors, proofreaders and technical assistants who helped with this transitional issue of* The Second Draft, *especially Mike Horgan, FSU Printing & Mailing Services; Erik Knutsen and Ralaina Ruvalcaba (Florida State); and Donna Williamson and Lisa Thomas (Oregon).

Joining the Club Without Paying Its Dues: Newcomers View Their First LWI Conference

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observed after a long day of student conferences. "The session on critiquing student papers led me to read additional articles on the subject, review the approach I developed last year in my first year of teaching, and develop a new style this year."

Other sessions reinforced this spur to read and think more about what we do each day in the classroom. I came away from Laurel Oates' session on teaching students how to "transfer" earlier-acquired knowledge feeling like I'd grounded in the relevant learning theory what I sometimes do without much thought. For example, something as simple as reminding students of the specific lessons drawn from an earlier assignment and how they apply to the current one can be consciously and systematically incorporated into one's teaching, and a whole body of research supports doing so. In a different way, Terri Pollman's look at key themes in clinical scholarship challenged us to think "outside the box" about our approaches to teaching LRW, by seeking cross-over lessons in pedagogy and politics offered by other disciplines. Fundamentally, gaining knowledge of not only what to teach, but the theory and research on how and why some approaches are more effective than others, enhances our professionalism.

A more subtle but equally powerful lesson from the LWI conference comes from the way in which sessions were presented. Presenters not only lectured on the what, how, and why, but challenged participants to get up and actively learn in the classroom, via small group exercises, short writing assignments, and brief presentations on team work. In this manner, the master teachers not only offered the substance of what to take back to our classrooms but also modeled how to do it.

Despite the pervasive sense of collegiality and professionalism throughout the conference, some newcomers noted residual bitterness from long struggles for respect within the academy. The result was apparent in references to the academic hierarchy and employment caps. Judy Giers felt fortunate to attend the conference with colleagues who could provide background on the 20-year history of struggling for more status for legal writing. She noted that newcomers need to hear about the positive changes that have taken place in legal writing programs in addition to learning about some of the negatives, adding "it looks to me like this piece of the profession has come a long way."

This insight rang true for me, for after teaching legal writing for almost five years, working hard to remove a cap, and discovering a salary scale that starts at half that offered to tenure-track faculty, my microcosm of the "struggle" indelibly marks me. But at the same time, as one of those newcomers who had earlier stood in the crowd of initiates, I realized how exciting it is to be a card-carrying member of LWI—precisely because of the sense of solidarity that the LWI exudes. For while this professional group was born of a need to fight for its rights (and what is right), it more fundamentally arose from a set of common goals and aspirations: that is, imparting a core lawyering skill, with high expectations and positive teaching.

For while this professional group was born of a need to fight for its rights (and what is right), it more fundamentally arose from a set of common goals and aspirations: that is, imparting a core lawyering skill, with high expectations and positive teaching.

I came away from my first conference realizing that I had *already* paid my legal writing dues, not to LWI but rather *outside* it. For unwittingly, after less than five years of law school teaching, I had grown to accept others' description of LRW's place in the hierarchy of legal education—that place where scholarship receives more kudos than teaching students (one-on-one and to the diverse learning styles of the whole class) and courses teaching legal doctrine are valued more than those teaching core lawyering skills. I left Seattle invested with a renewed sense of professionalism, for LWI's focus on both pedagogy and professional advancement provides legal writing teachers a version of Woolf's room of one's own—a place where we can say, do, and show what's important in helping students develop their individual voices in the law. This community—whether described as a room or a club—can use its common sense of purpose to keep good things in as well as keep the bad out.

Now this group has come of age. As a result of banding together, legal writing teachers have gathered and shared information, and used it to advocate for better work conditions and concomitantly, better legal writing teaching to law students. Jo Anne Durako's presentation of the 2000 ALWD/LWI survey results bore powerful witness to where this cooperation may still lead. Perhaps, as caps give way to long-term employment and LRW teachers are decreasingly viewed by fellow faculty members as fly-by-year professors, some of the battle scars will fade. In the meantime, newcomers can look forward to future LWI conferences—a splendid "room" where congeniality and collegiality remain the norm as we focus on, and receive acclaim for, the progressive teaching of doctrine and skills that forms the backbone of legal writing teaching. ◆

2002 LWI Conference

University of Tennessee
College of Law
Knoxville, TN

Wednesday, May 29–
Saturday, June 1, 2002

Committee Reports

Bibliography Committee

Rick Peltz (Arkansas-Little Rock) (Chair)

The mission of the Bibliography Committee, a new entity, is to assemble all of the bibliographic resources submitted to the LWI Conference in Seattle for compilation and dissemination to the legal writing community. These resources represent tremendous efforts by our membership and a powerful tool for facilitating both the teaching and scholarship of legal writing and research. The LWI Board created the Bibliography Committee so that these resources would not be scattered, or worse, lost or forgotten after the LWI Conference. For the moment, I am exploring what this new entity can do for LWI before asking that other people be recruited to help.

Phase one of this project included requesting from all Seattle presenters copies of their bibliographic submissions. I will implement the next two phases of the project simultaneously. Phase two requires following up individually with presenters who did not respond to my queries to obtain their bibliographies if possible. Phase three requires the uniform formatting of the bibliographies I have, and preparation for uploading them onto a data system. Phase four requires making this data system available to the LWI community, perhaps through linked HTML pages. During phase four I hope to work with the Website Committee, which has been charged with amassing just this sort of information.

If you have a contribution for the Bibliography Committee and have not yet sent it, it is not too late for you to e-mail bibliographies or any queries to me at the address listed below.

Rick Peltz
peltz@flash.net

Bylaws Committee

Mary Beth Beazley (Ohio State)
Anne Enquist (Seattle)
Jane Kent Gionfriddo (Boston College)
Steve Jamar (Howard)
Jan Levine (Temple) (Chair)
Debbie Parker (Wake Forest)
Suzanne Rowe (Oregon)

This Committee will be reviewing the current LWI bylaws and looking for ways to revise them to reflect the continued growth and development of the Institute. While the bylaws have been modified at least once, there are a number of ways in which they might be improved. In particular, we will be exploring changes in the process by which the leadership of LWI is elected or selected; the current process is not only unfamiliar to many of the members, but also procedurally vague and difficult to implement (the leadership is elected by the Board).

We intend to make a written report to the Board no later than April 1, 2001. We will examine the current bylaws, note their possible shortcomings, and suggest options for modification. The goal is for the Board members to have sufficient time to study the report before the Board meeting in the late spring or early summer of 2001.

We would appreciate your suggestions for ways in which the bylaws could be modified to make the organization better reflect what the membership needs and expects. We also welcome suggestions on how the bylaws could do a better job of delineating LWI's mission and the responsibilities and roles of board members, officers, committees, publications, and affiliated organizations. The bylaws are on the LWI website, or I can e-mail a copy to anyone who asks. Please feel free to contact me by e-mail or by phone at 215-204-8890.

Jan Levine
Levine@thunder.ocis.temple.edu

Conference Program Committee

Daniel Barnett (Boston College)
Davalene Cooper (New England)
Jane Kent Gionfriddo (Boston College)
Steve Johansen (Lewis and Clark) (Chair)
Maureen Straub Kordesh (John Marshall)
Laurel Currie Oates (Seattle)
Carol Parker (Tennessee)
Grace Tonner (Michigan)
Kathleen Elliott Vinson (Suffolk)

The 2000 Conference Program Committee introduced several new ideas to the conference format while maintaining much of what was successful with past conferences. Perhaps the most successful innovation was the Basics Workshop—a half-day program allowing new teachers to work with dozens of veteran teachers on the ins and outs of assessing student papers. Dan Barnett of Boston College put together an outstanding program. The success of the Basics Workshop has encouraged the Institute to explore other extended workshops for future conferences.

The 2000 Conference also introduced Scholarship Workshops. Designed primarily for experienced teachers, these workshops provided scholars with the opportunity to discuss works in progress with colleagues from around the country. Topics were both novel and diverse, ranging from the merits of the Question Presented to Vulcan mind melds.

The Program Committee instituted several changes in the process for selecting conference presentations. The Committee limited presenters to one presentation and required all presenters to submit

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Conference Program Committee

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bibliographies. This allowed more people the opportunity to present ideas at the conference while assuring the high quality presentations of past conferences. As usual, interest in participating in the conference was high; the Committee received over 100 proposals for conference presentations.

Planning is already underway for the 2002 Conference. Anyone with ideas for improving the conference program and planning process is encouraged to contact me.

Steve Johansen
tvj@clark.edu

Elections Committee

Jane Kent Gionfriddo (Boston College) (Co-Chair)
Kathleen Elliott Vinson (Suffolk) (Co-Chair)

The purpose of the Elections Committee is to run the biennial elections for the Institute's Board of Directors. During the spring of 2000 the Committee sent out the Call for Nominations, created the ballot, including the candidates' personal statements, and then monitored the election process. This process included: sending out ballots to all Institute members by e-mail or regular mail, verifying the eligibility of all voters, counting and recounting the eligible votes, and publishing the election results on LWINET, LEGWRI, and DIRCON.

To finish its work this fall, the Committee will create an Elections Notebook to facilitate future Board elections. It will include an outline of the election process, paper copies of all relevant documents, and a disk with the electronic versions of those documents. The Committee will also evaluate the election procedures and recommend any needed additions or changes to the Bylaws Committee.

The Committee invites any comments or suggestions concerning the election process from Institute members. Please contact Kathy Vinson at kvinson@acad.suffolk.edu or 617-573-8210.

Jane Gionfriddo and Kathy Vinson

Legal Writing: The Journal of the Legal Writing Institute

Editorial Board:

Rebecca Berch (Arizona Court of Appeals)
Jo Anne Durako (Rutgers-Camden)
Diane Penneys Edelman (Villanova)
Anne Enquist (Seattle)
James Levy (Colorado)
Katy Mercer (Case Western Reserve)
Diana Pratt (Wayne State) (Acting Editor-in-Chief)
Jill Ramsfield (Georgetown)
Chris Rideout (Seattle)
Louis Sirico (Villanova)
Kathryn Stanchi (Temple)
Grace Tonner (Michigan)
David Walter (Mercer)

At the LWI Conference in Seattle, the editorial board elected three new members: Grace Tonner, Kathryn Stanchi, and James Levy. Three issues of the *Journal* are currently in progress. Volume 6 is in the final printing stages. Katy Mercer served as the editor of Volume 6. She and Diana Pratt are the co-editors of Volume 7, the Proceedings Issue from the 2000 Conference. The authors and assistant editors are preparing the articles for publication in late spring 2001. The board has accepted several articles for the next regular issue, Volume 8, and more articles are currently under review. Louis Sirico and Diane Penneys Edelman from Villanova University School of Law are the co-editors of Volume 8.

Diana Pratt
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New Member Outreach Committee

Susan Kosse (Louisville)
susan.kosse@louisville.edu
Tracy McGaugh (Texas Tech)
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Suzanne Rowe (Oregon) (Chair)
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Terry Seligmann (Arkansas at Fayetteville)
tselig@mail.uark.edu
Jessica Varn (Florida State)
jvarn@law.fsu.edu
Catherine Wasson (Widener)
cwasson@supernet.com

As the Legal Writing Institute grows, the New Member Outreach Committee will ensure that everyone is welcomed and encouraged to become active.

In the past few months the Committee has updated the "New Member Handbook," which is sent to everyone who joins the Institute. The handbook contains Kathy Vinson's article from *Perspectives* on avoiding common pitfalls in first-year teaching; contact information for the LWI Board of Directors; information for subscribing to *Perspectives* and to various electronic lists concerning law teaching and research; and information for obtaining complimentary review texts from publishers. If you would like to receive a handbook, please contact Lori Lamb at lambl@seattleu.edu.

The New Member Outreach Committee has also been active on LWI's listserv, stimulating discussion between legal writing teachers and reaching out to new members. Listserv discussions cover a full range of topics, including teaching, curriculum development, and scholarship. If you are not part of this list, please contact one of the members at the addresses above. We will be glad to give you directions for joining.

In the next few months Committee members will call every new member of LWI with a personal welcome. We will talk to these new members about the work of LWI, highlight the work of our many committees, and encourage them to become involved. If you are a new member and have not heard from one of us yet, please feel free to contact us.

In the future we plan to work with the Website Committee to include information for new members on the LWI website. We welcome suggestions from new and longtime members about other services or information the New Member Outreach Committee might provide.

Suzanne Rowe

Outreach Committee

Joan Blum (Boston College)
Teodora DeLorenzo (Department of Political Science, California State)
Jessie Grearson (John Marshall)
Steve Johansen (Lewis and Clark)
Joseph Kimble (Thomas M. Cooley) (Chair)
Sue Liemer (Southern Illinois)
Mark Wojcik (John Marshall)

The Outreach Committee has three general goals:

- Improve the quality of legal writing throughout the legal profession.
- Keep members of the Legal Writing Institute informed about developments in writing theory and practice that might come from undergraduate and graduate programs.
- Raise the profile of the Legal Writing Institute.

During 2000, the Committee's achievements included preparing the Institute's first promotional flyer. LWI members can request copies from Lori Lamb at lambl@seattleu.edu and should pass them out liberally. The Committee also presented its first Golden Pen Award to Arthur Levitt, Chairman of the Securities and Exchange Commission. We made the presentation at the National Press Club during the annual meeting of the AALS. The award received national and international publicity, and we have Arthur Levitt on videotape praising the Institute and the work of legal writing teachers. The Committee is now developing procedures for making future awards.

We have identified a number of possible activities for achieving the Committee's goals over the next several years. First, we would like to establish a legal writing committee in every state bar association. Possible activities for state committees include writing a regular column for the state bar journal; giving yearly awards to well written legal documents; and speaking to law firms and local bar organizations. Committees exist in Michigan and Pennsylvania; Tom Haggard has offered to try to start one in South Carolina. Other Committee ideas include developing Institute publications for practicing lawyers; expressing support for initiatives to reform legal writing; and supporting existing organizations devoted to improving legal writing, such as Scribes and Clarity.

Joe Kimble
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Plagiarism Committee

Christine Hurt (Houston)
Elisabeth Keller (Boston College)
Terri LeClercq (Texas) (Chair)
Pamela Lysaght (Detroit Mercy)
Kathryn Stanchi (Temple)

Back by popular demand, the Plagiarism Committee has been charged with evaluating and revising the Institute's brochure on law school plagiarism. One addition will surely be an emphasis on electronic plagiarism problems. Do you have any ideas? If so, please contact a Committee member.

We will be exploring how to get the brochure into each law school and each legal writing program; seeing these as separate goals is a step toward integrating the question of plagiarism into all law school courses. How else can the Institute take a leadership role with this issue—without becoming a dumping ground for disciplinary problems?

If you have watched your school work through a plagiarism problem, please share the pros and cons of that process with this Committee. Student names should be omitted from any report, and the Committee can even keep the law school anonymous if you wish.

Terri LeClercq
tleclercq@mail.law.utexas.edu

Publications Committee

Mary Beth Beazley (Ohio) (Co-Chair)
Linda Berger (Thomas Jefferson)
Davalene Cooper (New England) (Co-Chair)
Katy Mercer (Case Western Reserve)
Laurel Currie Oates (Seattle)
Louis Sirico (Villanova)

This year, the Publications Committee is charged with engaging in "a fact finding mission on the history, goals and efficacy of the two current serial publications of the Institute—the *Journal* and *The Second Draft*—as well as the potential goals and efficacy of the proposed monograph series of teaching and curriculum development issues." The Committee is just beginning this work, and the membership will be hearing from us soon as we solicit views on our current publications and on the possible creation of new publications.

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Davalene Cooper
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Second Draft Advisory Committee

Joan Blum (Boston College) (Co-Chair)
Jane Kent Gionfriddo (Boston College) (Co-Chair)

In July, the LWI Board approved Barbara Busharis and Suzanne Rowe as the new co-editors of *The Second Draft*. As the previous editors, we

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Please make sure all of your legal writing colleagues are getting The Second Draft *by filling out the coupon on the back page or by e-mailing lwiaddresses@law.fsu.edu. Address information sent to that e-mail address is forwarded to both editors of* The Second Draft *and to Lori Lamb, LWI Program Assistant, Seattle University.*

Committee Reports

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are delighted with this appointment. We know that Barbara's and Suzanne's experience, enthusiasm, and ideas will make *The Second Draft* better than ever as the Institute's newsletter, and that our advisory role is really in name only!

Joan Blum
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Jane Gionfriddo
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Survey Committee

Coleen Barger (Arkansas-Little Rock)
Janet Blocher (Capital)
Jo Anne Durako (Rutgers-Camden) (Co-Chair)
Peter Friedman (Case Western Reserve) (Co-Chair)
Pamela Lysaght (Detroit Mercy)
Jan Levine (Temple)
Pam Norrix (Albany)
Marilyn Walter (Brooklyn)

The main priority of the Joint LWI/ALWD Survey Committee this year is to develop a web-based survey for 2001. The Committee is working with the Website Committee to accomplish this important task. The Committee will also continue to refine and improve the survey and solicits ideas and suggestions from the LWI membership.

Jo Anne Durako
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Treasurer's Report

In the afterglow of this summer's successful conference in Seattle, the Institute is on sound financial footing. At this point, the Institute relies solely on conference registration fees to fund its activities. Thanks to the generous support of Seattle University and our vendors, the 2000 Conference generated net revenues of approximately $75,000. This brought our total reserves to over $185,000. At its July meeting, the LWI Board of Directors authorized expenditures of over $50,000 for the next two years. Major anticipated expenses include the next three volumes of the *Journal of Legal Writing*, the next four volumes of *The Second Draft*, significant upgrades to the LWI web page, and the LWI/ALWD Survey. Finally, Steve Johansen has happily transferred his green eye shade to the Institute's new Treasurer, Davalene Cooper.

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Website Committee

Coleen Barger (Arkansas-Little Rock)
Joan Blum (Boston College)
Mary Cornaby (Villanova)
Jo Anne Durako (Rutgers-Camden) (Chair)
Peter Friedman (Case Western Reserve)
Steve Jamar (Howard)
Jan Levine (Temple)
Steve Johansen (Lewis and Clark) (Ex Officio)

The Website Committee is beginning its work designing and developing a fully functional website to support the work of the Legal Writing Institute and its members. The Committee is currently generating a list of topics and links to include on the website, and will soon be soliciting ideas from the membership. The website will be the home of the LWI/ALWD Survey and will support a web-based survey so that members can input their survey responses beginning in 2001. The website will also be a repository for a legal writing problem bank and for some LWI publications. If you have ideas or suggestions for the website, please contact one of the Committee members.

Jo Anne Durako
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The ALWD Manual: An Update

One of the most popular LWI conference presentations was a Saturday afternoon panel on The Future of Legal Citation: *The ALWD Citation Manual*. Primary author Darby Dickerson, Sue Liemer, and Richard Neumann were panelists.

As of December 2000, within less than a year of its publication, the *Manual* had been adopted for use by professors at 85 law schools, by professors in 35 paralegal programs, and by the editors of 13 law journals.

The *Manual* is in its fourth printing; changes in each printing are listed on the Web site, *www.alwd.org*. The information on the Web site has been updated and expanded. Appendices from the fourth printing are now posted, an FAQ list has been developed, and the resources page contains several citation exercises.

In addition, an extensive CALI lesson for the *ALWD Citation Manual* is available at *www.cali.org*, and *Speed Cite*, a two-sided, laminated quick reference, will be available in January 2001.

ALWD and Aspen are in the planning phase for the second edition, which tentatively is scheduled for 2003. In the interim, ALWD is exploring joint ventures with other organizations to develop comprehensive international materials which will be available online. ALWD also is working on citations for online statutes, tax materials, and a comprehensive appendix with abbreviations for looseleaf services.

Several courts are considering the *Manual* for adoption. In Florida, the Appellate Rules Section of the Florida Bar has recommended addition of the *Manual* to the appellate citation rules. The most far-flung adoption of the *Manual* is by the Command Judge Advocate Office on the Kwajalein Atoll, Republic of the Marshall Islands.

Finally, portions of ALWD's royalties from the sale of the *Manual* are being used to fund summer research grants for those who teach research and writing (not just directors). Each grant is worth $5000; details and application information are available at *www.alwd.org*.

NEWS

Publications, Promotions and Other Achievements

At least six professors of legal writing are currently serving as AALS delegates from their law schools: **Coleen Barger** (Arkansas-Little Rock), **Maureen Collins** (DePaul), **Leslie Cooney** (Nova), **Davalene Cooper** (New England), **Linda Edwards** (Mercer), and **Ursula Weigold** (South Texas).

Paul Beneke (Oregon) published *Give Students Full CALR Access Immediately*, 8 Perspectives 114 (Spring 2000).

Teresa Brostoff (Pittsburgh), **Ann Sinsheimer** (Pittsburgh), and Megan Ford co-authored *English for Lawyers: A Preparatory Course for International Lawyers*, which will be published in Volume 7 of Legal Writing, the 2000 Conference Proceedings issue. Professors Brostoff and Sinsheimer have also published a textbook, *Legal English* (Oceana Publications 2000).

During the spring 2000 semester, **Leslie Burton** (Golden Gate) taught an overview of American Legal Systems, including legal analysis, at Charles University in Prague, Czech Republic, on a Fulbright scholarship. She also published *An Overview of Insolvency Proceedings in Asia*, 6 Golden Gate University Annual Survey of International & Comparative Law 113 (2000).

Barbara Busharis (Florida State) and **Suzanne Rowe** (Oregon) published *The Gordian Knot: Uniting Skills and Substance in Employment Discrimination and Federal Taxation Courses*, 33 John Marshall L. Rev. 303 (2000).

Charles Calleros (Arizona State) has received a grant from the Institute for Law School Teaching to reshoot a video he originally shot and edited himself for a class exercise on synthesis. He demonstrated the class presentation at the LWI Conference 2000; the presentation provides students with an overview of case analysis, case synthesis, outlining, and exam-taking, all in the nonlegal context of a mother developing rules for her teenage daughter. Because the Institute is funding the project, Charles should be able to distribute the video to interested faculty for the minor cost of making copies and mailing them (he estimates about $10 each). He can also e-mail lecture notes to all users of the video. Watch the e-mail listserv for details. His presentation will be published as *Using Classroom Demonstrations in Familiar Nonlegal Contexts to Introduce New Students to Unfamiliar Concepts of Legal Method and Analysis* in the 2000 Conference Proceedings issue of Legal Writing.

Bruce Ching's (Oregon) article, *Inverting the Viability Test for Abortion Law*, has been accepted for publication in the Women's Rights Law Reporter.

Darby Dickerson (Stetson) was promoted to full professor in November 2000. She also received the Stetson University Homer & Dolly Hand Award for Excellence in Scholarship (Spring 2000). Her recent publications include *Instructor's Guide to the ALWD Citation Manual* (Summer 2000); *In re Moot Court*, 29 Stetson L. Rev. 1217 (2000); and *Citation Frustrations—And Solutions*, 30 Stetson L. Rev. ___ (forthcoming Fall 2000). She also published a CALI lesson for the *ALWD Citation Manual* (Sept. 2000).

Pamela Edwards (CUNY) and **Sheilah Vance** (Villanova) co-authored *Teaching Social Justice Through Legal Writing*, which will appear in the 2000 Conference Proceedings issue of Legal Writing.

Toni Fine (Cardozo) has been appointed Director of Graduate and International Programs at the Benjamin N. Cardozo School of Law. Her new coordinates are 212-790-0361; 212-790-0232 (fax); tfine@ymail.yu.edu.

Scott Fruehwald (Alabama) has completed his S.J.D. dissertation, and he will receive his S.J.D. from the University of Virginia in January 2001. The Wake Forest Law Review will publish his article *Pragmatic Textualism and the Limits of Statutory Interpretation* in its December 2000 issue.

In May 2000, **Richard Graves** (Stetson) earned his LL.M. in Intellectual Property from the University of Houston. His essay, *Advice to New Student Works Editors*, will be published in the Fall 2000 issue of the *Stetson Law Review*.

Sanford Greenberg (Chicago-Kent) published *Appellate Advocacy Competitions: Let's Loosen Some Restrictions on Faculty Assistance*, 49 Journal of Legal Education 545 (1999).

The faculty at John Marshall voted to grant tenure to **Kevin Hopkins** (Associate Professor), **Maureen Straub Kordesh** (Associate Professor and Director of Legal Writing), and **Mark Wojcik**. In addition, the

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News

(continued from page 9)

faculty voted to promote **David Sorkin** and **Mark Wojcik** to the rank of Associate Professor, effective in the fall of 2001.

Steven D. Jamar, Director of the LRW program at Howard, is on sabbatical this year.

Jim Levy (Colorado) authored *Better Research Instruction Though "Point of Need" Library Exercises*, which has been accepted for publication in the 2000 Conference Proceedings issue of Legal Writing.

Tracy L. McGaugh (Texas Tech), **Christine Hurt** (Houston), and **Kay Holloway** (Texas Tech) published *The Interactive Citation Workbook* (LEXIS Law Publishing).

Laurel Currie Oates (Seattle) will publish *I Know That I Taught Them How to Do That* in the 2000 Conference Proceedings issue of Legal Writing.

Vincent Panella (Vermont) has published *Cutter's Island: Caesar in Captivity* with Academy Chicago Publishers.

Anne Piccard (Stetson) co-authored *Tick, Tick, Tick . . . The Electoral College, a Ticking Time Bomb*, which will be published in the Richmond Journal of Law and Public Policy's "Campaign 2000" symposium this fall.

Suzanne Rowe (Oregon) published *Legal Research, Legal Writing, and Legal Analysis: Putting Law School into Practice*, 29 Stetson L. Rev. 1193 (2000).

Kathryn A. Sampson (Arkansas-Fayetteville) published *The Mouse in the Annotated Bibliography: An Insurance Law Primer*, 2000 Ark. L. Notes 75 (2000), and *Synthesis and Synergy: Building Your Case and Your Credibility with the Help of Adverse Authority*, 35-Fall Ark. Law ___ (2000).

Mary Beattie Schairer (Quinnipiac) was promoted last spring from Instructor of Legal Skills to Assistant Professor of Legal Skills.

Lou Sirico (Villanova) published *The Citing of Law Reviews by the Supreme Court: 1971-1999*, 75 Indiana Law Journal 1009 (2000).

Craig Smith (Vanderbilt) wrote *Synergy and Synthesis: Teaming "Socratic Method" with Date-Projection Technology to Teach Synthesis to Beginning Law Students*, which will be published in the 2000 Conference Proceedings issue of Legal Writing.

Michael Smith (Mercer) has accepted a tenure-track position teaching Legal Writing at Mercer University School of Law. He is now an Associate Professor.

Stephanie A. Vaughan (Stetson) authored *Dealing with Professors . . . Outside of the Classroom*, which was published in the Spring 2000 issue of the Stetson Law Review, a symposium issue on Maximizing the Law School Experience.

Clifford Zimmerman (Northwestern) published a short article entitled *A (Microsoft) Word to the Wise—Beware of Footnotes and Gray Areas: The Seventh Circuit Continues to Count Words*, in 2 J. Appellate Practice & Procedure 205 (2000). After 10½ years at DePaul, he has joined the Communication and Legal Reasoning Program at Northwestern University School of Law.

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Program News

The **Howard University** School of Law faculty has voted to eliminate the three-year cap on writing instructors and to recommend to the University Trustees that they eliminate the seven-year cap for LWR faculty. The faculty also agreed that LWR faculty should vote in faculty meetings and that LWR faculty will be hired through the regular hiring process, with the LWR Program Director's input.

The faculty at **University of Colorado** School of Law voted in May to adopt a "professional model" for the legal writing program. In doing so, the faculty rejected "caps" on legal writing instructors and, instead, agreed that instructors should have job security and status more like that of clinical faculty. During the 2000-2001 academic year, all four writing instructors will be working with the administration to discuss ways of implementing the "professional model" including long-term contracts, the adoption of a management model similar to that used by clinical faculty, and a change in job title.

The faculty at the **University of Arkansas-Little Rock** voted in 1999 to make skills faculty eligible for the tenure track; skills faculty who applied to convert their positions are now on the tenure track. Now the faculty has recognized the gap between salaries of the skills faculty recently admitted to the tenure track and doctrinal faculty already on tenure track. In an effort to close that gap, the faculty voted unanimously in November 2000 that the dean should use available funds expeditiously to achieve salary equity among tenure-track faculty of the same academic rank.

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Conferences

Suffolk University Law School hosted the first **New England Legal Writing Faculty Consortium** on December 15, 2000 in Boston, MA. Directors from several programs attended: Kathleen Elliott Vinson (Suffolk); Brook Baker (Northeastern); Davalene Cooper (New England); Bill Dunlap (Quinnipiac); Jane Gionfriddo (Boston College); Mike Meltsner (Harvard); and Nancy Wanderer (Maine). Attendees discussed different program models as well as pedagogy, curriculum, and scholarship. Also discussed were plans for different schools in the New England area to host future consortiums. New England School of Law plans to host a meeting in March 2001 that will be open to all legal writing faculty.

The Association of Legal Writing Directors held a **"New(er) Directors Roundtable"** addressing issues of interest to new and newer directors at the AALS annual meeting in San Francisco in January 2001. Professor Kathleen Elliott Vinson of Suffolk University School of Law led discussions on hiring and training of LWR faculty; Professor Christine Hurt of the University of Houston Law Center led a discussion on salary and status issues; and Professor Terrill Pollman of William S. Boyd School of Law, University of Nevada at Las Vegas led a discussion on program design. The roundtable was organized by Professor Terry Seligmann (Arkansas-Fayetteville) and sponsored by Aspen.

The University of Arizona James E. Rogers College of Law in Tucson, Arizona will host the first **Rocky Mountain Regional Legal Writing Conference** in the spring of 2001. Anyone who administers or teaches in a Legal Writing Program in Arizona, New Mexico, Nevada, Colorado, Utah, Montana, Wyoming or Idaho is invited to attend this one-day conference. The conference dates will be Friday, March 30 through Saturday, March 31. Program co-chairs are Professor Terrill Pollman and Professor Judy Stinson, Directors of Legal Writing at, respectively, the Boyd School of Law at the University of Nevada in Las Vegas and the Arizona State University College of Law in Tempe.

We welcome both full-time and part-time legal writing faculty. There will be no conference fee. Participants are expected to pay for their own hotel, transportation and other expenses. The conference hotels, located within easy walking distance of the College of Law, have quoted us rates starting at $79 for a double room. We anticipate that most, if not all, meals will be provided to participants free of charge.

The University of Arizona's 320-acre campus is located in the center of Tucson, with easy access to hotels, shopping, entertainment, and transportation. Tucson, nestled in the high Sonoran Desert valley, is framed by spectacular mountain peaks. The desert is alive with native desert-dwelling animals and plant life unique to the area.

For more information, please contact Conference Chair Suzanne Rabe, Director of Legal Writing at the University's College of Law, at rabe@law.arizona.edu or 520-626-2426.

Stetson University College of Law, which is located in St. Petersburg, Florida, will hold a **Southeastern Regional LRW Conference** for those who teach in or direct Legal Writing and Research Programs. The Conference is planned for Saturday, September 8, 2001, on Stetson's campus. Registration for the conference will be under $100 and will include at least two meals. In addition, Stetson will award one or two scholarships for the conference; each scholarship will include a waiver of the registration fee and free housing in an apartment on Stetson's gorgeous campus. Programs will proceed on two tracks, one for newer LWR professors and the other for more experienced professors. Watch for details on DIRCON and the legal writing listserv. Those interested in additional information may also contact Darby Dickerson at dickerson@law.stetson.edu or visit *www.law.stetson.edu/darbyweb/2001%20conference.htm.*

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Other News

The Association of Legal Writing Directors (ALWD) is proud to announce the inauguration of the **ALWD Summer Research Grant Program** for teachers of legal research and writing.

The Awards will be in the amount of $5,000 each; the number of awards has not yet been determined. The ALWD Summer Research Grant Program is open to all full-time teachers of legal writing. ALWD Board members, officers, and members of the ALWD Scholarship Committee are, however, ineligible to participate until they have been out of those positions for a full academic year.

Awards will be decided by April 1, 2001. Further information about the application and selection process is available from Professor Mary Beth Beazley, Ohio State University College of Law, 55 West 12th Avenue, Columbus, OH 43210-1391; alternatively, call 614-292-5919 or e-mail beazley.1@osu.edu.

News items relating to publications, promotions, program changes, or upcoming conferences and meetings can be sent throughout the year. Please e-mail news to bbushari@law.fsu.edu or to srowe@law.uoregon.edu.

From the Desk of the

Writing Specialist

Overcoming a Writer's Reluctance

by Deborah C. Hecht

Several months ago, a Touro colleague and I were talking about ourselves as writers and about our writing—published and unpublished. My colleague expressed interest in reading some of my work; I took this as a compliment. "Fine," I said. "And I'd like to read some of your work, too."

There was no problem—until I tried to select some of my already published fiction and creative nonfiction to share. What was good enough? Serious enough? Interesting enough? What would my colleague, a distinguished author of scholarly books, think about my work? It took me more than a week to create a small packet of published stories and essays that seemed both worthwhile and representative. I included a cover letter that explained the work and put it in context, but even then I had qualms about how it would be received. After all, fiction and creative nonfiction are too often misread as thinly disguised autobiography. I discovered that my colleague, who was sharing his scholarly work with me, had feelings similar to my own.

I was astonished at the intensity of our shared reluctance to exchange already-published work. I was also astonished at how much each of us wanted the other to like the work. At some point, each of us said: "This isn't my best writing. I'm planning to revise this. You might not like this, so don't feel obligated to read it."

Now, if professionals can suffer, what about students? When I told the preceding story to several students they reacted with disbelief, amusement, and relief. It didn't seem possible to them that their instructors had trepidations about sharing writing. After all, we're the adults! This is published work we're exchanging! "Now you know how we feel all the time," one student said.

"Even when you come to see me at the Writing Center?"

"Showing my writing is never easy," the student replied, "no matter what."

When students hand over their writing, it is usually for a grade or for criticism—it's for real and it's required. Students endure red-ink corrections. They struggle to decode the scrawled comments of instructors who sometimes seem impossible to please. I remember, I understand, and I empathize.

I began to ask myself what I could do to encourage students to share their work with me. I'd assumed that because I don't grade anyone, because I avoid using red ink, and because I try to make clear, helpful comments it was easy for students and colleagues to share their writing with me.

Apparently this was a false assumption. What about the students who walked into the Writing Center, papers in hand, and said in words uncannily like my own: "This isn't my best. I'm planning to revise this. You might not like this."

If these students were suffering from fear of self-disclosure and possible rejection, it would be difficult for them to learn how to be better writers. Although the Writing Center is designed to be a friendly, non-judgmental place for students to get writing advice, I needed to rethink my attitudes and behaviors toward students, starting from the moment they stepped into the office.

Soon afterwards, I greeted a student who was coming to the Writing Center for the first time. I was seated behind the desk, pencil in hand as if I were impatient to begin writing comments or pointing to errors on that student's paper. However, since I hadn't worked with this student before I didn't know what kind of help she wanted. I didn't know whether she'd brought an original copy that she preferred to keep "as is" or whether she'd welcome a written record of my ideas. There was too much I didn't know. I put aside the impulse to move forward; instead, I decided to stop, look, and listen to this student.

Although encouraging students to share their writing more comfortably is an ongoing process, here are some strategies I started using that day.

I put the pencil down. Instead of reaching for the student's paper, I put my hands in my lap. I wanted to indicate that I was in no hurry and that I'd give this helping process the time it needed to unfold. I wanted the student to sense that right now it was more important for me to focus on the writer than to "work" on the writing with her.

Without my usual props of a pencil in one hand and a student's paper in the other, I was better able to look at the student herself—a person who was struggling. I didn't know whether she was struggling with a history of unhappy writing experiences or whether she was struggling with the assignment itself. I asked her several questions and, my hands still in my lap, I listened. Listening was difficult for me because it didn't feel like "real" work, but listening without taking notes made me pay close attention to what the student was actually saying.

I asked her to tell me about her writing strengths, but she didn't feel she had any. I asked her to recall an instance when she'd enjoyed writing or had felt that her writing was successful. Not one! I then asked what kind of help she'd like from the Writing Center.

She wanted what I'd like for myself; she wanted what I believe every writer deserves: an empathetic reader who could give her feedback in a direct, non-judgmental way. She wanted to know why the reader liked or loathed a given piece of work (in this case, a second-year writing requirement) and where the writing went wrong.

The last question I asked was: "Can you, in a sentence or two, tell me what the work you've brought to me is about?"

All of this took less than five minutes. The student handed her paper to me, and I picked up my pencil. We were ready to move from the oral presentation of ideas to the written form.

I've continued the experiment, and it seems as if the simple strategies I'm using are a helpful starting point. I want to encourage students who come to the Writing Center to bring work that is not their best; I hope students discuss planned revisions with me.

The Touro colleague who expressed interest in reading some of my work was politely receptive to the stories and essays that I shared with him; I found his scholarly work useful and interesting. As it turned out, the most important part of our exchange may have been discovering our feelings about sharing our writing.

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Professor Durako Presents 2000 ALWD/LWI Survey Highlights

At one of the plenary sessions at the LWI Conference in Seattle, Jo Anne Durako, Director of Legal Research & Writing at Rutgers-Camden Law School, presented highlights of the most recent survey of the legal writing profession. The ALWD/LWI surveys provide invaluable information as we develop our programs and gain increased status and salaries for our efforts.

Some of the most significant highlights from the survey are reprinted below.

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In the 2000 survey, 137 schools participated, for a 78% response rate. This response was up from 68% for 1999. The survey added an extensive inquiry into LRW curricula, covering such issues as credit hours, grading, research instruction, assignments, writing specialists, along with an expanded survey of upper-level writing courses. The 2000 survey also gathered additional information on the gender of directors and LRW faculty.

Salaries

The average director's salary was $75,806, up 7% from 1999. The "average" director graduated from law school 17 years ago, taught in law school for 11 years, and directed at her current law school for 7 years. The average entry-level salary for full-time LRW faculty was also up in 2000, to $40,325. Regional differences ranged from $54,000 for New York City and Long Island to $36,857 for the Great Lakes and Upper Midwest. Twenty-five programs have assistant directors; 92 do not. The average salary for an assistant director was $51,965.

A number of variables relate to salaries. For example, salaries continue to be higher for directors and LRW faculty in the suburbs than in urban or rural areas, and the gaps are increasing. Salaries also continue to be higher for directors and LRW faculty in private than in public schools, but that gap is narrowing. Average salaries are highest for directors in programs with tenure-track teachers hired to teach LRW ($111,500) and are lower in adjunct-taught programs ($79,916) and complex hybrid programs ($78,164). Salaries are lowest in programs with LRW faculty on contract ($70,601). For LRW faculty, salaries are highest in complex hybrid programs ($45,000).

Fifty-five programs provide LRW faculty with summer grants averaging $6,030. The majority, 89 programs, provide developmental funding averaging $1,981. Over half or 72 programs provide funding for research assistants, with 57 providing funding for all reasonable requests, and 15 providing an average of $2,356.

Program design

Virtually all writing programs extend over 2 semesters, averaging 2.14 credit hours in the fall and 2.08 hours in the spring. Twenty programs have a required component in the fall of the second year, averaging 2.2 credit hours. Almost all LRW courses are graded (115 programs). Many programs grade at least some assignments anonymously (78), but 57 programs do not. Most programs (111) also require rewrites, with 38 of those programs requiring rewrites on all assignments. The vast majority of programs integrate research and writing instruction (103 programs). Thirty-six law schools employ a full-time or part-time writing specialist, while six schools employ more than one specialist.

Job Security and Status

LRW faculty in most programs are on short-term contracts, with 57 programs using 1-year contracts, 21 using 2-year contracts, and 29 using 3-year or longer contracts. LRW faculty are on the tenure track in 16 programs. The overwhelming majority of those on contract have no cap (79 of 90 or 88% in 2000, up from 63 of 81 or 78% in 1999).

Over 53% of program directors have a form of "Professor" in their official title (73 of 137). "Director" is the next most common title (60 or 44%). For LRW faculty, many have some form of "Professor" in their official title (58 or 46%), many are "Instructors" (37 or 29%), with "Lecturer" the next most common title (17 or 13%).

The vast majority of directors serve on faculty committees as voting (99) or non-voting (11) members. For LRW faculty, those in 69 programs serve on faculty committees, and those in 64 programs are afforded voting rights.

The majority of directors also attend and vote at faculty meetings, with 49 voting on all matters and 33 more voting on all but hiring and promotion. LRW faculty in 39 programs vote at faculty meetings, with writing faculty at 16 of those programs voting on all matters. At 47 more schools LRW faculty attend, but do not vote at, faculty meetings.

For 38 directors (37%), there is an obligation to produce scholarship. For 24 there is no obligation, but there is an expectation they will. LRW faculty have an obligation in 23 programs to produce scholarship and in 15 programs they are expected to produce scholarship, while 64 programs impose no such obligation or expectation.

Fifty-nine directors reported using written standards to evaluate LRW faculty, with 17 more programs having standards under development.

In the 1999-2000 school year...the "average" LRW faculty member taught 46 entry-level students, 6 hours per week, using 3 major and 4 minor assignments, while reading 1,588 pages of student work, and holding 48 hours of conferences. A significant number of LWR faculty also teach courses beyond the first-year program.

Workload

The workload of LRW professionals is daunting but improving. In the 1999-2000 academic year, the "average" director taught 34 entry-level students, 5 hours per week, using 3 major and 4 minor assignments, while reading 1,111 pages of student work, and holding 36 hours of conferences during the fall semester. The spring semester workload

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Professor Durako Presents Survey Highlights

(continued from page 13)

was comparable. For the same period, the "average" LRW faculty member taught 46 entry-level students, 6 hours per week, using 3 major and 4 minor assignments, while reading 1,588 pages of student work, and holding 48 hours of conferences.

For this past year the class size approached the maximum recommended by the ABA Sourcebook on Legal Writing programs. This compares with the prior year in which the "average" LRW faculty member taught 53 entry-level students, 5 hours per week, using 3 major and 4 minor assignments, while reading 1,870 pages of student work, and holding 69 hours of conferences, a much heavier workload.

Upper level courses

Many directors teach courses beyond the first-year program (77 or 65%). They taught an average of 1.39 upper level writing courses and an average of 1.47 non-writing upper level courses. A significant number of LRW faculty also teach courses beyond the first-year program; 58 programs reported that LRW faculty taught additional courses during the regular academic year, and 41 reported that LRW faculty taught during a separate summer session. The LRW faculty taught more non-LRW courses (63) than upper-level LRW courses (37). LRW faculty generally earn additional compensation for this teaching, but those in 25 programs do not.

Many law schools offer advanced legal writing courses. Some schools offer one course, while others offer several. The most frequently offered advanced courses are:

Advanced Advocacy
Advanced Legal Writing, General
Advanced Legal Writing, Survey
Drafting, General
Drafting, Legislation
Drafting, Litigation
Drafting, Transactional
Judicial Opinion Writing
Scholarly Writing

Gender inequities

The survey highlighted important differences in salary and status between women and men in LRW. Female directors earn less than male directors. When measured by 12-month salaries female directors earn an average $73,171, while male directors earn an average $84,817. The differences are more pronounced with less than 12-month salaries ($70,480 female; $91,182 male) and when all salaries are averaged ($71,628 female; $87,410 male). In the range of salaries paid, female directors' salaries have a lower range than males' ($20,000 to $128,000 female; $36,470 to $130,000 males). Fewer females than males earn more than $100,000 (8 of 77 females, or 11% of females; 9 of 24 males, or more than 33% of males). Moreover, females with comparable years of experience directing at their present school earn less than their male colleagues (for less than 5 years of experience, $66,411 for females, $83,786 for males; for 6 to 10 years experience, $70,617 for females, $88,250 for males). Female directors also earn less additional compensation for teaching beyond the entry-level program ($7,838 for females, $11,375 for males).

The gender of the director shows a correlation to the salary range of LRW professionals. In programs headed by female directors, the salary range for LRW faculty is lower: the averages in the range are lower ($40,186 low to $49,066 high, with female director; $43,867 low to $53,433, with male director). In addition, the minimum salaries paid in the salary range are lower in programs directed by females than in programs headed by male directors ($26,000 with female director; $30,000 with male director) and the maximum salaries paid are also lower ($90,000 with female director; $130,000 with male director).

Female directors are somewhat less often tenured than are male directors (20% of females; 23% of males). When tenured and tenure track directors are combined, the gap widens (28% of females; 33% of males). Significantly more female directors are on contract than males (45% of females; 30% of males).

Fewer female directors have "Professor" as their official title than males (45% of females; 59% of males). More females have titles of "Instructor" or "Lecturer" than males (14% of females; 3% of males). About 20% of both females and males have "Director" as their official title.

Fewer female directors teach courses beyond the entry-level writing course than males (64% of females; 82% of males). More female directors teach academic support as their only upper level course than males (9% of females; 0% of males).

Fewer females serve on faculty committees and fewer vote than males (89% serve and 81% vote for females; 100% serve and 88% vote for males).

Female directors are less often eligible for paid sabbaticals (59% of females; 64% of males), more often eligible for unpaid leave (22% of females; 14% of males), and are more often denied any type of leave than their male colleagues (19% of females; 9% of males).

For additional information on the 2000 ALWD/LWI Survey, contact Professor Durako at durako@camden.rutgers.edu. ◆

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.

CALENDAR

LWI Board Meetings

AALS Annual Meeting, January 2002 (precise date to be scheduled)
2002 LWI Conference: Wednesday, May 29, 2002

2002 LWI Conference

2002 LWI Conference, University of Tennessee College of Law, Knoxville, TN:
Wednesday, May 29 through Saturday, June 1, 2002

Board of Directors Elections

Call for Nominations: January 2002
Elections: March 2002

Legal Writing: The Journal of the Legal Writing Institute

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Status of Volume 8: Currently reviewing submissions

The Second Draft

Deadline for submissions for Spring 2001 issue: March 15, 2001
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