



From the editors....

In our continuing effort to find vehicles to convey to our students how to structure legal analysis, just about every one of us has used or contemplated using IRAC, the acronym for "Issue, Rule, Application, Conclusion." Some of us find that IRAC is a helpful tool for teaching legal analysis; others of us find that IRAC is overly simplistic, that different or additional concepts must be added to the acronym before we can use it; still others of us find that the attempt to impose one standard structure on all of legal analysis leads to disastrous results.

The Fall 1995 issue of *The Second Draft* will address the question whether IRAC is a helpful tool for teaching analysis or is a potentially harmful trap. Our announcement of this topic in the Fall 1994 issue seems to have generated discussion--we have received several comments already. If you would like us to include your insights (expressed in approximately 750 words) about IRAC in the Fall 1995 issue of *The Second Draft*, please mail them, preferably on disk, to Jane Gionfriddo at Boston College Law School, 885 Centre Street, Newton Center, MA 02159-1163 by September 15, 1995.

Please also send us announcements of news or events that are of interest to the legal writing community so we may include them in future issues of *The Second Draft*. In this issue we include in the news section a new heading--Achievements--where we report two achievements of members of the Institute that have come to our attention. Please e-mail us at <gionfrid@bcvmcms.bc.edu> to let us know about your achievements or the achievements of others. We would like to receive your comments, in the form of "letters to the editors" on topics of interest to members of our discipline, and to receive your suggestions for topics for future issues.

Evaluation Standards for Long-Term Contract Legal Writing Faculty

Legal writing programs operate on a variety of models, which are described in, among other places, the Institute's 1992 study of legal writing programs conducted by Jill Ramsfield and Brian Walton. These programs provide varying degrees of job security to the people who teach in them. Some teachers of legal writing have excellent job security: tenure. Others have very

little job security: they must leave upon the expiration of a one- to three-year non-renewable contract. Because job security seems to be a factor that influences a person's development as a teacher of legal writing, and, by extension, the development of our discipline, this issue of *The Second Draft* sets out procedures and standards for evaluation of non-tenure track writing

faculty who are eligible for some sort of job security.

One model that provides good job security is the long-term renewable contract model. On this model, a director, who is either on the tenure track or on a long-term contract, administers and teaches in a program staffed by full-time faculty who serve on renewable contracts with no maximum length

of service. The long-term contract model creates potential for continuity in staffing, which leads to more effective legal writing programs. When faculty members may stay for more than a year or two, instead of viewing their position as a stop-gap or way station, they can view themselves as career teachers of legal writing. This change of perspective, and the experience that accrues over the years, contribute to the development of the individual as a teacher and, by extension, to the development of the discipline.

That these contracts are renewable raises the inevitable question: On what criteria are renewal decisions made, and who makes the evaluation? In order to begin to answer that question, in the Fall 1994 issue of *The Second Draft* the editors asked for procedures and standards for evaluation of legal writing faculty who serve on non-capped renewable contracts. The response was not overwhelming; follow-up conversations indicated that only a few schools have adopted standards of this kind. We reproduce here the two sets of standards that we have-- Jan Levine's December, 1994 draft of Standards for Evaluating LR&W Teachers at University of Arkansas, and the procedures and standards to evaluate Legal Reasoning, Research,

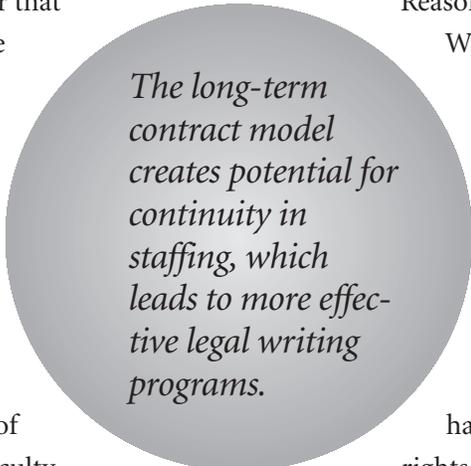
& Writing faculty members for contract renewal that have been in place at Boston College in substantially the same form since 1986.

At Boston College, the adoption of these procedures and standards by the full faculty in 1986 signaled a period of intense development of the legal writing program. During the period since 1985, the basic first-year required course went from a 2-credit, one-semester course, to a five-credit, two-semester course that emphasizes the analytical basis of legal writing. In 1993, the name of the course was changed to recognize the course's importance as a central piece of the first-year curriculum's instruction in legal analysis; the course is now entitled "Legal Reasoning, Research, & Writing." Legal Reasoning, Research, and Writing faculty members have the word "professor" in their title, serve on faculty committees, have the ability to move up in rank, and have the same voting rights as non-tenure track clinical faculty, who vote on all matters except appointment and promotion of tenure track faculty, contract renewals of contract faculty senior to them, and changes in status of contract faculty.

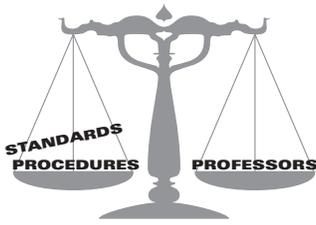
While some of these developments are certainly attributable to the support of the Deans and of the general faculty for the legal writing program, the faculty's adoption of the procedures and standards gener-

ated the stability in staffing that allowed these developments to occur. At the end of this academic year, one member of the legal writing faculty at Boston College will have taught in the program for 13 years, two for 10 years each, one for 7 years, and two for 5 years each (yielding an average length of service of 8.33 years for the six faculty members). This long service and good job security have allowed members of the writing faculty at B.C. to invest themselves in developing as teachers, to collaborate over a period of years to enrich the curriculum, and to develop the relationships with the wider faculty that are essential to integration of the legal writing program with the general curriculum.

We hope that our presentation of two sets of standards and this brief account of the perceived influence of the procedures and standards at Boston College will generate movement toward increased job security for members of legal writing faculties. At the very least, we hope that this presentation will generate discussion within our discipline: Do the standards presented here evaluate through appropriate criteria? Are procedures and standards of this kind an unalloyed good? If not, what are possible dangers? And finally, if they are effective tools for developing legal writing programs, why don't more law schools have them?



The long-term contract model creates potential for continuity in staffing, which leads to more effective legal writing programs.



Boston College Law School: Procedures and standards to evaluate Legal Reasoning, Research & Writing professors for contract renewal

Assistant Professors of Legal Reasoning, Research & Writing, who are full-time, non-tenure track members of the faculty, are hired for an initial one-year contract. As authorized by the general faculty in 1985-86, LRR&W faculty members are then eligible for successive two-year contracts under the following procedures and standards to evaluate LRR&W faculty members for contract renewal.

I. Standards for Contract Renewal

A. Teaching:

Teaching performance is the primary consideration in evaluating an LRR&W faculty member for contract renewal. The following criteria are guidelines to aid in determining whether an LRR&W professor has demonstrated excellence in achieving the teaching goals of the Legal Reasoning, Research and Writing Program—assisting students to perform at an acceptable or higher level of competency in analysis, research, and writing:

1. Ability to inspire students;
2. Sound knowledge of legal

analysis, legal writing techniques, and legal research sources and methodology;

3. Ability to provide well organized and clearly presented lectures/class discussions;

4. Ability to create a classroom atmosphere conducive to learning;

5. Production and selection of materials for use in teaching, including research/writing problems or exercises, samples, readings, and other teaching tools;

6. Ability to provide insightful, detailed critique of students' written work in written (or audio taped) form and in one-to-one student conferences;

7. Accessibility to students and demonstrated interest and involvement in their welfare;

8. Concern for development and refinement of teaching methodologies;

9. Assistance to and stimulation of colleagues in planning and developing problems, classes, and teaching methodologies.

B. Service to Boston College Law School:

LRR&W faculty members are presumed to devote substantially all of their time to teaching responsibilities. However, within the time constraints of the position, LRR&W faculty members should serve the Law School community by attending and participating in faculty meetings, serving on committees, and otherwise meeting the responsibilities of service to the Law School.

Original and published writing are not expected of LRR&W faculty members. If such activities are

undertaken by an LRR&W faculty member, they shall be evaluated and may be considered favorably in renewal decisions.

II. Procedures for Contract Renewal

A. Process of Evaluation:

In evaluating an LRR&W faculty member, a designated committee (including the Director of the Legal Reasoning, Research and Writing Program) shall consider information gained through the following means:

1. Observation of classes by the Director and a member of the committee;
2. Evaluation by the Director;
3. Review of research/writing problems, written (or audio taped) critiques of student memos, handouts, samples, readings, and any other teaching tools;
4. Student evaluations of the LRR&W faculty member;
5. Meeting with the LRR&W faculty member.

The committee shall provide the LRR&W faculty member with a written evaluation based on the information so collected.

B. Process of Contract Renewal:

1. First Two-Year Contract:

At the conclusion of the fall semester of an LRR&W faculty member's initial (one-year) contract, a designated committee shall evaluate the LRR&W faculty member's teaching performance using the standards and procedures set out in sections I. and II.A. above. A recommendation to offer a two-year contract should be based on satisfactory progress toward and clear promise

of eventual compliance with the teaching standard. The evaluation process should begin in the fall semester and be completed by mid-January. The committee's recommendation should be made to the faculty by January 31st. This should provide timely notification to the LRR&W faculty member being evaluated as well as to the Appointments Committee, which may be considering applicants for vacant positions.

2. First Renewal of a Two-Year Contract:

At the conclusion of the fall semester of the second year of an LRR&W faculty member's first two-year contract, the LRR&W faculty member's performance shall be evaluated in the same manner as set in II.B. 1. above. In deciding whether the LRR&W faculty member shall be offered a second two-year contract, however, the committee shall require that the LRR&W faculty member demonstrate compliance with the teaching standard set out in section I. above.

3. Second and Subsequent Renewals of Two-Year Contracts:

Second and subsequent renewals of two-year contracts shall be made by the Dean upon recommendation by the Director of Legal Reasoning, Research & Writing. There need not be plenary review by an evaluation committee unless requested by the Director or by any faculty member. If review is requested, the committee shall proceed with the evaluation and renewal process as set out in sections II.A. and B.2., above.

Standards for Evaluating LR&W Teachers

by Jan M. Levine
Associate Professor and Director
Legal Research and Writing Program
University of Arkansas School of Law

Draft – December 26, 1994

Over the past two years, I have been working on a draft of standards and evaluation procedures for our Legal Research and Writing Program. Our program consists of a tenure-track director and four full-time non-tenure-track teachers, teaching a sequence of three required LR&W courses totalling seven credit hours. Our school's performance standards and evaluation procedures regarding tenure-track faculty are rather lengthy and detailed, and I wanted something similar for the legal writing program. In order to gauge what other similar programs were doing, I called several directors at other schools and posted an Internet message on the LegalWrite list, <legwri-l>, asking for schools with full-time non-tenure-track teachers (or something close) to send me their own documents.¹

What follows is a working draft that I prepared for our use. I intended it to serve to educate our committee on what was involved in teaching legal writing and in directing a program. I confess to shamelessly appropriating chunks from several of the documents given to me by other directors, and I acknowledge that this draft is probably too long and detailed (but that was intentional). What was striking was the consistency among the written documents already adopted at several schools, particularly in two areas: "programmatic loyalty" and the high standards expected of LR&W teachers if they were eligible for appointments

beyond one or two years. I offer this draft for your use, for your own appropriation, and for discussion.

I. Performance Standards and Evaluation Procedures

In General

LR&W faculty members have the responsibilities detailed in this document, and the Director of the LR&W Program is charged with evaluating how each LR&W faculty member performs those responsibilities. The Director is to evaluate LR&W faculty performance on an on-going informal basis throughout the year, but shall prepare a written formal evaluation report about each LR&W faculty member in the manner set out by this document.

Term of Contracts for LR&W Faculty

All LR&W faculty contracts are nine months in duration, unless otherwise determined by the Dean and Director. LR&W faculty may apply for summer school teaching appointments, summer research grants, or such other special support as may be offered to them by the Dean of the Law School. The unavailability of additional support for development of teaching materials and assignments does not, however, relieve a LR&W faculty member from responsibility for developing those materials or assignments for the upcoming academic year.

Periods in Residency

A LR&W faculty member must be in residence at the School of Law no later than two full weeks prior to the first class day of the fall semester, or three weeks earlier than the start of the semester if the Program is involved with any orientation program for the entering class.

Standards for Appointment and Reappointment

Candidates for initial appointment to the LR&W faculty must demonstrate the potential for excellence as a teacher of LR&W, as demonstrated by educational achievement, prior practice of law, prior teaching, and other relevant achievements and skills. A LR&W faculty member may be reappointed for a second successive year if, in the opinion of the Director, the teacher demonstrates superior abilities and continued promise of development as a teacher of LR&W. In order for reappointment to a third year with the Program, or beyond, the LR&W faculty member must demonstrate to the Director that he or she possesses exceptional abilities as a teacher of LR&W.

Procedures for Evaluation and Possible Reappointment

The Director shall, no later than the end of the fall semester, provide each LR&W faculty member with a copy of the Director's preliminary written report detailing his or her evaluation of the teacher. The LR&W faculty member shall be told that he or she has two weeks to meet with the Director to discuss the report, and that he or she may respond to the report in writing; however, the preliminary report shall become final if no oral or written response has been received by the Director within two weeks of the LR&W faculty member's receipt of the preliminary report. Each LR&W faculty member must, no later than the first day of the spring semester, inform the Director, in writing, whether or not he or she is seeking reappointment. A final evaluation report about each LR&W faculty member shall be

provided by the Director to the Dean no later than the third week of the spring semester. The Director's final report to the Dean shall include a recommendation regarding reappointment. Notice of the decision of the Dean regarding reappointment shall be provided to each LR&W faculty member no later than the fourth week of the spring semester.

II. Teaching

Overall Teaching Responsibilities

The first criterion for evaluation of a LR&W faculty member is the quality of his or her teaching. LR&W faculty members seeking reappointment for a second year are expected to demonstrate superior teaching ability; candidates for reappointment for a third year or beyond are expected to demonstrate exceptional abilities. Mere satisfactory performance is an insufficient basis for reappointment.

Teaching includes the abilities to conduct informed and engaging classes, to review and critique student papers in a professional manner, to conduct helpful and productive individual meetings with students, to design and prepare assignments and other teaching materials that meet the Program's goals, and to diagnose and deal with student problems in research, writing, and analysis by providing concrete suggestions for improvement. A superior LR&W faculty member also demonstrates the promise of continued growth as a teacher of legal writing. An exceptional teacher demonstrates all of the above plus an overall grasp of teaching legal writing as a professional activity, and shows clear evidence of continued growth as a

teacher, member of the Program, and as a member of the professional community of LR&W teachers.

LR&W faculty members are expected to teach those courses assigned to them by the Director and Associate Dean. Classroom teaching load will be equitably distributed among the faculty of the LR&W Program, taking into account the available staff and other curricular and administrative variables.

LR&W faculty are responsible for reviewing students' written work in a professional and timely manner, and for providing detailed written commentary on all papers submitted for review. A LR&W faculty member must ensure that student papers are collected and returned in ways that safeguard the confidentiality of the student authors. Student papers, in whole or in part, that are placed on library reserve or otherwise used as examples must be redacted in a manner that protects the identity of the author, unless a student otherwise consents to revelation of his or her identity.

LR&W faculty are expected to judge first-year students' appellate oral arguments in a professional manner that provides instructional feedback and encouragement, consistent with prevailing norms of appropriate judicial conduct. The judging of those arguments will likely require the teacher to be in the Law School during evenings or weekends during a limited period of the semester.

A LR&W faculty member must be available to his or her students in the Law School building during a significant portion of the business day during the normal business week, and is encouraged to hold

regular office hours. The teacher must be willing to set up extra office hours to meet with students. Conferences are to be conducted during normal business hours of the School of Law, within the Law School building, unless otherwise approved in advance by the Director.

Development of Teaching Materials

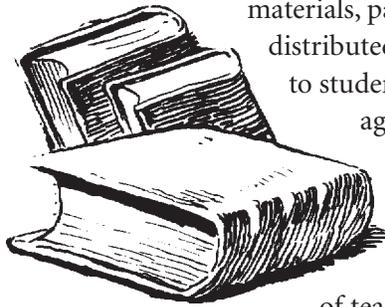
A faculty member with the Program must develop a significant portion of his or her own teaching materials. LR&W faculty who are reappointed after their first year with the Program have a correspondingly greater responsibility for preparing a more significant portion of their own teaching materials. Such teaching materials must conform with the Director's guidelines and Program goals and syllabi, and must be comparable or superior to existing materials. Teaching materials must be prepared in a timely manner permitting advance review by the Director. The materials may be prepared for use by other members of the LR&W faculty or in conjunction with others in the Program. The materials may include student assignments, sample answers, research questions and directions, citation exercises, lesson plans, lecture outlines, and other teaching tools.

Methods of Evaluation

Evaluation of classroom teaching performance shall be conducted by the Director, who may request the assistance of the Committee on Promotion and Tenure (COPT).

The Director shall visit each LR&W faculty member's classes at least once per semester, and may also observe LR&W faculty performance by visiting first-year moot court arguments.

LR&W faculty are expected to provide the Director, upon his or her request and in a timely manner, with copies of any and all teaching materials, particularly those distributed or made available to students, and are encouraged to share those materials with other Program faculty. The Director's review of teaching materials is intended to ensure that the materials are of high quality and consistent with the overall curricular and pedagogic goals of the Program. Further evaluation by the Director of a LR&W faculty member's teaching performance may include reviews of student-written evaluations, and discussions with individual students or groups of students. The Director may develop and administer a student evaluation form for the Program which differs from the "standard" form used for conducting student evaluations by the rest of the Law School faculty.



III. Programmatic Needs and Consistency of Pedagogy

Overall Programmatic Needs

The second criterion for evaluation of a LR&W faculty member shall be the institutional needs of the LR&W Program, in which programmatic and pedagogic consistency are paramount. The teacher must have the ability to inspire his or her students, must be

accessible to students, and must demonstrate interest and involvement in their progress, but all of those characteristics must find their expression within the institutional structure of the Program.

The LR&W faculty member must have sound knowledge of the methodology and goals of the LR&W Program, and the ability to assist students in the acquisition of research skills and mastery of oral and written communication techniques. Faculty within the Program must foster the educational objectives of the Program and must assist the Director in accomplishing those goals. LR&W faculty are expected to work in collaboration with other Program staff to develop and refine the Program, and to promote effective teaching and the professional development of their colleagues.

LR&W faculty have a major role to play in the Director's development and implementation of the Program within the faculty's charge; however, LR&W faculty are expected to demonstrate loyalty to the Program by not undercutting the Director's decisions about the Program's direction, materials, or structure. Pertinent and professional critiques of the Program are encouraged, but should include specific helpful recommendations for change that do not unduly burden the administration of the Program or the rest of the curriculum. LR&W faculty are expected to inform the Director of any potential problems involving students or other members of the Law School community which may have an adverse effect on the Program.

LR&W faculty members are expected to comply with any overall Program syllabi or schedules devel-

oped by the Director. LR&W faculty must return student papers in a timely and professional manner, consistent with the syllabus and the Director's guidelines. LR&W faculty members must notify the Director, as soon as possible, of any actual or contemplated significant change within the LR&W faculty member's classes from the overall Program syllabus or schedule (for example: canceled classes, delayed coverage of material, additional classes, divided class sessions, and guest speakers or lecturers).

Collegiality

LR&W faculty are expected to enjoy, promote, and engage in professional and collegial relations with other Program staff, other faculty members, and the administration and staff of the School of Law. LR&W faculty are expected to maintain professional relations with students, consistent with the standards and policies of the Law School and University. Teachers must be pleasant and personable, and able to relate to others without arrogance, reticence, or other qualities harmful to effective communication or unstrained collegiality.

Faculty within the Program must attend meetings called by the Director, and must consult regularly with the Director regarding Program-wide goals and issues as well as about possible or actual problems within the teacher's class. LR&W Program faculty must consult with the Director and other Program staff about any major change in course presentation, to ensure that the presentations of all remain relatively coordinated and consistent. More experienced teachers are expected to assist less experienced teachers.

Grading

Tentative grades for student work are to be submitted by each LR&W faculty member to the Director in advance of the general deadlines for faculty submission of grades announced by the Dean. The Director, after consultation with the Dean, is responsible for developing a policy promoting consistent and uniform assessment of papers and assignment of grades, and LR&W faculty members are expected to conform with any such policy. Graded papers for the courses within the Program are to be made available to students in a manner consistent with Law School policies regarding examinations. The Dean may take any action permitted him by the University, including the withholding of compensation, to ensure that student papers are reviewed, graded, and returned by a LR&W faculty member in a timely manner.

Scholarship

LR&W faculty are not expected to produce what is often termed "traditional" legal scholarship; however, candidates for reappointment beyond a second year are expected to involve themselves in those facets of scholarship that address Legal Research and Writing. Scholarship or activities in fields related to Legal Research and Writing shall be evaluated by the Director, and if it is of high quality it shall be considered to be great significance in a LR&W faculty member's overall evaluation and application for reappointment beyond a second year with the Program. LR&W faculty publications, research, and presentations regarding Legal Research and Writing are encouraged and

supported by the Dean, Director, and faculty. Although a LR&W faculty member who is so inclined is encouraged to engage in scholarship beyond the scope of Legal Research and Writing, such activities should not adversely effect the LR&W faculty member's performance of his or her responsibilities towards the Program and the teacher's students.

Teaching Outside of the LR&W Program

The Dean or Associate Dean, after consultation with the Director, may ask a member of the LR&W Program faculty if he or she wishes to teach another course or seminar during the regular academic year or during summer school. LR&W faculty members are encouraged to further their own professional development by teaching other courses; however, assumption of any such extra instructional responsibilities, such as teaching a seminar or coaching a Moot Court team, does not normally relieve a LR&W faculty member of any responsibilities within the Program. Evaluation of extra instructional responsibilities may be conducted by COPT and/or the Director at the request of the Dean; however, the Director shall be consulted to determine if a LR&W faculty member's added responsibility has affected the LR&W faculty member's performance within the Program.

Service

LR&W faculty are expected to contribute their services to the School of Law, the University, and the community, as are other members of the faculty; however, such service should not impair the LR&W faculty member's perfor-

mance within the Program. Examples of service include service on Law School or University committees, judging Moot Court teams, or advising law student organizations.

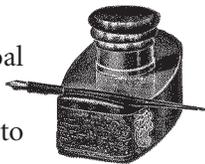
1. I received documents from Boston College, Brooklyn, California Western, Hofstra, and Seattle (formerly Puget Sound). I was, however, asked by teachers at over a dozen other schools with similar programs for copies of the documents I retrieved during the search. I want to thank Professors Jane Kent Gionfriddo, Marilyn Walter, Maureen Arrigo-Ward, Richard K. Neumann, Jr., and Laurel Oates for sharing their programs' documents with me.

From the Desk of the Writing Specialist

In the Margins: Effective Responses to Student Writing

by Susan R. Dailey
Writing Specialist
Quinnipiac College School of Law

Our immediate goal when we evaluate a student paper is to help the writer improve a subsequent draft. Ideally, any evaluation also has the long-term goal of helping the student learn enough about the process of writing and revision to develop into an articulate, independent thinker and writer.¹ Achieving these two goals is complicated in the first semester of law school because the students are novice legal writers and seem to need more feedback than our time constraints would allow. Deciding how to respond to student writing, therefore, requires setting priorities and reflecting carefully on



which type of feedback best suits the objectives of a given assignment.

Lack of basic contextual information hinders students in their efforts to write their first legal memos. Their inexperience in the discipline may lead to any number of problems: misreading the cases, misunderstanding legal processes, or using terminology incorrectly. An important part of the revision process, for example, is tailoring the writer's ideas to the needs and expectations of the audience. But what do our students know about the needs of their audience, typically the hypothetical senior partner at a law firm? In telling them that their audience for an inter-office memo is a "busy senior partner who is relying on their research and analysis to decide how to handle a case," we may think we are communicating to our students the rather rich set of assumptions we have about such an audience. But we are not.

In a questionnaire designed to capture student perceptions of the audience for legal writing, I asked first-semester law students to describe the supervising attorney they expected to encounter when they began work at their first jobs. Students who had previous experience working at law firms described supervising attorneys with adjectives that were often identical to those of the Legal Skills instructors who also filled out the questionnaire. This group described a work-place with a frenetic pace, demanding workload, and high expectations. Students who had never worked in a law firm, however, used descriptive words and phrases that were frequently the opposite of those of their

counterparts. These students envisioned a more nurturing environment with fewer demands on a new associate.

This informal survey of student perceptions did not address the more complex issues of audience that arise in the writing of a legal memo. Even their earliest assignments require students to make rather sophisticated decisions about what a senior partner knows about cases or an area of the law, how she uses language, and what type of reasoning she values. Unclear about the purpose of an objective memo, for example, some students believe that their role is to describe cases rather than analyze the law. Many of the problems that seem to be lack of analysis, therefore, are actually rooted in students' basic misunderstandings about context.

We help our students develop a better sense of context by voicing the expectations and assumptions of a legal audience in our comments on their papers. We write marginal questions in the hope that students will begin to ask those questions of themselves, and we prompt them to consider issues and ideas because we believe that one day they will consider these issues when they are working independently. Our questions and comments in the margins of student papers model the thinking process we hope that our students will internalize as they learn to revise their own work.

In responding to student writing early in the semester, we need not rely, of course, on written comments alone. In fact, a study of successful writing teachers (K-12) found that they consistently viewed the graded comments on the final draft of a paper as an ineffective

teaching tool, favoring instead conferences and comments on student work in progress.² Such in process feedback is particularly valuable to novice legal writers because it can help to correct any misconceptions before the entire memo has been written. In this respect individual conferences at an intermediate stage of writing may be preferable to those scheduled after students have submitted final drafts.

Focused feedback is another way to provide students with contextual information. Early in the semester short assignments, such as case briefs, outlines, and parts of memos, can test students' understanding of different aspects of legal context. If such assignments have clearly articulated pedagogical objectives, we can address discrete aspects of the students' writing and thus reduce the amount of time spent on written comments.

Carefully designed collaborative writing assignments can likewise provide contextual feedback to the students without overtaxing our ability to respond. Students can help each other think through analytical or organizational problems, and because groups of approximately four students produce one piece of writing, we can review the work of an entire class fairly efficiently.

Indeed, collaborative writing assignments provide ideal subjects for in-class discussion. Students are generally motivated to present their best work if they know it will be viewed by their peers on an overhead projector, but the presentation of a group endeavor eliminates much of the embarrassment and discomfort that sometimes accompanies a class

critique of one student's paper. In-class discussion of this kind is particularly well-suited to addressing global issues such as organization and analysis because students are likely to share a number of similar problems.

Because they are new to the field and unsure of themselves, first-year students are likely to resist our efforts to encourage independent thinking.³ This resistance can take the form of demanding concrete answers to questions or pressing for too much time in individual conferences. In search of absolute rules, some students seem willing to relinquish their common sense. (An otherwise rational student once told me that her writing instructor would not allow her to use the word "but" in a legal memo.) In our feedback we have the opportunity to discourage this excessive reliance on authority and shape student perceptions of the "rules" for legal writing.

Students are more likely to develop into confident writers and critical thinkers if they view their writing as a process of making decisions rather than simply following rules. One of the disadvantages of the IRAC paradigm, for example, is that while it provides a helpful guide for our students to follow, it also gives them the kind of concrete formula they are only too happy to embrace. Comments that focus on thinking, reasoning, and substance help students to see beyond the formula to the choices they need to make as writers.

Providing effective feedback to first-semester law students is a particularly complex task. Focused responses, groups assignments, individual or group conferences, peer feedback, in-class writing as

well as graded evaluations of written drafts can all be useful for helping students develop a context for their writing. Ultimately our goal is to bring our students into the community of legal writers as critical, independent thinkers.

1. Richard Beach, *Showing Students How to Assess: Demonstrating Techniques for Response in the Writing Conference in Writing and Response: Theory, Practice and Research* 127 (C. Anson ed. 1989).
2. Sarah W. Freedman, *Response to Student Writing* 50 (1987).
3. Joseph Williams, *On the Maturing of Legal Writers: Two Models of Growth and Development in Legal Writing: The Journal of the Legal Writing Institute* 18 (1991).



NEWS

U.S. News & World Report Article on Legal Writing

The March 20, 1995 issue of U.S. News & World Report includes an article entitled "Combating Legalese," which discusses legal writing programs at a number of law schools around the country. Some members of the Institute have responded positively to the national attention given our discipline, while others think that the article does not accurately portray its depth. We suggest that you read the article and make your views known to the editors of U.S. News.

Call for Manuscripts and Abstracts

The Editorial Board for Legal Writing: The Journal of the Legal Writing Institute is interested in reading manuscripts for the next volume of the journal. The Editorial Board has met and is preparing that volume for publication in November 1995.

The Board solicits articles, research reports, book reviews, and critical commentary from persons interested in both the theory and the practice of legal writing, in the design of courses and curricula, and in teaching techniques for the classroom and law office. In recognition of the fact that a variety of disciplines can contribute to knowledge about legal writing, Legal Writing is multidisciplinary.

If you are interested in contributing to Legal Writing and have a manuscript, or a one-page abstract of a manuscript that is being prepared, please contact the Editorial Board through the following person:

Chris Rideout, Editor
Legal Writing: The Journal of the
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950 Broadway Plaza
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Achievements

Chris and Jill Wren recently won the Distinguished Technical Communication Award for their text *Using Computers in Legal Research: A Guide to Lexis and Westlaw*. The award was presented by the Society for Technical Communication, the world's largest tech-comm professional organization.

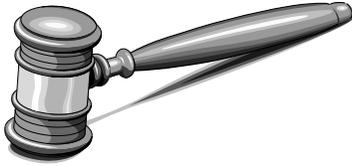
Julie Cheslik's article, "Teaching Assistants: A Study of Their Use in Legal Research and Writing Programs," was published in the September 1994 issue of the *Journal of Legal Education*, at 44 *J. Legal Educ.* 394 (1994).

The Second Draft Mailing List

Please contact Lori Lamb by telephone at (206) 591-2235 or by e-mail at <llamb@seattleu.edu> or send in the coupon on the back of this newsletter if you want to add your name to the mailing list for The Second Draft.

Summer 1995 Directors' Conference

A conference for directors of legal writing programs will be held at California Western School of Law in San Diego on Friday, July 28 and Saturday, July 29, 1995. Printed agendas, registration materials, and hotel information will be mailed to all subscribers to the DIRCON95 listserv and to all other LR&W program directors. For additional information, contact Jan Levine at the University of Arkansas School of Law, by telephone (501) 575-7643 or by e-mail <jlevine@mercury.uark.edu>.



Plagiarism Policy Research

The 17-member Plagiarism Policy Committee of the Legal Writing Institute has received 112 responses to a questionnaire about the definition and consequences of law school plagiarism. The committee is currently attempting to get schools who have not yet responded to complete their surveys, and hopes to meet early this summer to form general conclusions.

Major contradictions and confusions uncovered already are (1) the "intent" requirement and (2) the dissemination/publication of the policies to students.

Any school that has not responded, or any member of the Institute who would like to join the committee, is asked to contact Terri LeClercq, University of Texas, at (512) 471-5151, ext. 0654.

ABA's Communication Skills Committee's Program at ABA Summer 1995 Meeting

The American Bar Association's next annual meeting, in Chicago this summer, will include a program on the market value of clear writing. The ABA's Communication Skills Committee (formerly the Legal Writing Committee) will sponsor the program on the morning of August 6th. The speakers will discuss how plain language can help a firm's profits and profile, and how firms can greatly improve the documents they write for clients.

Summer 1996 Legal Writing Institute Conference

The next Conference of the Legal Writing Institute will be held July 25 through 28, 1996 at the University of Puget Sound, Tacoma, Washington. In early September, 1995, the Institute will send out a call for conference proposals. If you have any questions, please contact Laurel Oates by telephone (206) 591-2233 or by e-mail <loates@seattleu.edu>.

Legal Writing Institute Board Election Results

In the Fall of 1994, the following people were elected, or reelected, to the Board of Directors of the Legal Writing Institute for a four year term:

Anne Enquist,
Jane Gionfriddo,
Joseph Kimble,
Laurel Currie Oates,
Diana Pratt,
Chris Rideout,
Helene Shapo, and
Louis Sirico.

They join the continuing Board members:

George Gopen,
Steven Jamar,
Christina Kunz,
Terri LeClercq,
Kathryn Mercer,
Jill Ramsfield, and
Christopher Wren.

Legal Writing Institute Committees, 1994-1996

The following is a list of the committees of the Legal Writing Institute and their chairs for 1994-1996. If you are interested in serving on a committee, please contact the chair.

Accreditation and Academic Standards
Richard Neumann, Hofstra, chair

Plagiarism

Terri LeClercq, University of Texas, chair

Mentoring

Susan McClellan, Seattle University, co-chair
Jenny Zavatsky, Seattle University, co-chair

Idea Banks

Martha Siegel, Suffolk, chair

Newsletter

Joan Blum, co-editor
Jane Gionfriddo, co-editor
Francine Sherman, co-editor

Regional Conferences

(the following people have agreed to be contact people for regional conferences)
Laurel Oates, Seattle University, general contact
Philip Genty, Columbia, Northeast
Helene Shapo, Northwestern, Upper Midwest

The following is a list of Legal Writing Institute Board Committees for 1994-1996:

Executive Committee

Anne Enquist
George Gopen
Steve Jamar
Laurel Oates
Chris Rideout

Elections

Chris Wren, chair
Katy Mercer

Program Committee for 1996 Conference

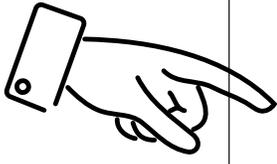
Laurel Oates, chair
Steve Jamar
Chris Kunz
Terri LeClercq
Helene Shapo
Chris Wren

Conference Policies and Procedures

Anne Enquist, chair
Diana Pratt

Editorial Board, Journal

Chris Rideout, editor-in-chief
Rebecca White Berch
Susan Brody
Anne Enquist
George Gopen
Katy Mercer
Diana Pratt
Jill Ramsfield
Marjorie Rombauer
Kristin Woolever



To help the Institute keep the mailing list current and keep mailing costs down, please fill out this coupon if you have moved, or if you want to be added, and return it to: **Legal Writing Institute, 950 Broadway Plaza, Tacoma, Washington, 98402.**

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