



LegalWriting  
Institute

# THE SECOND DRAFT

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## Beating the Curve: An Exploration of Legal Writing Programs and Pedagogies

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### LWI Policy Statement on Law Faculty *Adopted March 2015*

The Legal Writing Institute is committed to a policy of full citizenship for all law faculty. No justification exists for subordinating one group of law faculty to another based on the nature of the course, the subject matter, or the teaching method. All full-time law faculty should have the opportunity to achieve full citizenship at their institutions, including academic freedom, security of position, and governance rights. Those rights are necessary to ensure that law students and the legal profession benefit from the myriad perspectives and expertise that all faculty bring to the mission of legal education.

### Dear LWI members:

Thank you to *The Second Draft* for focusing on the important topic of pedagogical innovation. The individual and programmatic developments showcased in this issue demonstrate the extent to which legal writing professors have been and continue to be at the frontline of reform in legal education. The LWI Board discussed these reforms and other topics at the Biennial Conference in Portland in July. To stay up to date on LWI's conferences, publications, workshops, and other projects, please visit the newly redesigned website and follow us on Twitter, Instagram, and Facebook!

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This is an exciting time. The American Bar Association (“ABA”) has initiated significant reforms in legal education. Among other things, these reforms emphasize the importance of teaching young lawyers not just legal theory but how to put that theory into practice – a pedagogical approach known as *experiential learning*. New ABA Standards require law students to undergo at least six credit hours of experiential learning to graduate. These reforms recognize that competent lawyers must constantly bridge the intellectual gap between substance and skill. Accordingly, law schools must prepare new attorneys to master complex legal doctrine, effectively apply it in practical ways, and clearly communicate their research and analysis, both orally and in writing, to diverse audiences.

Yet despite the recent buzz about experiential learning, its importance comes as no surprise to legal writing professors who, for decades, have utilized simulations and other experiential exercises to teach students how to transform doctrine into doing. This wealth of experience is exactly why we can and should emerge as leaders at our respective institutions during this pivotal stage in the evolution of legal education.

As legal education enters this brave, new world, it is important to consider the diverse approaches that trailblazing professors and programs have already pioneered. Thus, in this issue, we showcase some of the best practices and innovative approaches that set legal writing programs and pedagogy apart. In so doing, we hope to encourage all professors to continuously experiment, innovate, and evolve to meet the ever-changing needs of our students, our profession, and our world.



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# Legal “Street” Writing



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1:10 p.m. on a Friday afternoon: A partner asks an associate to e-file a quick, one-page reply on a motion to compel. The associate also must respond to a client e-mail questioning whether back-up tapes were included in a recent electronic production of documents. She delays finishing the blog post her practice group’s supervisor asked her to draft, and turns to preparing talking points for a meet-and-confer call scheduled for Monday. Just as she opens a new file to begin the call notes, in floats an email from another partner attaching two redlined draft settlement agreements, instructing her to “pls. merge, format & circulate a clean version asap.”

As educators, we strive to keep our finger on the pulse of the day-in and day-out written work of attorneys. Preparing students to write in practice should not be an exercise in speculation (what do we think attorneys do?), or idealism (what do we wish attorneys did?) or, worst yet, passive stagnation (what have attorneys always done?). If anything is certain in the not-so-certain legal employment landscape, it is that the skills expected are just as diverse as the new patchwork of jobs.<sup>1</sup> For most, legal writing will not be a ten-page memorandum using select case law that is handed to a partner in hard copy.<sup>2</sup> Instead, it is what I term “street” writing.<sup>3</sup>

What is legal “street” writing? It is a broad category of nitty-gritty tasks and projects that require attorneys to combine basic first-year writing skills with some value added: for example, team drafting, time-pressured writing, or preparation of an E-brief.

## WHY?

Legal writing instruction has a head start in the “how to teach practical skills” race. Before the ABA required it,<sup>4</sup> we already used assessments to gauge what techniques students were actually learning. We already use experiential exercises such as mock status conferences.<sup>5</sup> We are a friendly audience for the countless articles that trumpet the now common call to make legal education a more “practice ready” experience.<sup>6</sup>

A refreshed pedagogical focus on the actual writing attorneys do answers the “practice ready” call, loud and clear. Whether sprinkled throughout the traditional first-year course, or offered as an upper-level writing elective, curricular offerings must keep pace with the changing landscape that awaits graduates. As the examples below demonstrate, legal “street” writing instruction offers students an array of experiences relevant to the practice of law in 2016 that complement time-honored writing and analysis skills. We need not let go of traditional lessons completely, but it is time to loosen our grip and explore some of these fresh ideas.

## WHAT?

Legal “street” writing is “writing +.” What added value is expected of an attorney beyond the baseline ability, for example, to synthesize case law and analyze facts? Not surprising, many of these examples include some aspect of technology—perhaps the biggest single driver

of change today in practice and academia. This article provides sample ideas of how to take some aspects of legal writing instruction “to the street.”

## TEAM DRAFTING

We require a solo effort by law students, but law practice is anything but solo. Team-based learning, group training and collaborative problem solving have a spot atop the list of “practice ready” deficiencies.<sup>7</sup>

To introduce team drafting, for example, create a group of three or four students assigned to produce one final written work product such as a motion to dismiss. Each group must choose its approach; for example, will each student draft a select part such as the Introduction or Statement of Facts? Will one student be tasked with final editing? Will another handle formatting? Students work together in and out of class to ensure cohesion and clarity of theme throughout the document, and problem solve by re-evaluating the group’s approach as the project develops.

## WRITING FOR THE TABLET READER

Knowing your audience is important for any persuasive writing. Knowing how your audience will view and read a document is even better. In what some have described as a “quiet revolution,”<sup>8</sup> an increasing number of judges review filings on tablets such as an iPad. A short lesson can explore how a judge’s reading experience on a tablet or mobile device can differ from reading on paper (for example, using a search function to locate a key term or creating comment bubbles instead of handwritten notes), and encourage students to focus on techniques that may improve the screen reader’s experience (for example, paying attention to typography and choosing particular serif fonts, or using highly structured text such as short headings and bullet points).<sup>9</sup> If skimming and clicking on links is the new normal for legal readers, we must advise students how to be persuasive in that context rather than pretend it doesn’t exist.

## PREPARING AN E-BRIEF

Judges and other legal readers who, in the past, may have pulled a certain reporter volume from

their bookshelf now often expect materials at their fingertips – literally. Electronic briefs, or E-briefs, are hyperlinked versions of filings that link to cases, statutes, exhibits, record cites or other documents and allow the reader to navigate those sources. Inserting “clickable” links in the body of a filing (usually a PDF file) can make the reader’s experience easier and the writer’s arguments more powerful. E-filing is the lay of the land in the federal court system, and many states

are following suit. E-briefs are usually a supplemental, complimentary copy for a judge or clerk following an uploaded PACER federal filing or hard copy state filing. Law students should not graduate without knowing what PACER is (or, for that matter, EDGAR for corporate folks), nor should they believe legal briefs are stacks of 300 page documents on the corner of a judge’s desk.<sup>10</sup> While students may not master this

skill in law school, an introduction and opportunity to practice does not eat up significant syllabus space and is a neat extension of the traditional concept of a writer’s attention to the needs of his or her audience. As one judge remarked: “When I pull up a memo with links, I have three immediate impressions: this attorney knows how I work; [t]his is going to be easy; I hope other attorneys notice this.”<sup>11</sup>

## DOCUMENT AUTOMATION

Technological competence enhances efficiency. This means that preparation of written documents such as letters, settlement agreements, motions and briefs can be streamlined when an attorney is familiar with tools such as automated document assembly, and repeatedly uses software templates for the same family of documents. For example, if fifteen boilerplate provisions comprise each licensing agreement an attorney prepares, she should not type a new list for each agreement, pressing the “return” key after each number instead of using a pre-set style or template. Knowledgeable use of templates and automated systems allows attorneys to focus less on the “cut and paste” legwork and more on thoughtful analysis of each client’s new situation. Time spent on formatting instead of lawyering reeks of unnecessary client

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expense. Moreover, spicing up a writing course with a taste of these competencies brings opportunity for collaboration with the growing number of law practice technology programs such as the Institute for Law Practice Technology & Innovation at my institution, Suffolk University Law School.<sup>12</sup>

## TIME-PRESSURED WRITING

Time-pressured writing in practice is not having two weeks to complete a memorandum. It's having two hours. Students should be introduced to the idea that sometimes, it is necessary (and, frankly, ok) to sacrifice depth and detail in a written work product in favor of an accurate, clear bottom line answer. Putting this in the classroom context, an experienced attorney could guest role-play and verbally provide a short assignment at the start of class ("Send me a summary of the applicable local rule on reply briefs and let me know if our current draft is compliant."). Students would work on individual laptops for some set time during class and e-mail a response. The guest attorney would show and discuss sample responses in real time, giving students the benefit of hearing whether the needs of their audience were met. Were bullet points helpful? Was the bottom line conclusion presented at the beginning of the document? Students could then assess their answers using a model response and peer review.

## "MINI MOTIONS"

"Mini Motions" pair well with time-pressured writing. I use this phrase to describe one to three page motions that pack a persuasive punch without the usual formalities such as standard of review or a rule explanation. An Assistant District Attorney may draft and file upwards of ten motions in one day; a scrambling Big Law associate may file a one-page motion minutes before oral argument. Legal writing programs should introduce students to this idea; even better, they should offer actual practice. Students may be energized at the idea that introductions can be pithy and creative without the garden variety and superfluous procedural throat-clearing. For example, assign students to pare down a longer persuasive brief into a two-page filing. Students must do this not by taking shortcuts such as changing font size, but by focusing on the most critical facts and law and resisting the temptation to rest in the warm-up zone of length and often irrelevant case explanations.

## SMARTPHONE DRAFTING & EDITING

In the same family as time-pressured writing is on-the-go writing. The often-described Luddite legal community now realizes legal writing can be done via applications such as Goodreader® or Documents To Go®. The ability to do so can be a powerful tool for a busy attorney travelling or juggling several matters. Need to provide final edits to a discovery letter from your phone while waiting for a deposition to begin? No problem. One assignment idea is for students to download a particular app on their smartphone or tablet, and receive via e-mail a PDF or Word document with typographical errors. Students have fifteen minutes in class to review it and e-mail the document back with suggested changes. The benefit of this type of assignment is to put an "old" legal skill -- carefully reviewing and revising documents -- into a "new" 21st century context. This will attract students' interest and give them confidence to enter the marketplace ready to impress old dogs by teaching new (time-efficient) tricks.

## BLOG POSTING

"Public Legal Writing," as one of our colleagues describes it, fits well as a component of legal "street" writing.<sup>13</sup> Blog writing and other writing for non-lawyer audiences allow students to use the personal voice often lost in the traditional curriculum (how many times have you advised that there are no first person references "I" or "our" in formal legal writing?). In the current market, competition is stiff to get a job and get and keep a client, and networking and business development are critical. The thousands of practice area and law firm blogs provide ripe opportunities for instructors to introduce the ins and outs and pros and cons of legal blogging, and discuss how junior attorneys can make a name for themselves with this form of writing.

## PREPARATION NOTES

Impressive "practice ready" writing is whatever makes the partner/supervisor/client's life easier. Introducing best practices regarding preparation for another attorney or team for a conference call, meeting, or status conference is a useful expenditure of instructional time. Imagine a partner requesting information from an associate in advance of a Rule 26(f) meet and confer teleconference with opposing counsel, focusing on the exchange of electronically stored information (ESI). The associate e-mails the

partner a six-page memorandum with a Question Presented, Brief Answer and lengthy discussion of past rule amendments. No bullet points, no order of topics to be discussed, no facts or precise client information. Writing? Yes. Helpful? No. Legal writing instructors must make a concerted effort not be “allergic” to incorporating this type of pragmatic, everyday skill instruction into students’ law school experience.<sup>14</sup>

In sum, there are many opportunities to pair real world connections with writing. The skills are concrete and the lessons are fun. Yes, students need to develop their judgment as attorneys to decipher when and whether these tools are appropriate for a particular audience. And yes, some attorneys may receive on-the-job training in these areas, although that seems less likely given the increasing number of clients not willing to pay for it.<sup>15</sup> The bottom line remains that fifteen years ago, it was good enough for a recent graduate to know how to research case law and type a predictive or persuasive document on his or her desktop. Perhaps that was even adequate 10 years ago. It’s not today. We must take some of the legal writing curriculum to the “street” and at least introduce students to the “+” a 21st century lawyer should have.

Legal writing is not what it used to be. To swim or even tread water in the “practice ready” tidal wave, a curriculum cannot look as it did in a world where a redline was something in a hockey rink and a tablet was a capsule of medicine. To be sure, fundamentals need not be abandoned. Writers must crawl as students before they walk, much less run, as attorneys, and structured first year assignments provide that foundation. But if today’s goal is to innovate and explore new pedagogical approaches, legal “street” writing is certainly a step in the right direction.

#### NOTES

1. See, e.g., Deborah Jones Merritt, *What Happened to the Class of 2010? Empirical Evidence of Structural Changes in the Legal Profession*, 2015 MICH. ST. L. REV. 1043, 1078, 1104 (2015) (describing diverse opportunities for legal employment such as legal process outsourcers and discussing “substantial changes in the legal market”).

2. For a recent, interesting research project regarding what reading and writing junior associates actually do in practice, see Ann Sinsheimer & David Herring, *Lawyers at Work: A Study of the Reading, Writing & Communication Practices of Legal Professionals*, 21 LEGAL WRITING: J. LEGAL WRITING INST. (forthcoming 2016) (suggesting, based on research results, that law students should, for example, produce varied types of written texts, practice using samples and templates to produce new documents, and receive “impromptu” assignments and writing tasks with “strict word and time limits”).

3. This idea originated from a conversation with my father, a former high school social studies teacher, regarding a “Street Law” course he taught. See Street Law, WIKIPEDIA, available at [https://en.wikipedia.org/wiki/Street\\_Law](https://en.wikipedia.org/wiki/Street_Law) (last visited May 3, 2016) (“[A]n approach to teaching practical law to grassroots audiences using interactive teaching methodologies.”).

4. Revised ABA Standard 314 takes effect in the 2016-2017 school year and requires schools to use “both formative and summative assessment methods” to measure learning and provide feedback. ABA Sec. of Legal Educ. & Admissions to the Bar, Revised Standards for Approval of Law Schools, available at [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/201406\\_revised\\_standards\\_clean\\_copy\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/201406_revised_standards_clean_copy_authcheckdam.pdf).

5. See AWLD/LWI Annual Survey of Legal Writing Programs, Common Practices vi (Assignments), available at <http://lwionline.org/uploads/FileUpload/2014SurveyReportFinal.pdf> (“Over the past few years, the percentage of responders requiring email memos, client letters and oral reports to supervising attorneys, and other speaking skills has increased considerably.”).

6. See, e.g., Adam Lamparello & Charles E. MacLean, *Requiring Three Years of Real World Legal Writing Instruction: Law Students Need It; Prospective Employers Want It; The Future of the Legal Profession Demands It*, HOUSTON L. REV. ONLINE (2014), available at <http://www.houstonlawreview.org/wp-content/uploads/2014/03/Lamparello-Three-Years-of-Real-World-Legal-Writing-FINAL.pdf>.

7. See, e.g., Neil J. Dilloff, *Law School Training: Bridging the Gap between Legal Education and the Practice of Law*, 24 STAN. L. & POL’Y REV. 2 (2010) (including development of problem-solving skills, people skills, teamwork, and supervision of others as competencies undervalued or not taught in law school).

8. Stephen T. Maher & Ana Romes, *The Quiet Revolution in Brief Writing*, ABA LAW PRACTICE TODAY (Feb. 2016) available at <http://www.lawpractice-today.org/article/the-quiet-revolution-in-brief-writing>.

9. For additional technical tips, see, e.g., Daniel Sockwell, *Writing a Brief for the iPad Judge*, COLUM. BUS. L. REV. 3 (2015), available at <http://cblr.columbia.edu/archives/12940>; Maria Perez Crist, *The E-Brief: Legal Writing For An Online World*, 33 N.M. L. REV. 49, 68-78 (2003).

10. Indeed, our Millennial students are likely to embrace this flavor of instruction. See, e.g., Warren H. Binford, *Envisioning a Twenty-First Century Legal Education*, 43 WASH. U. J.L. & POL’Y 157, 170 (2013) (“The vast majority of our incoming students are digital natives who rightfully expect we will adapt our teaching methods and resources to educate them using [commonplace] tools.”).

11. This quote is attributed to Judge David Nuffer, United States District Court for the District of Utah. See *Hyperlinking in Federal Court*, available at <http://federalcourthyperlinking.org/> (last visited May 3, 2016) (describing benefits of including hyperlinks in federal court filings).

12. Information about Suffolk University Boston Institute on Law Practice Technology & Innovation is available at <http://legaltech.suffolk.edu> (last visited May 3, 2016).

13. Jennifer Murphy Romig, *Legal Blogging and the Rhetorical Genre of Public Legal Writing*, 12 LEGAL COMM. & RHETORIC: JALWD 29 (2015).

14. David Segal, *What They Don’t Teach Law Students: Lawyering*, N.Y. TIMES (Nov. 19, 2011), available at [http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html?\\_r=0](http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html?_r=0) (“Law schools have long emphasized the theoretical over the useful.”).

15. *Id.* (summarizing client message as: “Teach new hires on your own dime.”); see also Adam Chodorow & Philip Hackney, *Postgraduate Legal Training: The Case for Tax-Exempt Programs*, 65 J. LEGAL EDUC. 463, 463 (2016) (“[M]arket pressures and budget constraints have led many legal employers to eliminate or significantly reduce the training they used to supply.”).

# Best Practices in Legal Education: How Live Critiquing and Cooperative Work Lead to Happy Students and Happy Professors



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At Widener Law Commonwealth, the legal writing program organizes itself around best practices for the students and, also, best practices for the professors. Rather than catalog the innovative approaches that set our program and pedagogy apart from others, this article focuses on two central ideas and guiding principles for producing happy students and happy professors: 1) using live critiquing to provide feedback on assignments and 2) encouraging cooperative work among legal writing faculty.

Keeping students happy may seem like a quixotic idea in the legal academy. After all, there are plenty of anecdotes about how legal education confuses, overworks, and even bores students—but few, if any, regarding how happy it makes them.<sup>1</sup> At Widener Law Commonwealth, our first-year legal writing students are happy. They consistently provide feedback on how much they learned and enjoyed the course. For example, in course evaluations, students have commented that their legal writing course was “awesome,” “great,” and the “best experience of my first year.”

The key to receiving positive feedback from students is, in part, due to the formative feedback the legal writing faculty gives to them. The first and second semesters of our legal writing courses begin with a series of ungraded assignments designed to prepare students for their final, graded assignments.<sup>2</sup> For example, in the fall semester, students draft three papers that build on one another to complete the analysis section of a judicial opinion. In the spring semester, students complete a research project and two writing assignments that build on one another to produce a trial brief. Students take these practice assignments seriously because they know that they will receive meaningful feedback that they can apply to their final papers. Students appreciate the opportunity to make mistakes, from which they can learn, without the pressure of a grade attached to the exercise. One student remarked that having the opportunity to

practice was “excellent” because “it calmed my fears about the brief and gave me confidence that I knew how to approach it.”

Students not only appreciate practice assignments, but also enjoy the method through which we provide formative feedback on these early assignments. While we do not grade the students’ work, we do critique the papers as if we were grading them, and we do the critiques live. Students are required to attend several conferences, and their degree of preparation for each conference varies depending upon the length of the conference.<sup>3</sup> We meet individually with each student in our offices, read papers out loud, and provide on-the-spot written and verbal commentary on the papers. These live-critique conferences are conversations between us and our students, as we discover how best to improve the students’ work in the future. Because each conference provides formative feedback on an individualized basis, the conversation may focus on organization, analysis, writing mechanics, citation, or all of the above. Students leave with marked-up papers, completed rubrics, and audio recordings of the conference.<sup>4</sup>

Students often listen to these recordings several times after the conferences as they work on their next assignments. One student described the impact of the recorded conferences on learning:

My first semester started out rocky in this course. My first few writing assignments were terrible. I really listened to the feedback in my conferences with Professor Smith, however, and learned what I was doing wrong. At that point, a light went off in my head and I began to understand how to write better. I paid attention and when I was confused about something, I asked.

Live-critique conferences make for happy students and happy professors. Through these conferences, we can provide students with effective, meaningful feedback.<sup>5</sup> We tailor feedback to what students are ready to receive, clarify feedback when students do

not understand the critiques, and receive feedback from students about their learning so adjustments can be made to our future teaching. In addition, these conferences foster relationships between our students and us. We get to know each other better because we meet outside of the classroom several times throughout the semester.<sup>6</sup> Finally, we enjoy critiquing papers with our students more than writing comments on papers in isolation because we are able to share our practical, professional, and personal skills in conferences.

Not only is the live-critique process more enjoyable, but we have also discovered we are more efficient than when we provide written critiques. Written critiques

may take three weeks to complete, whereas conferencing is more concentrated, and takes place over a week-and-a-half. Students receive feedback more quickly after submitting assignments, allowing them to move to the next step of the writing process faster.

Keeping law professors happy also may seem like a new, and perhaps even extraneous, idea. After all, who really cares if we are happy at a time when legal education is struggling? And how would a law professor’s happiness be measured anyway?

At Widener Law Commonwealth, the legal writing professors’ measure of happiness goes beyond citation rates and conference invites, and includes doing meaningful work for our students by collaborating with each other and keeping our workload manageable. Just as we are happy to meet and work with our students, we also are happy to meet and work with our writing colleagues. Although we have some formal, scheduled meetings each year to share curriculum ideas, some of our best work occurs in informal meetings in the halls and after classes when we run our teaching ideas by each other.

In addition, we routinely circulate our lesson plans, PowerPoints, and handouts to each other. We create our assignments together. We work on our syllabi together. And we do all of this without a programmatic requirement to do so because we are not in a lock-

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step program where we all must use the same book and materials. Although we could each independently prepare our classes, we choose not to in favor of collaborating because it improves our teaching.

Collaborating declutters part of our work obligations and frees us up to think and work more deeply on our teaching. Like our students, we are not afraid to make mistakes in front of one another, and we appreciate the chance to learn from each other. We each have our areas of expertise, and we draw from the others' strengths. For example, when putting a problem together, we share the responsibilities of creating challenging facts, confirming the details, researching the law, and formatting the problem. This helps us balance the workload and keep each other in check when we get overly excited about a particular nuance in the law or aspect of the problem.

We have created a terrific bank of problems that we routinely revisit, reinforce, and recycle for use. Reusing problems and focusing on the same area of law has helped us gain expertise in different subject areas and has made us much better teachers in the classroom. Because we do not have to constantly learn the law for a new problem, we know what to anticipate in the classroom and do a better job presenting the material. Our collaboration has created a group expertise that cuts down on our work and makes us better able to help our students learn.

Perhaps unpredictably, our recycling of material has not led to plagiarism problems. Although we safeguard against cheating by changing jurisdictions and modifying fact patterns in our assignments, we believe we have not run into plagiarism issues because first-year students are highly motivated to learn. Their second- and third-year classmates counsel them on the importance of doing their own work to learn the material. They understand that they could take short-cuts, but honor code violations are easily evitable, and they choose to take advantage of the learning opportunities presented to them instead.

Conceivably, we have not had problems with cheating because our students also know that some of the keys to happiness are hard work, discovering strengths, and building relationships. At Widener Law Commonwealth, we ask our students to work as hard as we do, we help each other discover individual strengths, and we build professional relationships with our students and each other. As a result, our students and professors are happy, and our first-year writing program has excelled.

#### NOTES

1. See Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 112, 113-15 (2002) (discussing the widespread "tales of law student and lawyer depression, overwork, dissatisfaction, alcohol abuse, and general distress").
2. See Carole Springer Sargent & Andrea A. Curcio, *Empirical Evidence that Formative Assessments Improve Final Exams*, 61 J. LEGAL EDUC. 379, 382 (2012) (noting that "[n]umerous studies suggest that feedback may be more effective if ungraded because students tend to focus on grades, not suggestions for improvement").
3. Conferences typically last twenty-to-sixty minutes. Depending on the length and purpose of the conference, students come to conferences with a prepared agenda, list of questions, or a completed self-edit.
4. Students may audio record the conferences on their phones or we may record the conferences with a hand-held recorder. If we record the conferences, we upload and share the MP3 files with the students.
5. Both college and law school professors recognize the pedagogical benefits to students of critiquing students' writing live. See Alan Rose, *Spoken Versus Written Criticism of Student Writing: Some Advantages of the Conference Method*, 33 C. COMPOSITION & COMM. 326, 329 (1982) ("I can communicate more to my students about their writing by talking with them than by writing comments."); Robin S. Wellford-Slocum, *The Law School Student-Faculty Conference: Towards a Transformative Learning Experience*, 45 S. TEX. L. REV. 255, 267-69 (2004) (discussing various ways in which "[t]he student conference is . . . superior to the written feedback and suggestions that a law professor can convey on drafts of student work").
6. MICHAEL HUNTER SCHWARTZ ET AL., *WHAT THE BEST LAW TEACHERS DO* 18-19 (2013) (noting that a common trait among successful law professors is that they "consistently choose to develop personal connections to their students").

# The *Serial* Podcast: Bringing the Real World into First-Year Legal Writing



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A peek into today’s typical law school classroom reveals a class of mostly “Millennials.” Comprised of Americans born in the 1980s and 1990s, Millennials are the most ethnically diverse and technologically savvy generation in our country’s history.<sup>1</sup> Despite popular convention to the contrary, they are more interested in the news of the day than their pre-digital predecessors in part because they consume news more broadly and deeply through social media.<sup>2</sup> Indeed, studies on how people learn about the world through available technological devices show that Millennials are not only curious but also well informed.<sup>3</sup>

So what, if anything, do these studies reveal regarding how to best engage this population who text at the speed of light, belong to four or five different social media networks, and who appear at all times to be “au courant”? According to a 2015 article, a surefire way to appeal to Millennials is “to engage them on new platforms as they are released.”<sup>4</sup> Indeed, the very fact that technology has been ever present in student lives has given rise to a mindset that looks for ways to adapt information into its most interesting and comprehensible form—to make all things easier, faster, more flexible and efficient, and more adaptable to the new age.<sup>5</sup>

Yet first-year law students, by necessity, are reading about and learning law mostly from cases that were decided before they were born and through mediums that do not involve technological advances. This can lead to disengaged students who yawn their way through law school lectures.

As legal writing professors, we teach our students analysis, reasoning, and the craft of generating persuasive pleadings. Our tech-savvy students have a mindset that seeks out the new and exciting. Their curiosity is piqued by information that has been contextualized by their peers. They are eager to use new mediums and to advance discourse on popular topics. With *Serial*, we can give students both what they want and

what they need in the classroom. *Serial* incorporates new technological platforms into the curriculum, infuses energy and vitality into the law school classroom and engages students in the persuasive techniques of writing that they will need for their legal careers.

## WHAT IS THE SERIAL PODCAST?

Podcasts are downloadable audio recordings of commentary, speeches, stories, or other programming that are often produced as an ongoing series. Originally named because the iPod was the vehicle through which people could access the shows, one can now listen to podcasts on any device that plays downloaded content. Anyone can create a podcast. Indeed, many of our legal writing colleagues have done just that.<sup>6</sup> Radio programs have spun off into podcasts, and *Serial* fits that category.

In 2014, Sarah Koenig and Julie Snyder, reporters for *This American Life*, created a twelve-part series called

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*With Serial, we can give students both what they want and what they need in the classroom.*

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*Serial*, which they described as “one story told week by week.”<sup>7</sup> In its first season, *Serial* centered on the 1999 murder of Hae Min Lee, a high school girl in Baltimore, Maryland. Adnan Syed, a fellow student and former boyfriend of the victim, was arrested and convicted of the crime.<sup>8</sup> The podcast consists of interviews with Syed, witnesses, lawyers, and law enforcement personnel, along with Sarah Koenig’s searching commentary. Notably, the podcast does not definitively leave the listener with a clear opinion on the question of Syed’s guilt.

The murder case has a significant procedural history, including a mistrial, second trial, and numerous post-conviction motions. Recently, after the end of the first *Serial* season, a Maryland Court granted Syed a hearing allowing him to bring forth two issues. First, that he had ineffective assistance of counsel at his trial, and second, that there was new evidence regarding his alibi. Briefs were filed, and the court granted a new hearing, which took place in February 2016.<sup>9</sup>

## SERIAL IN THE CLASSROOM

Taken together, the *Serial* podcast and briefs, which are currently accessible for free online, offer many opportunities for student learning. Below are a few ideas regarding how to incorporate *Serial* in your classroom to increase student engagement and promote learning.

## WRITING A PERSUASIVE FACTS SECTION

Assign a few episodes and use them in a “flipped classroom” style. After students have listened to the episodes, assign them to a side in the case and have students write the first paragraph of a fact section introducing their client’s story. Supplement the assignment with readings on narrative and storytelling.<sup>10</sup> In class, students can compare, critique, and deconstruct the first paragraphs (or more) of the actual briefs filed in the case. Here are the opening paragraphs from the two briefs:<sup>11</sup>

### (Syed)

The murder of Hae Min Lee, a Woodlawn High School student who disappeared on January 13, 1999, initially confounded investigators. There were no witnesses. There was no forensic evidence of any significance. The body was not found until nearly a month later in Leakin Park, Baltimore.

As police investigated, they initially focused on Jay Wilds, a fellow Woodlawn student. Upon being called in for questioning, Wilds told police numerous different stories, alternately inculpatory and exculpatory himself. Eventually, Wilds settled on a version of his story that led to murder charges against Lee’s ex-boyfriend, Adnan Syed.

### (The State)

On January 13, 1999, Adnan Syed strangled to death and buried in a shallow grave his ex-girlfriend, 18-year-old, Hae Min Lee. (T. 2/2/00 at 39-41; T. 2/23/00 at 22Ð23, 38). Syed and Lee, both students at Woodlawn High School, had broken up and reunited at least twice during the course of their turbulent ten-month relationship, but never before had Lee become involved with someone else. (T. 1/28/00 at 237-40; T. 2/16/00 at 300; State’s Exhibit 2). That

changed two weeks before the murder, when Lee went on a first date with a new romantic interest, an older co-worker named Donald Cliendinst. (T. 2/1/00 at 72).

The two approaches offer great examples of using emphasis, case theory, tone, and word choice to advance a client's position in a fact statement. They further showcase how accurate citation to the Record or case law adds credibility to persuasive writing. The opinion is also online and would be a great resource for a discussion on which arguments appeared to persuade the judge.

## WRITING QUESTIONS PRESENTED

The briefs also contain very different approaches to drafting questions presented:<sup>12</sup>

**Syed:** “Was Appellant’s trial counsel constitutionally ineffective when she failed to investigate a potential alibi witness, then told Appellant that “nothing came of” the alibi witness?”

**State:** “Whether the court correctly dismissed Adnan Syed’s claim of ineffective assistance of counsel with respect to his attorney’s judgment not to pursue an alibi defense dependent on a single potential witness, Asia McClain?”

Have students deconstruct these, either in class or as an at-home assignment, to identify how and why they are different and then either write their own Question Presented or critique the examples.

These are just two ways to use *Serial* to teach persuasive analysis. Countless others exist, such as assigning short oral arguments on the issues raised in the briefs. However you utilize *Serial*, students can tap into popular culture through a newer medium while practicing real-world practical legal skills—a lesson that will not be lost on today’s tech-savvy law students.

## NOTES

1. See, e.g., U.S. Census Bureau Monthly Population Estimates (June 2014); <http://www.pewsocialtrends.org/2014/03/07/millennials---in---adulthood/>; LEE RAINE & BARRY WELLMAN, NETWORKED: THE NEW SOCIAL OPERATING SYSTEM (2012).
2. *How Millennials Get News: Inside the Habits of America’s First Digital Generation*, AM PRESS INST. (Mar. 16, 2015), <https://www.americanpressinstitute.org/publications/reports/survey-research/millennials-news/>.
3. *Id.*
4. Dan Schawbel, *10 New Findings About the Millennial Consumer*, FORBES (Jan. 20, 2015), <http://www.forbes.com/sites/danschawbel/2015/01/20/10-new-findings-about-the-millennial-consumer/#6ec1172a28a8>.
5. Art Papas, *How Tech-Savvy Millennials Are Humanizing Your Workplace*, FORTUNE (Aug. 18, 2015), <http://fortune.com/2015/08/18/how-tech-savvy-millennials-are-humanizing-your-workplace/>.
6. See, e.g., *Legal Writing Tips*, SUFFOLK UNIV., <https://itunes.apple.com/us/itunes-u/legal-writing-tips-podcasts/id388452951?mt=10> (last visited June 24, 2016); *School of Law – Perk Up Your Pens Legal Writing*, SANTA CLARA UNIV., <https://itunes.apple.com/us/itunes-u/school-law-perk-up-your-pens/id431516132?mt=10> (last visited June 24, 2016).
7. <https://serialpodcast.org/season-one> (last visited June 24, 2016).
8. See generally <http://www.courts.state.md.us/cosappeals/pdfs/syed/appellantsbrief.pdf> (last visited June 24, 2016); <http://mdcourts.gov/cosappeals/pdfs/syed/appelleebrief201505.pdf> (last visited June 24, 2016).
9. Justin Fenton, ‘Serial Case’: Adnan Syed hearing wraps up, BALTIMORE SUN (Feb. 9, 2016).
10. For sample excerpts, see STEVEN D. STARK, *WRITING TO WIN: THE LEGAL WRITER* (2012).
11. See *supra* note 8.
12. *Id.*

# Making It Stick: Using the Science of Successful Learning in Legal Writing Classrooms



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To become effective legal writers, most first-year law students need some old writing and thinking habits to die—and they often die hard. The students need to augment or replace some ideas about writing with new foundational knowledge about legal communication. Such knowledge includes, for example, key facts and concepts about the nature of legal discourse, the relative value of various legal authorities, and the basic conventions of genres, such as office memoranda or client letters.<sup>1</sup> Bits of such knowledge are like seeds. They need to fall in fertile soil and to stick there. They then need tending, time, and space in which to sprout, take root, and grow.<sup>2</sup> Only then will the requisite knowledge be readily available to students as they write and self-edit.

Getting new knowledge to stick can be deceptively hard, especially for students stuck with habitual research and writing patterns. In class, students often nod and say, “I get it.” Hours later, they submit documents the organization and analysis of which communicate a humbler message: “not quite.”

To address the elusiveness of new foundational knowledge, my creative colleagues at UNC and I borrow lessons shared by two cognitive scientists and a novelist in *Make It Stick: The Science of Successful Learning*.<sup>3</sup> The authors accessibly summarize recent research on cognition and learning strategies while also teaching through clear definitions and engaging stories. Specifically, the authors describe five key strategies, all of which we implement in our legal research and writing courses.

## 1. EFFORTFUL, SPACED, AND INTERLEAVED RETRIEVAL

The hard work of retrieving knowledge intermittently, after time intervals, and attention to other tasks, fosters both anchoring of that knowledge in long-term memory and facility in accessing and using it.<sup>4</sup> Students tend to believe that they have firm, accessible knowledge when in fact they have gained only mere fluency: a general familiarity with recently accessed information.<sup>5</sup>

## 2. GENERATION

To generate means here to originate or form an answer (or a response to a problem or challenge) rather than simply to recall it.<sup>6</sup> Generation is trial and error—and in writing, the “awful blurting” that through persistent, thoughtful editing becomes clear communication.<sup>7</sup>

### 3. CALIBRATION

To calibrate is to comparatively align a response one has generated with an optimal response—and thus to assess by measuring performance against a standard. Calibration helps learners shed illusions about what they know and develop critical judgment.<sup>8</sup>

### 4. ELABORATION

To elaborate is to work with knowledge, seeking layers of meaning in it. Examples include explaining concepts in one's own words, relating new knowledge to existing knowledge one already has, and forming instructive images or diagrams.<sup>9</sup>

### 5. REFLECTION

To reflect is first to retrieve information—by recalling, summarizing, or examining past experience—and then to elaborate. Reflection fosters self-awareness, transfer of learning, and planning for future challenges.<sup>10</sup>

These *Make It Stick* strategies help my colleagues and me teach professionalism, enliven instruction before, during, and after class, and evaluate our lessons, assignments, and assessments against our course goals. First, regarding professionalism, we teach students that using the strategies is part of their responsibility, as emerging professionals, to engage effectively in learning.

Thus, we link the strategies with student professionalism, which we both expect and assess. Students can also **calibrate** their habitual learning approaches against an optimal approach of **retrieving** knowledge, **generating** answers, **elaborating** on lessons, and **reflecting** on setbacks and advances.

Second, we incorporate *Make It Stick* strategies when we design a semester's instructional plan. We aim not just to "cover" material. Rather, we carefully **interleave spaced retrieval** of concepts. One way we do this is through short, online, reading-comprehension quizzes. These quizzes challenge students repeatedly to **generate** answers to basic questions about, for example, information that expert eyes can discern in a well-written citation. Immediate feedback lets students **calibrate** their replies against those of their professor. Another way is through in-class, team-based quizzes.<sup>11</sup> These ask students about, for example, key terms, organizational patterns

in legal writing, and strategic choices in structuring sentences. Then, we supportively, insistently engage students in **elaborating** and **reflecting** on what they have learned. We often do so by assigning roles to students, simulating typical law-practice challenges, and then asking students to reflect upon and write about their experiences and insights.

Third, we use the five *Make It Stick* strategies to **calibrate** the results of our teaching. We start a semester with detailed sets both of course goals and of the student competencies we will measure through common end-of-semester assessments. We also publish common evaluation guidelines for all first-year students. We later use the guidelines to grade and comment on the assessments. We also compare scores and other student performances across sections and by year, as we refine our course design for each new semester.

By implementing these strategies, we *make it stick*. We foster students who have the solid foundational knowledge they need to communicate effectively.

#### NOTES

1. ALEXA Z. CHEW & KATIE ROSE GUEST PRYAL, *THE COMPLETE LEGAL WRITER* (2016) (teaching such foundational knowledge through a genre-discovery method).
2. Regarding the fruitfulness of well-tended seeds of teaching as compared to the fruitlessness of seeds that fall on hard, rocky, or weed-choked ground, Jesus's parable in Mark 4:3-9 is instructive. *Mark 4:3-9* (emphasizing the importance of listening deeply and attentively).
3. PETER C. BROWN, HENRY L. ROEDIGER III, & MARK A. MCDANIEL, *MAKE IT STICK: THE SCIENCE OF SUCCESSFUL LEARNING* (2014).
4. *Id.* at 43-44, 65-66.
5. *Id.* at 9-11, 63-64, 116.
6. *Id.* at 94.
7. *Id.* at 221.
8. *Id.* at 4-5, 125.
9. *Id.* at 207.
10. *Id.* at 209-10.
11. I use a variation of team-based learning. See Melissa H. Weresh, *Uncommon Results: The Power of Team-Based Learning in the Legal Writing Classroom*, 19 *LEGAL WRITING* 49 (2014).

# Teaching Undergraduates, Teaching First Years



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This year, for the first time, I taught an undergraduate course in the Temple University General Education program.<sup>1</sup> It was not a legal writing course, but the experience provided me with some lessons that inform how I will teach my legal research and writing courses in the future. Working with undergraduates—mostly freshmen—altered my expectations for first-year legal writing students and changed the way I will communicate those expectations to them going forward. This essay provides some reflections on the undergraduate course I taught and the three major lessons I learned from the experience. These lessons provided an opportunity to reconsider and refine what I think of as “best practices” for teaching first-year legal research and writing.

The Temple General Education program, like many similarly structured programs, requires that undergraduates complete courses chosen from a menu of options involving several different subject areas.<sup>2</sup> The program seeks to provide students with opportunities to engage in critical thinking, contextualized learning, interdisciplinary thinking, communication skills, scientific and quantitative

reasoning, civic engagement, information literacy, and lifelong learning.<sup>3</sup>

My course was in the area of “U.S. Society.” I adapted my Education Law course<sup>4</sup> for undergraduates; it was called “Education in the Global City.”

The course syllabus promised that

[t]his course will examine the legal aspects of the organization, operation, and control of education in the United States and will consider the impact of globalization as it relates to how our educational institutions are changing and evolving. In particular, the course looks to the state of education in Philadelphia as a case study for the state of education locally, nationally, and globally.<sup>5</sup>

The specific course goals were to

teach you how to interpret historical and cultural materials and articulate your own point of view about the role that law, public policy, and globalization have played in the modern American education system while enhancing your critical thinking skills; information literacy; ability to examine historical events through a variety of interdisciplinary disciplines; understanding of historical and contemporary issues in context; and engagement, both locally and globally, in the issues of our day.<sup>6</sup>

The course assessments included both formative and summative feedback.<sup>7</sup> Students completed and got formative feedback on four short writing assignments: a personal essay, a case brief, an issue brief, and a current events paper. There was a 25-question,

multiple-choice midterm exam and a final writing assignment that consisted of two essay questions (one comprehensive question and one simulation question similar to a law school issue-spotting exam). The General Education program required that students be given a great deal of information about the assignments—more than I have ever provided for my law students. For each assignment I provided detailed instructions, a sample paper, and a grading rubric. Each assignment was then graded using a score sheet that mirrored the rubric and provided the students with a numerical score and some written comments.

Undergraduates of all class levels enrolled in the course, but it was primarily freshmen.<sup>8</sup> A handful of students were interested in either education or law, but none were particularly interested in both; most of the students chose the course simply to fulfill the General Education requirement. Thus, the composition of the class included students of all skill levels and many different backgrounds and majors. Some of my students were second-career undergraduates; many were the first in their families to pursue higher education.

Preparing for and teaching the course was both gratifying and educational for me. When I next prepared to teach my traditional first-year Legal Research and Writing course for law students, I employed three principles I learned from teaching my undergraduate class: rethinking my expectations about incoming students' "fundamental writing skills"; thinking more concretely about learning outcomes and assessment-related materials; and involving different types of media in my teaching.

## **PRINCIPLE 1:** **I need to rethink my expectations about my students' "fundamental writing skills."**

For years, legal educators have talked about a decline in the fundamental writing skills of incoming students.<sup>9</sup> Teaching undergraduates showed me that I need to recalibrate the baseline I use when I evaluate these fundamental writing skills.

Some of my undergraduate students were excellent writers and had no trouble acclimating to college-level writing and analysis. But the majority of the students comprised a mixed bag of fundamental writing deficiencies that made me think a lot about our students' past writing experience and how far incoming



1Ls might have come since their introduction to formal instruction in composition and communication.

Because the course was a core General Education course comprised of mostly freshmen, I was prepared to spend some instructional time talking about academic writing. However, I seriously underestimated the level of attention and writing instructions the students actually required, on everything from tone to content to structure to attribution to grammar to syntax to spelling. I could not find enough class time to talk sufficiently about writing fundamentals; I had to ask my teaching assistants to conduct supplemental sessions on academic writing (they also offered one-on-one feedback on drafts and completed assignments by request).

This was a class in which one of the learning outcomes was written communication, but it was not necessarily intended to be a writing skills-focused course. And yet we had to devote a great deal of time to discussing the style, tone, voice, and syntax expected in college-level academic papers. Of course, one of the purposes of the program was to help students acclimate to academic writing, but it was not primarily a core writing course.<sup>10</sup> But so many students had fundamental misunderstandings about writing that it became easy to see how many students arrive in law school with fewer competencies than we ideally want to see.

Others have explored the root cause of these writing deficiencies; I take no position on them here. But the fact of them has caused me to rethink the baseline from which I evaluate my incoming students. I am

more cognizant of the fact that they may be on an upward trajectory that was, only a few years earlier, at a much worse starting place than where I find them. I am also more open to learning tools that are focused solely on grammar and syntax, in order to separate out the writing fundamentals from the skills of legal analysis and reasoning. It is perhaps more important than ever to engage in diagnostic work to determine what past academic and professional writing experiences students have had. In recent years I have devoted little class time to writing fundamentals; now I realize that today's incoming students may need a refresher on general principles of good writing (or even a vocabulary to discuss what those principles might be). The modern legal writing classroom can incorporate these fundamentals through tools that are traditional (such as peer review) or technological (such as *Core Grammar for Lawyers*).

## **PRINCIPLE 2:** **I need to think more concretely about learning outcomes and communicating expectations to my students.**

Learning outcomes and assessment have been hot topics in legal education of late. The American Bar Association's new version of Standard 302 requires law schools to identify specific learning outcomes that students should be able to demonstrate upon graduation.<sup>11</sup> Standard 314 requires that law schools apply a variety of formative and summative assessment methods across the curriculum to provide meaningful feedback to students.<sup>12</sup> These new standards are part of a new emphasis on legal skills as part of an attempt to manifest more "practice-ready" law graduates.<sup>13</sup>

Like many who teach first-year legal research and writing courses, I have spent some time thinking about student learning outcomes and formative assessment.<sup>14</sup> But it has been a long time since I thought concretely and methodically about the overall course learning outcomes and how my assignments and feedback are keyed to the achievement of those outcomes.

Teaching a General Education course required me to think about course learning outcomes in a linear, methodical way. I also had to think about how to communicate my goals and expectations for each assignment to my students. I had to associate

each learning outcome with one or more of the assessment mechanisms (which included the course writing assignments, but also the midterm and final examinations and two in-class team-based learning exercises). I assigned point values to each assignment and to each component of a grading rubric I made available to the students (along with detailed instructions and desired outcomes for each). And I provided sample papers, which I wrote, because teaching a new course meant I had no student samples to draw from.

The idea of using these types of materials in first-year legal research and writing courses is not novel. Long before the proposed changes to the ABA standards, professors of legal writing advocated use of formative assessment tools such as rubrics.<sup>15</sup> I used them myself when I first started teaching, but stopped using them once I felt more able to communicate my expectations and evaluate student writing without them. In recent years, I have also resisted the use of written models because of my students' tendency to follow samples too rigidly.

However, my undergraduate students responded well to these different types of assessment-related materials, and even asked for more of them. Again, I cannot be sure of the reason behind this. But I found that using a rubric for the writing assignments also made me more confident that I had clearly articulated the goals and standards for each assignment. This has made me reconsider the materials I use in my law school courses. Stating clear learning outcomes, sharing and using grading rubrics, and providing sample papers (possibly multiple samples, to avoid my concerns about copycatting) can meet and set concrete student expectations, with the additional benefit of compliance with the new ABA standards.

## **PRINCIPLE 3:** **I should incorporate different types of media in my teaching to engage different learning styles and cultivate fundamental writing skills.**

Today's learners thrive when given the opportunity to engage with different types of media.<sup>16</sup> Information literacy was one of the program and course goals; as such, I wanted to present my undergraduate students with course materials that included a variety of sources, resources, and tools for them to work with.

I decided early on that I wanted to curate my own set of course materials for the class, rather than assign a traditional course text. Even though these students were undergraduates—and not even many were pre-law undergraduates—I thought it was important to expose them to primary materials such as constitutional provisions, case law, and statutes. To contextualize these materials, I included commentary from books and academic journals as well as the popular press and blogs, often with multiple types of sources discussing the same topic. I assigned short videos and showed some in class; the “reading” assignments also included podcasts and movies.

Over the course of the semester, as I tweaked some of the in-class and writing assignments, I changed and added even more types of materials. For example, for the “issue brief” assignment, which required students to explore a current education law issue in depth, I required that they include one non-traditional source (such as a podcast or vlog) that addressed the issue.

At times I thought I could be overwhelming the students, almost bombarding them with content. But they thrived with exposure to all different media, and even craved more. Some of the students did particularly well on writing assignments that were based on more visual or auditory content, such as film clips or podcasts. This is consistent with findings that exposure to different types of digital media can encourage creativity and written expression.<sup>17</sup>

Including a wide variety of digital course materials posed some unique challenges. For example, employment of digital tools may lead to a blurred line between formal and informal writing and deployment of an informal tone and style in formal writing assignments (something that was already an issue for some of the students, as discussed above).<sup>18</sup> And assigning different types of media raises issues of both in-class and at-home accessibility. However, when coupled with my commitment to reinforcing fundamental writing skills, these felt like solvable problems. One way to do this is a modified version of an exercise I originally styled as “Legal Writing Missteps” in my first-year legal research and writing course.<sup>19</sup> The original exercise required students to find an article about newsworthy incidents involving legal writing and to participate in a Blackboard discussion group about their findings. This exercise could be modified to allow for more expansive sources

(such as podcasts) and reporting mechanisms (student blog posts or video recordings). Another way to incorporate varied media is through supplemental “readings” that include audio recordings or short blog posts. “Grammar Girl” is a good example of a digital source that also addresses some of the grammar and usage issues discussed above.<sup>20</sup>

When I agreed to teach an undergraduate, law-focused course, I was excited to try something different. One unexpected outcome of this experience was a return to some core principles about teaching first-year legal research and writing: thinking about students’ core writing experiences before law school; considering outcomes and assessments; and thinking about a diverse range of course materials. I do not mean to overgeneralize; some of my experience was clearly dictated by the composition of the incoming undergraduate class at the university, those who enrolled in my course in particular, and the typical student at my law school. But I learned some important lessons by working outside my curricular comfort zone, and I expect these lessons to be even more relevant when (I hope) some of my freshmen arrive as 1Ls in the coming years.

#### NOTES

1. *The General Education Program*, Temple University, <http://gened.temple.edu/>.
2. *The General Education Program, Requirements*, Temple University, <http://gened.temple.edu/students/requirements/>.
3. *The General Education Program, Program Goals*, Temple University, <http://gened.temple.edu/students/requirements/gened-program-goals/>.
4. I typically teach Education Law as an upper-level law school course that satisfies Temple’s serial writing requirement. A copy of the course syllabus is on file with the author.
5. A copy of the course syllabus is on file with the author.
6. *Id.*
7. Professor Sophie Sparrow defines formative assessments as “ongoing assessments designed to make students’ thinking visible to both teachers and students, not assessments that merely provide numbers and letters that give students very little guidance.” Sophie M. Sparrow, *Describing the Ball: Improve Teaching by Using Rubrics—Explicit Grading Criteria*, 2004 MICH. ST. L. REV. 1, 5 (2004)(quoting HOW PEOPLE LEARN: BRAIN, MIND, EXPERIENCE, AND SCHOOL 24 (John D. Bransford et al. eds., 2000)).
8. There were 61 students enrolled in the course: 2 seniors, 5 juniors, 11 sophomores, and 43 freshmen.
9. See, e.g., Aida Alaka, *The Grammar Wars Come to Law School*, 59 J. LEGAL EDUC. 343 (2010).
10. The General Education Program requires that students take a 4-credit course in Analytical Reading & Writing, preferably in the first semester; many of my students may have been contemporaneously enrolled in this course. See *The General Education Program Analytical Reasoning & Writing Area Goals*, Temple University, <http://gened.temple.edu/students/courses/analytical-reading-writing/>.

11. *Program of Legal Education*, Am. Bar Ass'n, [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2014\\_2015\\_aba\\_standards\\_chapter3.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2014_2015_aba_standards_chapter3.authcheckdam.pdf).
12. *Id.*
13. See *Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law Schools*, Am. Bar Ass'n (Aug. 13, 2014) [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/governancedocuments/2014\\_august\\_transition\\_and\\_implementation\\_of\\_new\\_aba\\_standards\\_and\\_rules.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2014_august_transition_and_implementation_of_new_aba_standards_and_rules.authcheckdam.pdf).
14. See, e.g., David Thomson, *Outcomes & Assessment: A Golden Opportunity for LRW Professors*, THE SECOND DRAFT, Fall 2010, at 4.
15. See, e.g., Sparrow, *supra* note 7, at 4-5.
16. See, e.g., [http://www.pewinternet.org/files/old-media/Files/Reports/2013/PIP\\_TeachersandTechnologywithmethodology\\_PDF.pdf](http://www.pewinternet.org/files/old-media/Files/Reports/2013/PIP_TeachersandTechnologywithmethodology_PDF.pdf) (surveying the use of in-class digital teaching technologies by middle and high school teachers).
17. [http://www.pewinternet.org/files/old-media//Files/Reports/2013/PIP\\_NWP%20Writing%20and%20Tech.pdf](http://www.pewinternet.org/files/old-media//Files/Reports/2013/PIP_NWP%20Writing%20and%20Tech.pdf) ("These teachers see the internet and digital technologies such as social networking sites, cell phones and texting, generally facilitating teens' personal expression and creativity, broadening the audience for their written material, and encouraging teens to write more often in more formats than may have been the case in prior generations.").
18. *Id.* at 3.
19. Kristen E. Murray, *Legal Writing Missteps: Ethics and Professionalism in the First-Year Legal Research and Writing Classroom*, 20 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 134 (2012).
20. See, e.g. Grammar Girl, *Unlawful versus Illegal*, <http://www.quickanddirtytips.com/business-career/legal/unlawful-versus-illegal> (July 27, 2007).

# Teaching Professionalism and How to “Act Professionally” by Coordinating Legal Writing with Professional Development



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Professionalism is important. The concept of professionalism can be found throughout the ABA Rules and other influential legal education documents, making it an essential component for legal education.<sup>1</sup> Indeed, the ABA has repeatedly called for professionalism to be taught in law schools in order to prepare new lawyers to become “effective, ethical, and responsible” participants in the legal profession.<sup>2</sup> Professionalism typically encompasses broad concepts like competence, public service, and civility,<sup>3</sup> but it can also include more subtle skills that are still necessary for students to meet their employers’ expectations in the work place. More specifically, it is important that students learn to “act professionally” through skillful communication, paying attention to detail, and completing tasks in a timely manner. Because there are many aspects to acting professionally that should be taught to students throughout their law school careers, the first-year legal writing course is a good place to start with some of the basics of communicating skillfully and with the appropriate level of formality.<sup>4</sup>

Although students receive a lot of instruction through the Office of Professional Development at the University of Louisville through mandatory workshops and one-on-one meetings with the staff of the Office of Professional Development, I learned from the staff at the Office of Professional Development that students are not always as attentive as they should be at these workshops and meetings, and their job-seeking suffers as a result. Accordingly, I decided to emphasize the importance of “acting professionally” to my students by placing it in an academic setting



*I worked with the Dean of Professional Development to train my students, through lectures and skills exercise, to begin to act like professionals by anticipating the needs of their readers and tailoring their communications to that reader . . .*

and requiring that my students practice their professionalism skills to get feedback and formal (graded) assessments.

To that end, I worked with the Dean of Professional Development to train my students, through lectures and skills exercises, to begin to act like professionals by anticipating the needs of their readers and tailoring their communications to that reader (whether a client, colleague or future employer) with the appropriate level of formality and polish.<sup>5</sup> By working with the Dean of Professional Development, I was able to emphasize these skills by not only making them part of the students' grades, but also by using the students' natural desire to communicate well with prospective and current employers.

I had several guest lectures throughout the year to both emphasize the importance of acting professionally and to explain what is meant by the concept, often relating it to specific areas of legal practice and using real-world examples. For example, towards the end of the fall semester, around the time when students began to start thinking about obtaining summer employment or internships, I had two guest lectures in one week. The first guest lecturer was a local attorney who discussed what he expected of both his interns and prospective applicants. The attorney emphasized the importance of diligence, meeting deadlines, and producing polished work. He also talked about the importance of attention to detail when submitting cover letters and CVs. In my next class, our second guest lecturer, the Dean of Professional Development, gave a presentation about submitting polished cover letters and CVs, which the students were very receptive to because they just had been told about the value of these documents by a respected practicing attorney.

In the spring, while OCI interviews were going on, the Dean of Professional Development gave a lecture to my class on how to behave professionally in interviews and during summer employment. For this lecture, I stayed in the classroom and added my own comments, linking what she was saying to my other lectures, class exercises, and my own experience in the legal profession. For example, when discussing the importance of attention to detail on cover letters, I told a story about how the judge I clerked for completely disregarded a clerkship applicant because he had forgotten to sign his cover letter. In addition, the Dean emphasized punctuality, asking thoughtful questions, and diligently completing assignments, which were all skills that I had been stressing throughout the year with writing assignments and other skills exercises. The students responded well to this joint lecture approach, and I received overwhelmingly positive feedback about it.

In addition to lectures, I added several skills exercises in the fall and spring semesters that were designed to, among other things, emphasize the necessity of professional and timely communication. In the fall, I adapted my correspondence exercise so that students were required to write a professional cover letter that they could later use as a template when job hunting. Those letters were turned in to me, and I provided feedback to the students that they could then incorporate before submitting a revised letter to the Dean of Professional Development as part of their required meetings with her. Getting feedback from me was helpful to the students because they were used to my style of critique and were more likely to take this feedback seriously as it came from me, their professor. Requiring a cover letter draft in my class also placed cover letters on par with other more substantive writing assignments.

As a result of this feedback and emphasis in my class, both the Dean of Professional Development and I noted that, overall, the cover letters were substantially better than we had seen in previous years; they had fewer mistakes and were better tailored to the jobs the students were seeking. The students were also better at meeting their cover letter deadlines with the Dean of Professional Development.

In the spring, I took the concepts the students had learned in the context of searching for a job and, using in-class exercises, placed these same concepts in the context of how to act while working as an attorney. Generally, these skills exercises were linked to briefs that the students were already working on. Students were asked to email me their research results for a discrete project, a summary of an in-person “partner meeting” where we had discussed research strategy, and a draft status letter to our layperson client. For each exercise, the students’ grades were based on the tone, attention to detail, and structure of the email, as well as its substance. The students also received individualized written feedback on each of these exercises, again focusing on both the substance and the professionalism of the students’ work. These exercises emphasized that, once employed, students must still work to write and communicate in a professional manner.

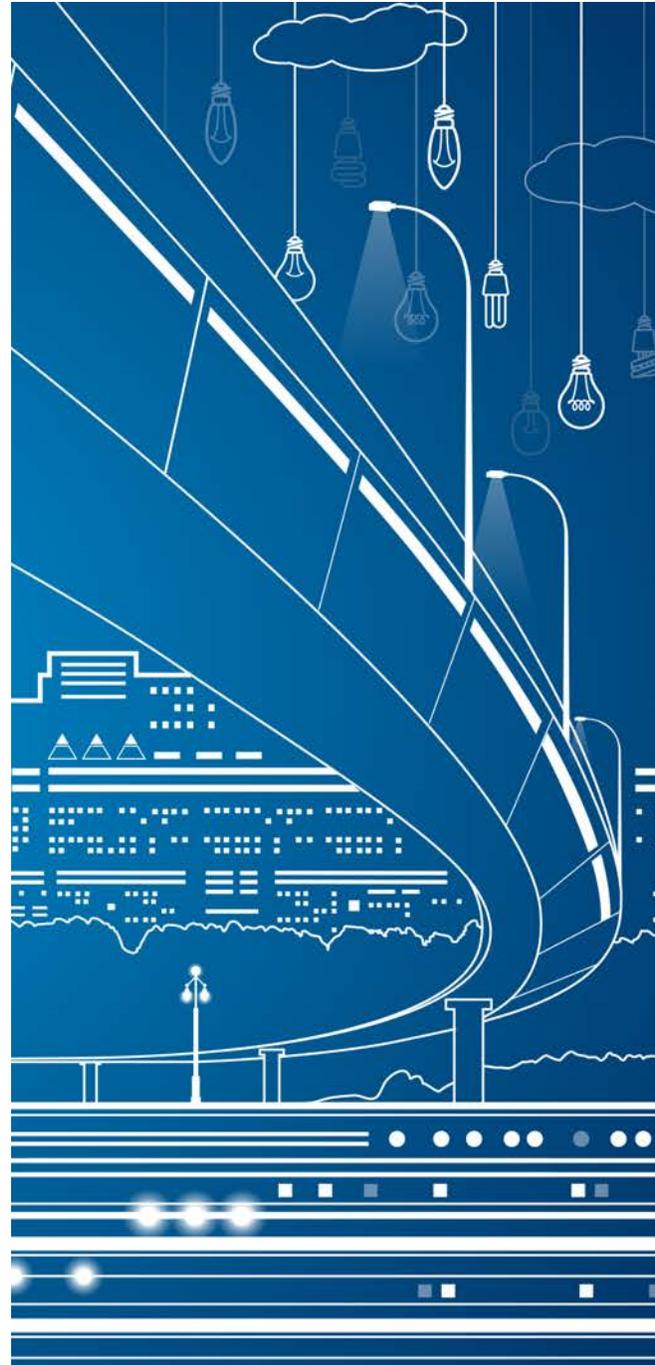
The incorporation of professionalism and coordination with the Professional Development department produced several beneficial results. First, collaborating with the Dean of Professional Development was efficient. I was able to use class time to allow the Dean of Professional Development to lecture on topics normally addressed during required lunchtime discussions, and the students appreciated having fewer required lunch meetings. The students also seemed to take these lectures more seriously because they were part of their legal writing class.

Second, collaborating also allowed me and the Dean of Professional Development to play to our strengths and show the class multiple perspectives on professionalism at the same time. The Dean was able to take my concepts of acting professionally and apply them to the real world of job hunting through her experiences of working with students and employers. I was then able to take her real-world advice and connect it to the broader professionalism concepts of

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*The students greatly benefitted because they could actually see the connection between what they were learning in class and how these skills could directly assist them in the real world.*

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diligence and good communication that I was teaching in my class.

Finally, collaborating with the Dean of Professional Development fostered a lot of goodwill between me and that department. The Dean of Professional Development was very appreciative that I was highlighting her work in helping students to seek employment in my class and using my class time to help students prepare for applying for jobs and interviewing. Naturally, becoming employed during and after law school is very important to law students but, because hiring statistics are so important to law schools for rankings and other metrics,<sup>6</sup> law schools as a whole could benefit from this approach. Therefore, in order to assist students with their job searches (and ensure they know how to act professionally once they are employed), it is a good idea for faculty to connect more with the staff members who work so hard to help students become employed during law school and after graduation.

All in all, the collaboration I embarked on took very little of my time and resources, and it was certainly worth giving up both to focus on teaching these skills. The students greatly benefitted because they could actually see the connection between what they were learning in class and how those skills could directly assist them in the real world. All in all, it was a very successful venture and one that I plan to build on in the future.

#### NOTES

1. See ABA Model Rules of Professional Conduct Rules 1.3 (Diligence) and 1.4 (Communication), available at [http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_table\\_of\\_contents.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html); ABA Standard 301 (requiring that law schools prepare their students for “effective, ethical, and responsible participation as members of the legal profession.”); WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW: SUMMARY*, at 4 (2007), available at [http://archive.carnegiefoundation.org/pdfs/elibrary/elibrary\\_pdf\\_632.pdf](http://archive.carnegiefoundation.org/pdfs/elibrary/elibrary_pdf_632.pdf).
2. Patrick E. Longan, *Teaching Professionalism*, 60 *MERCER L. REV.* 659, 661-62 (2009).
3. See, e.g., Sandra Day O’Connor, *Professionalism*, 76 *WASH. U.L.Q.* 5, 6 (1998) (professionalism includes “obligations in dealings with other attorneys; obligations toward legal institutions; and obligations to the public whose interests lawyers must serve”); Longan, *supra* note 2, at 665-69 (listing competence, fidelity to the law and its institutions, and civility as part of professionalism for lawyers); Rob Atkinson, *A Dissenter’s Commentary on the Professionalism Crusade*, 74 *TEX. L. REV.* 259, 275 (1995) (emphasizing skills and fiduciary duties to the client); *American Bar Association Commission on Professionalism Report to the House of Delegates, ‘... in the Spirit of Public Service: A Blueprint for the Rekindling of Lawyer Professionalism*, 112 *F.R.D.* 243, 261-62 (1986) (defining professionalism as placing the client’s needs above one’s own and fostering the public’s trust).
4. See SULLIVAN, *supra* note 1, at 9 (recommending that beginning in their first year of legal education, students be provided with “opportunities to wrestle with the issues of professionalism.”). For examples of how professionalism has been incorporated into the first-year classroom, see Kristen E. Murray, *Legal Writing Missteps: Ethics and Professionalism in the First-Year Legal Research and Writing Classroom*, 20 *Persp. TEACHING LEGAL RES. & WRITING* 134 (2012); David S. Walker, *Teaching and Learning Professionalism in the First Year with Some Thoughts on the Role of the Dean*, 40 *U. TOL. L. REV.* 421, 428-46 (2009).
5. Andrea McArdle, *Teaching Writing in Clinical, Lawyering, and Legal Writing Courses: Negotiating Professional and Personal Voice*, 12 *CLIN. L. REV.* 501, 502 (2006) (“A further challenge for all inexperienced legal writers, related to that acculturation process, is acquiring a writing voice that is appropriately professional, without losing a sense of individuality.”).
6. For example, U.S. News and World Report uses hiring statistics as a sizeable part of their metrics when ranking law schools. See Robert Morse, *Methodology: 2017 Best Law Schools Rankings*, *U.S. NEWS & WORLD REP.* (March 15, 2016), available at <http://www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology>.

# Written Advocacy Training Throughout a Practice-Oriented Curriculum



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## INTRODUCTION

Like most other schools<sup>1</sup>, Baylor Law School has sought to expand writing opportunities for its students throughout the curriculum. In 2008, Baylor reorganized its course in legal analysis, research, and communications by developing a separate first-year course in appellate advocacy and procedure, which had more faculty involvement and smaller class sizes than the program had previously.

Members of the faculty and the administration subsequently conducted a series of focus group meetings with alumni in 2011 and 2012. In all discussions, one common concern involved legal writing. The concerns and comments evolved and gained more specificity, and the school's curriculum committee ultimately found that there were perceived deficits in both the mechanical and stylistic aspects of legal writing, as well as in the analysis and process of written advocacy. In response, the faculty in 2013 began identifying ways to expand and improve the legal writing program to provide instruction throughout the three years of legal education and throughout the curriculum.

In 2015, the faculty approved an expanded program in Legal Analysis, Research, and Communication (LARC), along with the hiring of two new full-time lecturers to teach legal writing classes. The reformed legal writing program at Baylor takes advantage of an already strong advocacy program,<sup>2</sup> as well as growing interest among the faculty in developing courses focusing on transactional law and litigation. The result of this expansion has been a program with at least seven quarters of legal writing instruction and opportunities for students to have writing instruction during each quarter of their law school experiences.

By adopting this new program, Baylor seeks to provide training in effective written advocacy through three years of instruction, after which students are able to:

- (1) communicate effectively through credible objective and persuasive legal analysis;
- (2) adapt writing styles and means of persuasion to different types of legal documents and different legal audiences;
- (3) construct flawless documents in terms of writing mechanics and document design; and
- (4) effectively find and use legal authority.

## DISTINCTIVE FEATURES OF BAYLOR'S ACADEMIC PROGRAM

Baylor has a relatively unique academic program<sup>3</sup> which has benefited the development of the reformed legal

writing program but has also created challenges. The discussion below briefly introduces parts of the program that are distinctive and most relevant to legal writing.

### Quarter System

Baylor is among a small minority of law schools that operates on a quarter system instead of a semester system.<sup>4</sup> The quarter system allows Baylor to admit three separate entering classes—fall (August), spring (February), and summer (May). During the past several years, fall entering classes have been substantially larger than the spring and summer classes.

This system gives Baylor greater flexibility with respect to its course offerings because these quarters last only twelve weeks instead of the typical fifteen weeks in a semester system. Moreover, courses tend to cover as much subject matter in a single quarter as a course would cover during an entire semester.

On the other hand, teaching on the quarter system can create challenges, especially in the legal writing program. Instructors have a more limited period of time during which they can evaluate student writing submissions because instructors must also give students sufficient time to meet during small conferences and to rewrite drafts based on feedback.

### Heavily Required Curriculum

Baylor is not unique in requiring courses during the first-year program, but Baylor requires students to complete more courses during the second and third years than most other law schools. During the second-year program, students must complete courses in constitutional law, business organizations, trusts and estates, and remedies. The third-year program focuses heavily on the intense, two-quarter Practice Court program, described below.

Because of this heavily required curriculum, legal writing instructors have limited opportunities to offer upper-level elective courses in legal writing. A number of professors have incorporated writing requirements into their classes, but until 2015, students were not required to take specific writing courses after the first-year legal writing class.

### Practice Court

Baylor has developed its reputation for advocacy training due largely to the third-year Practice Court program, a fifteen-credit-hour program that allows

students to practice their lawyering skills and develop a professional identity under realistic conditions. As Dean Brad Toben notes, “[u]nder significant time pressure intended to mimic a particularly stressful period in practice, students are challenged to think critically and pragmatically about complex litigation and trial problems while confidently advocating for clients and drafting documents.”<sup>5</sup> Although the law school has never considered Practice Court to be a legal writing class *per se*, students engage in as much writing as they do during other legal writing classes. When Baylor redesigned its legal writing curriculum, the legal writing faculty also worked with Practice Court professors to ensure that Practice Court students could build upon skills previously learned in LARC classes rather than learn brand new writing skills.

## COLLABORATION WITH BAYLOR UNIVERSITY’S ACADEMY OF TEACHING AND LEARNING

The redesign of the law school’s legal writing curriculum has coincided with a broader effort to review the entire law school curriculum. Moreover, this review occurred at a time when many Baylor faculty members were reviewing and rethinking teaching methods while maintaining the rigors of the program.

The legal writing faculty collaborated with the Baylor University Academy of Teaching and Learning,<sup>6</sup> which provides tools and information to assist teachers to improve course experiences for the newer generation of students. This collaboration resulted in changes to how legal writing faculty teach classes. Instructors now spend much less time lecturing and focus more heavily on small-group activities.<sup>7</sup> Other professors in the Baylor program have made similar innovative changes, meaning that teaching methods in legal writing classes are now more aligned with methods used in doctrinal courses.<sup>8</sup>

## CURRICULAR COMPONENTS OF BAYLOR’S REVISED LEGAL WRITING PROGRAM

Baylor has adopted numerous changes to the legal writing curriculum during the past several decades, but none of those changes were as significant as those

adopted in 2015. Before the faculty approved these changes, students had limited opportunities during which they could receive formal instruction in legal writing during either the second or third year of the law school's program.

Legal writing faculty recognized the gap in writing instruction and worked in conjunction with Practice Court professors and others to develop an independent study model to provide more advanced writing training to upper-level students. During a four-year period, nearly 60 students completed independent studies based on this model.

Based in part on this independent-study model, in 2015, Baylor created a required five-quarter program that expands beyond predictive office memoranda and persuasive appellate briefs. The new program also addresses litigation drafting and legal correspondence. Further, students continue to write heavily in Practice Court as they build upon the skills taught during previous LARC classes. Taken together, this new program will allow students to develop their research, writing, and advocacy skills throughout all three years of their legal education.

## FIRST YEAR

### Quarter 1: Introduction to Legal Writing

One perception among some legal educators is that law schools cannot teach students about the mechanics of writing.<sup>9</sup> At the same time, a number of commentators have noted that both legal writing instructors and doctrinal professors have seen acute deficiencies in basic writing skills from a substantial number of entering law students.<sup>10</sup> A growing number of law teachers recognize that many students need some form of instruction in the mechanics of writing.<sup>11</sup> For several years, Baylor's LARC program has taught some basic writing skills, including exercises focusing on basic grammar, syntax, punctuation, and use of plain English. The legal writing faculty did not believe, however, that this basic instruction was sufficient to address some widespread writing problems.

In the revised program, the first quarter's instruction focuses heavily on writing mechanics. During the first five weeks of the quarter, students complete a number of exercises based on *Just Writing* by Anne Enquist and Laurel Currie Oates. Students also complete exercises based on a style guide developed by the Baylor legal writing faculty.

Students are also introduced to the various forms of legal writing during the first quarter of the revised program. Small-group exercises during class address not only technical aspects of writing but also why certain documents (e.g., pleadings, motions, memos) are effective or ineffective.

Each student writes a memorandum of law at the end of the first quarter, with evaluation focusing heavily on organization and technical writing matters as opposed to the substance of the analysis. Each student then engages in peer editing, reviewing one other student's writing based on criteria supplied by the instructor. The instructor also reviews each draft and provides extensive feedback. Students must then rewrite their drafts based on the instructor's comments, the other student comments, and small-group discussions led by the instructor.

### Quarter 2: Introduction to Predictive Analysis and Communications

The second quarter of the revised program focuses principally on two topics: (1) completing legal-research instruction, which begins in the latter part of the first quarter; and (2) writing a research memorandum. Instructors continue to use materials produced by Professors Enquist and Oates, relying on the book *Just Memos* to teach basic memo-writing skills. Students write two drafts of a memo, rewriting the draft after receiving extensive written instructor feedback and meeting with the instructor in small groups.

### Quarter 3: Persuasive Communications

The third required quarter of Baylor's first-year legal writing program consists of a course in persuasive communications. Here, the students make the transition from objective legal writing designed to inform to legal writing intended to change another's attitudes, behavior, or beliefs. Instructors accomplish this goal through a rigorous brief-writing process that involves a hypothetical case on appeal, with students drafting an appellate brief for Petitioner or Respondent. The course focuses heavily on feedback: each student produces an initial brief, followed by individual faculty conferences, then an in-depth revision of their work product. Classes involve assignments that mirror the brief-drafting process as well as group drafting and peer review of each other's work product.



## **SECOND YEAR: Introduction to Litigation Drafting; Legal Correspondence**

In the fourth or fifth quarter of their law school career, during the second year, each student is required to take a course in litigation drafting. Baylor intends this curriculum to prepare students for the rigorous and rapid-fire drafting assignments they will face in Practice Court, as well as in the practice of law. Students learn about and rehearse drafting common documents encountered in litigation, such as pleadings, discovery requests, motions, and motion-briefs. After each drafting exercise, students have an individual or small-group conference with the professor, then produce a substantial revision of their work product. In this way they learn not only proper formatting, but also how to craft effective and persuasive litigation documents.

Second-year students also take a unique course in Legal Correspondence. This course is distinct in its emphasis on crafting common forms of legal correspondence based on a transactional setting, such as a real-estate deal, will-drafting issue, or business-organizations problem. In the context of a hypothetical deal or issue, students craft engagement letters, offer letters, opinion letters, status summaries, termination letters, and portions of contracts. They learn to recognize and address conflicts of interest, negotiation points, objective and persuasive writing, and client-relations issues. The emphasis on real-world problems and assignments ensures that the experience is practical as well as academic.

## **THIRD YEAR: Practice Court Writing**

The capstone of the Baylor experience is Practice Court. This rigorous litigation-training simulation provides a kind of “life-lab” for future lawyers of whatever practical bent, teaching them time-management, efficiency, stress-control, evidence, procedural rules, litigation drafting, motion practice, and advocacy skills. Each student thus prepares for real-world practice, whether as a deal-maker, negotiator, or litigator.

Practice Court involves many and varied written assignments, from Motions in Limine to bench briefs to discovery matters to Daubert motions. The legal writing faculty takes an active hand in this training by observing, judging, and grading the various written assignments and practical exercises and by giving detailed feedback to the students. This kind of partnership between writing faculty and doctrinal faculty is unique to the Practice Court curriculum.

## **RELATED ELECTIVE COURSES, INCLUDING FUTURE COURSES**

Baylor continues to offer an advanced legal research course,<sup>12</sup> and the legal writing faculty plans to expand course offerings to include additional advanced writing classes. Additional future offerings may include advanced training in brief-writing, course work in legal rhetoric, and advanced courses in contract and statutory drafting. The goal of these courses will be to provide a better link between instruction in the required LARC classes and the drafting completed during Practice Court. The challenge in creating electives, however, is that students have limited opportunities during which they can enroll in these advanced courses.

To enhance the writing instruction, the Baylor legal writing faculty has also been active in delivering lectures as part of the law school’s professional development program.<sup>13</sup> This program is structured similarly to a continuing legal education program, and students must complete fifteen seminar hours before graduating. Programs that the legal writing faculty have led include a lecture focusing on business communications as well as workshops introducing legal technology and how to draft cover letters.

## CONCLUSION AND GOALS

As Baylor continues to seek ways to better serve future lawyers and leaders, the legal writing faculty strives to create a comprehensive, “cradle-to-grave” curriculum that will produce advocates with high-quality writing skills, regardless of their type of practice. The goal is to create a coherent and consistent system that engenders writers of compelling prose that is succinct, in plain English, concise, and rigorously analytical. In pursuing this goal, Baylor Law School writing instructors are blessed with an administration and faculty that recognize the crucial nature of written advocacy and that are dedicated to teaching it effectively.

## NOTES

1. One of the most significant changes to occur in legal education between 2002 and 2010 was the rise in prominence of legal writing. See ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, A SURVEY OF LAW SCHOOL CURRICULA: 2002-2010, at 99-101 (2012).
2. In 2016, Baylor Law School ranked fourth in the *U.S. News and World Report* rankings for trial advocacy. *Trial Advocacy*, U.S. NEWS AND WORLD REPORT: BEST GRAD SCHOOLS - LAW 2017, <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/trial-advocacy-rankings> (last visited June 1, 2016).
3. For a more thorough discussion of the unique aspects of previous iterations of Baylor’s practice-oriented program, see Matthew C. Cordon, *Beyond Mere Competency: Advanced Legal Research in a Practice-Oriented Curriculum*, 55 BAYLOR L. REV. 1, 18-24 (2003).
4. Other law schools on a quarter system include Stanford, the University of Chicago, and the University of Washington. See Amanda Zhang, *Law School Plans to Switch to Quarter System*, THE STANFORD DAILY, Oct. 23, 2008, at 1, <https://law.stanford.edu/press/law-school-plans-switch-to-quarter-system/>; *FAQs: The Quarter System*, UNIVERSITY OF CHICAGO LAW SCHOOL, <http://www.law.uchicago.edu/prospectives/faqs/quartersystem> (last visited June 1, 2016); *Program of Study for J.D. Degree*, UNIVERSITY OF WASHINGTON LAW SCHOOL, <https://www.law.washington.edu/Students/Academics/JDProgram.aspx> (last visited June 1, 2016).
5. Brad Toben, *Baylor Law School*, 78 TEX. B.J. 782, 782 (2015).
6. More information about the Academy is available at *Academy of Teaching and Learning*, BAYLOR UNIVERSITY, <http://www.baylor.edu/atl> (last visited June 1, 2016).
7. Professors Enquist and Oates, among other legal writing professors, suggest similar approaches in their materials on teaching methods. See, e.g., ANNE ENQUIST & LAUREL CURRIE OATES, *TEACHER’S MANUAL – JUST WRITING: GRAMMAR, PUNCTUATION, AND STYLE FOR THE LEGAL WRITER* 33-37 (2013) (on file with authors).
8. The redesign of LARC classes was part of a feature in a publication by the Academy for Teaching and Learning. See Jeremy Leatham, *Building on Excellence: Baylor Law Reinvents Itself*, ATL REVIEW, Spring 2016, at 5-7 (on file with authors).
9. See, e.g., William R. Trail & William D. Underwood, *The Decline of Professional Legal Training and a Proposal for Its Revitalization in Professional Law Schools*, 48 BAYLOR L. REV. 201, 235 (1996).
10. See Aida M. Alaka, *The Grammar Wars Come to Law School*, 59 J. LEGAL EDUC. 343, 343-45 (2010).
11. See, e.g., Suzanne E. Rowe, *Subjects, Verbs, Complete Sentences and Active Voice*, OR. ST. B. BULL., Dec. 2010, at 13, <https://www.osbar.org/publications/bulletin/10dec/legalwriter.html>.
12. For a description of this course, see Cordon, *supra* note 3, at 26-46.
13. For more information about the Baylor Law School Professional Development Program, see *Professional Development Program Details*, BAYLOR LAW SCHOOL, <http://www.baylor.edu/law/cs/index.php?id=860604> (last visited June 1, 2016).

# Lawyering Skills and Clinical Cooperation: Teaching Spanish for Lawyers at John Marshall



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Two seemingly unrelated facts merit consideration. First, more than 45 million Latinos currently live in the United States and this group is projected to more than double in size by 2050, when Latinos will comprise 24% of the total population.<sup>1</sup> Although a majority speak English, the Latino community contains a significant number of limited English proficiency (LEP), Spanish-dominant speakers who require legal services.<sup>2</sup> Second, the recently revised American Bar Association's (ABA's) accreditation standards mandate that law students must complete six credit hours in one or more experiential learning courses.<sup>3</sup> ABA Standard 304 provides that experiential learning can take place inside a clinic or in a simulation course.<sup>4</sup> It is at this intersection that The John Marshall Law School's (JMLS's) new Spanish for Lawyers course exists.

Spanish for Lawyers is a course for law student-advocates seeking to improve and expand their legal written and oral communication skills in the Spanish language. A 2013 study revealed that 42% of hiring partners surveyed see an increased need for bilingual attorneys; by far, the most demand was for Spanish-speaking lawyers.<sup>5</sup> The new course offering recognizes that the call for Spanish-language proficiency in the legal market is both unmet and growing. Lawyers who possess the ability to communicate effectively with clients are better prepared to represent clients, better equipped for important roles as advocates in judicial and administrative courts and agencies, and better positioned in the competitive legal market. In addition to providing students with a marketable skill, training students in legal Spanish directly assists in the work that the JMLS International Human Rights Clinic does to promote human rights domestically and around the world.

## I. MEETING THE DEMAND FOR LEP LEGAL SERVICES IS A SOCIAL JUSTICE ISSUE

The justice gap presented by the limited number of lawyers trained to serve the LEP community is large and it is growing. Between 2000 and 2010, each state in the country experienced an increase in its Latino population.<sup>6</sup> While not all Latinos speak Spanish,

the language “is a vital component of ethnic and cultural identity.”<sup>7</sup> And despite their growing numbers, Latinos are significantly underrepresented in the legal profession, comprising only 3.3% of all lawyers.<sup>8</sup> Moreover, the disproportionately small number of Latino students in the professional pipeline indicates that meaningful access to justice for this community continues to be elusive.<sup>9</sup>

Navigating the labyrinthine legal system can be a daunting challenge for any non-attorney. At every turn, complicated legal documents and court rules present barriers preventing the public from benefitting fully from the justice system. Accessing court assistance, understanding court procedures, and interacting with court and government personnel are already difficult tasks for native English speakers. For Spanish speakers with LEP, such undertakings can be impossible. Language barriers and cultural differences often result in LEP persons being intimidated and, thus, unwilling or unable to navigate the legal system.

This inability to meaningfully participate renders LEP persons invisible to the judicial and legal systems, leading to the systemic and widespread abuse or denial of rights. Wage theft, housing discrimination, racial profiling, and voter suppression are only some of the substantive legal challenges that directly impact the Latino community in the United States,<sup>10</sup> which are exacerbated by a lack of meaningful access to the court system and, therefore, to justice.

The ABA has already prioritized improved language access in the legal profession, noting in its Standards for Language Access that language services are crucial to the proper functioning of the American legal system:

[i]nability to communicate due to language differences . . . has an impact on the functioning of the courts and the effect of judgments, as proceedings may be delayed, the court record insufficient to meet legal standards, and court orders rendered unenforceable or convictions overturned, if a defendant or other party has not been able to understand or be understood during the proceedings. . . . [L]anguage services are critical to ensure access to justice for LEP persons and necessary for the administration of justice by ensuring the integrity of the fact-finding process, accuracy of court records, efficiency in legal proceedings, and the public’s trust and confidence in the judicial system.<sup>11</sup>

Language access in the legal system is therefore not only a legal imperative, it is a matter of social justice and human rights.<sup>12</sup>

## II. JOHN MARSHALL’S SPANISH FOR LAWYERS COURSE

To graduate, students at John Marshall must successfully complete four semesters of lawyering skills classes.<sup>13</sup> The last in this series of courses is a legal drafting class. Students may select a general drafting course, in which they practice client counseling and prepare client letters, a will, contracts, pleadings, and other documents that attorneys in general practice work with on a daily basis. Or they may choose one of a growing number of specialized drafting courses. In addition to civil litigation, real estate transactions, criminal law, family law, and other practice-area specific drafting courses, JMLS students will now have the opportunity to complete their drafting course requirement by enrolling in Spanish for Lawyers.

### A. Course Objectives and Structure

The objectives of Spanish for Lawyers are to help students:

- develop oral communication skills to converse in a professional setting;
- develop written communication skills to produce basic legal documents in Spanish;
- acquire a working vocabulary of legal Spanish;
- see the work product in varied areas of law; and
- create a portfolio of written samples that students may later use in building their career.

Professor Sarah Dávila-Ruhaak, a native Spanish speaker who is also Director of the law school’s International Human Rights Clinic, will teach this new course.

Students taking the Spanish for Lawyers course are required to have an intermediate language fluency to be able to communicate effectively orally and in writing. They must have a strong background in Spanish, pass a basic proficiency test, and be able to write essays in Spanish.

The Spanish for Lawyers course begins with a Spanish language refresher. This refresher takes form of peer-to-peer oral communications and note-taking, where students learn basic legal phrases and terminology in

Spanish. The purpose of the exercise is to open the communication channels between peers, to facilitate a dialogue in Spanish, and to gauge the students' ability to engage in active listening and note-taking.

After the refresher and introduction to general legal phrases, students dive into the heart of the course, which is learning legal Spanish by exploring case studies in immigration, criminal law, contracts, housing, civil rights, international human rights, and family law. From these case studies in a range of subject areas, students generate a robust portfolio of legal work product. Specifically, students produce testimonies for asylum cases, draft interview questions, write memos to supervising attorneys, draft contracts, record intake notes, prepare deposition questions, compose summaries of fact-finding, and write analysis of concluding evidence in a case. And all of this work—from the case studies to the students' analyses—will be in Spanish. Because the students will be producing considerable written product, they can use Spanish for Lawyers to satisfy John Marshall's upper-level drafting requirement.

The course seeks to balance in-class oral communications and practice with written language skills-building outside the classroom. The experience serves as language "immersion" time where students are able to communicate in Spanish and learn from their instructor and peers. The frequency of the class times—twice a week—allows for a continuity where the student is able to engage, practice, and revise the material on a weekly basis. This constant instruction allows for great skill building in a relatively short period of time.

Proficiency in speaking a second language can enhance client relationships, but lawyering in a foreign language requires more than competence in reading and writing.<sup>14</sup> Lawyering in Spanish demands an understanding of the cultural context in which these communications may be taking place.<sup>15</sup> Cultural sensitivity is essential not only for good client relationships, but also is required to have true understanding of the Spanish language.<sup>16</sup> Therefore, in addition to the legal writing exercises and practice in oral communications, students explore a variety of social issues and legal barriers that LEP persons face, including: notario fraud,<sup>17</sup> housing discrimination, cultural assumptions and biases, and migration by vulnerable groups. By reading about and discussing

these topics, students reflect on the broad and specific barriers to access to justice that LEP persons face.

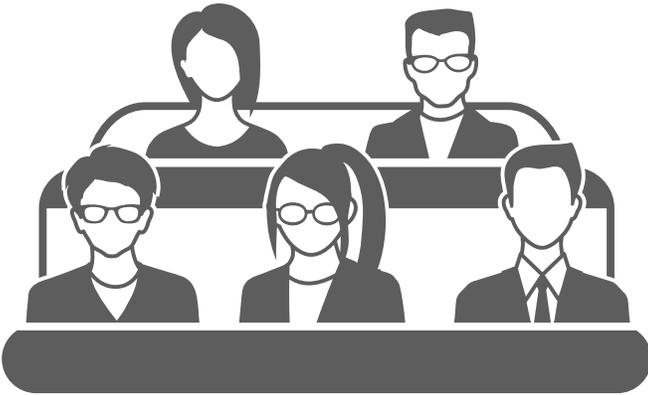
Through Professor Dávila-Ruhaak's leadership in developing the Spanish for Lawyers course, John Marshall is reconceptualizing clinical legal education as an experiential space where foreign language lawyering skills can be practiced with real cases and projects. Although the JMLS Spanish for Lawyers course is not the first of its kind,<sup>18</sup> this particular course is innovative in how it provides a Spanish-language immersion, how it uses diverse substantive areas of law to teach legal writing, and how it provides for a robust dialogue of the cultural sensitivity needed for LEP attorneys.

## **B. JMLS Clinics Offer Practical Skills Training for Spanish for Lawyers Students**

John Marshall's Spanish for Lawyers course is also unique in that it is designed to serve as a pipeline to the law school's various clinic, externship, and other experiential learning offerings.<sup>19</sup> Professor Dávila-Ruhaak hopes to develop a practicum where students who have taken the Spanish for Lawyers course may engage in clinical work representing LEP clients in a variety of civil rights, human rights, and justice issues. Specifically, students would be able to work on domestic and international human rights cases affecting Spanish-speaking communities under the aegis of the International Human Rights Clinic (IHRC).

The IHRC provides direct legal representation to clients and organizations in international and domestic forums. For example, clinic students conducted a fact-finding and advocacy project relating to the U.S. Immigration and Customs Enforcement (ICE) detention practices. The IHRC also published a report on the solitary confinement practices that immigrant detainees are subjected to in detention facilities across the United States. Spanish-language proficiency is key to these international human rights efforts. Student-attorneys in the clinic will apply their foreign language proficiency to gather evidence, interview clients and witnesses, draft testimonials, conduct case observations and agency treatment of foreign-speaking litigants, write legal memoranda, and engage in oral attorney-client communications.

Clinical teaching provides a working laboratory where the foreign language practicum and social justice work come together. Teaching law students how to



communicate with LEP clients in a clinical setting prepares students to identify the variety of challenges that their clients face, both legal and otherwise. Training students in legal Spanish is a direct and necessary response to the continuing issues of language barriers and cultural difference, ensuring that clients have full and effective access to justice. Providing opportunities to practice legal Spanish in real-world scenarios also foment awareness of need for bilingualism and cultural sensitivity.<sup>20</sup>

By prioritizing language access as central to legal services provided in the clinical setting, law schools fulfill a concrete responsibility as providers to ensure language access through legal education.<sup>21</sup> In doing so, schools can begin to address the language access problems identified by the ABA. The Spanish for Lawyers course provides for a learning space and training ground for law students to develop their foreign language skills, and equips students with the ability to use their foreign language skills in the legal profession. Moreover, this new course offering is consistent with the IHRC's stated mission to incorporate international human rights norms in the clinic's work within the United States; in other words, to "domesticate" international human rights law. The clinic's innovative approach to domestic human rights protection expands the traditional domestic rights model and situates it within the broader international human rights movement.

Developing new norms regarding second-language skills for law students and lawyers also promotes

access to justice for non-English speakers. Lawyering skills in Spanish provide students with an enhanced ability to engage in work that furthers social justice, and enables clients to have full access to justice by providing legal services in their native language. It increases the number of individuals who may be served in a law school clinic and reach to more diverse communities. Specifically, clinic student-attorneys may engage in social justice work in the areas of criminal justice, housing, human rights, domestic violence, restorative justice, and among others. These initiatives may serve to redress systemic gaps of access to justice while allowing for a practicum in language skills to actual cases and projects under each of these areas. "These opportunities allow students to build upon the knowledge and skills they have acquired in other contexts within the law school, and apply them to the concrete language access issues affecting the local community."<sup>22</sup>

In providing legal services, bilingual student-attorneys are able to build a strong connection with their clients, by creating safe spaces where client communications can be developed organically where they can express their needs and opinions of the representation and the legal process in general. The bilingual student-attorney has a deeper understanding of the legal case, can read and analyze documents in its original language (if written in a foreign language), can assess the accuracy of translation services and work product, and have access to critical resources such as witnesses and testimonials. In addition, this particular form of language access facilitates a greater sense of trust, mutual understanding, and respect by empowering the client to be on a more equal footing with the attorney.

### III. CONCLUSION

The authors hope that the ideas shared above might be useful to others who may be interested in developing similar courses at their law schools. The authors also hope that the success of Spanish for Lawyers will pave the way for additional, similar courses at John Marshall. Chicago has the reputation of being home to the largest Polish population outside of Warsaw,<sup>23</sup> and, after English and Spanish, Polish is the third most common language spoken in the city.<sup>24</sup> A future Polish for Lawyers class, for example, would assist the Polish American community, another LEP-population with unmet legal services needs.

## NOTES

1. CRISTINA BELTRAN, *THE TROUBLE WITH UNITY: LATINO POLITICS AND THE CREATION OF IDENTITY* 4 (2010).
2. ABA COMM'N ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES, *LATINOS IN THE UNITED STATES: OVERCOMING LEGAL OBSTACLES, ENGAGING IN CIVIC LIFE* 10-11 (2013) [hereinafter *LATINOS IN THE UNITED STATES*], [http://www.americanbar.org/content/dam/aba/images/commission\\_on\\_hispanic\\_legal\\_rights\\_responsibilities/hispanicreportnew.pdf](http://www.americanbar.org/content/dam/aba/images/commission_on_hispanic_legal_rights_responsibilities/hispanicreportnew.pdf).
3. ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, *ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2015-2016*, at 16, Standard 303(a) (2015) [hereinafter *ABA Standards*], [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2015\\_2016\\_aba\\_standards\\_for\\_approval\\_of\\_law\\_schools\\_final.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2015_2016_aba_standards_for_approval_of_law_schools_final.authcheckdam.pdf).
4. *Id.* at 17.
5. See Richard Acello, *Bilingual lawyers have a leg up in many niche practice groups*, *ABA JOURNAL* (Mar. 1, 2013), [http://www.abajournal.com/magazine/article/bilingual\\_lawyers\\_have\\_a\\_leg\\_up\\_in\\_many\\_niche\\_practice\\_groups](http://www.abajournal.com/magazine/article/bilingual_lawyers_have_a_leg_up_in_many_niche_practice_groups).
6. Luz E. Herrera, *Marketing to Spanish-Speaking Clients*, *LAW PRACTICE TODAY* (July 5, 2014), <http://www.lawpracticetoday.org/article/marketing-spanish-speaking-clients/>.
7. *LATINOS IN THE UNITED STATES*, *supra* note 2, at 10.
8. *Id.* at 69.
9. *Id.* (noting that “Hispanics earned 7.1% of JD degrees in 2009-2010” and that data from fall 2011 showed Hispanics constituted just 7.6% of the entering class of ABA-approved law schools).
10. See *generally id.* at 47-64 (discussing substantive legal issues facing the U.S. Latino population).
11. ABA STANDING COMM. ON LEGAL AID & INDIGENT DEF., *STANDARDS FOR LANGUAGE ACCESS IN COURTS* 2 (2012), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_sclaid\\_standards\\_for\\_language\\_access\\_proposal.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_standards_for_language_access_proposal.authcheckdam.pdf).
12. See Gillian Dutton et al., *Promoting Language Access in the Legal Academy*, 13 *U. MD. L. J. RACE, RELIGION, GENDER & CLASS* 6, 17 (2013).
13. For more information on the Lawyering Skills curriculum at The John Marshall Law School in Chicago, see *Lawyering Skills Program*, JOHN MARSHALL LAW SCHOOL, <http://www.jmls.edu/academics/lawyering-skills/courses.php> (last visited June 1, 2016).
14. *Voices: Se Habla Español*, 103 *ILL. B.J.* 1, 51 (November 2015), <http://www.isba.org/ibj/2015/11/sehablaespa%C3%B1ol>.
15. *Id.*
16. *Id.* (noting that many LEP Spanish speakers come from countries with very different legal systems, are often intimidated by the police and other law enforcement, and are reluctant to ask questions of their legal representatives).
17. “Notarios” are “[i]ndividuals who represent themselves as qualified to offer legal advice or services concerning immigration or other matters of law, who have no such qualification, [and who] routinely victimize members of immigration communities.” *About Notario Fraud*, AM. BAR ASS'N, [http://www.americanbar.org/groups/public\\_services/immigration/projects\\_initiatives/fightnotariofraud/about\\_notario\\_fraud.html](http://www.americanbar.org/groups/public_services/immigration/projects_initiatives/fightnotariofraud/about_notario_fraud.html) (last visited June 2, 2016); see also Careen Shannon, *Regulating Immigration Legal Service Providers: Inadequate Representation and Notario Fraud*, 78 *FORDHAM L. REV.* 577, 588-89 (2009).
18. See Dutton et al., *supra* note 12, at 41 (noting that “[l]aw schools are increasingly offering ‘Legal Spanish’ and ‘Spanish for Lawyers’ courses” and citing specific examples from Seattle University School of Law, Stanford Law School, and American University Law School).
19. Besides the IHRC, JMLS houses a variety of community legal clinics, including: the Business Enterprise Clinic, the Conflict, the Domestic Violence Clinic, the Fair Housing Support Center & Clinic, the IP Patent Clinic, the IP Trademark Clinic, the Pro Bono Program & Clinic, and the Veterans Legal Support Center & Clinic. See *Community Legal Clinics*, JOHN MARSHALL LAW SCHOOL, <http://www.jmls.edu/clinics/> (last visited June 1, 2016).
20. Dutton et al., *supra* note 12, at 7.
21. *Id.* at 41.
22. *Id.* at 26.
23. Jesse Dukes, *Can Chicago Brag about the Size of its Polish Population?*, *WBEZ CHICAGO* (Oct. 26, 2015), available at <https://www.wbez.org/shows/curious-city/can-chicago-brag-about-the-size-of-its-polish-population/ef8c74cd-8835-4eb7-8e81-11203e78fc2d> (concluding that Chicago is actually the city with the third largest Polish population outside of Poland, after London and New York).
24. John Dodge, *Common Neighborhoods for a Foreign Language*, *CBS CHICAGO* (Feb. 14, 2014), <http://chicago.cbslocal.com/2014/02/14/common-neighborhoods-for-a-foreign-language/>.

# Easy Ways to Incorporate Mindfulness in the Legal Writing Classroom



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One of the biggest challenges first-year students face is producing polished, quality work. They may have good ideas and analysis, but they seem to struggle with translating those thoughts into the kind of sophisticated, refined work their professors and future employers expect. Part of the reason for this struggle is the constant level of distraction in which students operate, which can infect the classroom and homework environment.<sup>1</sup> How many times have you seen students “studying”—iPod in ear, texting or snap chatting, jumping back and forth between their assignment and social media?

Yet research reveals that the endless stream of information available and accessed by students has weakened the part of the brain needed for deep focus and concentration.<sup>2</sup> Rarely do students work on only one task at a time to the exclusion of all possible distractions. In fact, a study published in *Science* found that many of the participants prefer to give themselves mild electrical shocks rather than be alone with their thoughts for fifteen minutes.<sup>3</sup> Perhaps unsurprisingly, people go to great lengths to avoid being alone with their thoughts! One antidote to this distraction is mindfulness training, which the American Association of Law Schools’ Section on Balance in Legal Education have both recently embraced as a worthwhile tool.

To encourage mindfulness training, I often lecture to my first-year students about the need to “pay attention,” “focus,” and “eliminate distractions.” As I study learning theory and engage in a mindfulness practice myself, I increasingly realize that simply telling my students to be mindful does not work. Instead, I must provide them with meaningful opportunities to practice mindfulness in the classroom. Thus, over the last two years, I have incorporated mindfulness lectures and exercises into my legal writing classroom and have received positive feedback from students.<sup>4</sup> The remainder of the article highlights easy ways to incorporate mindfulness techniques in the legal writing classroom.

## HELP STUDENTS SET THEIR INTENTION

I begin class with two minutes of guided breathing. Sitting upright in their chairs with hands on their laps, I talk students through a process of focused breathing, encouraging them to breathe away tension and stress and breathe in energy.<sup>5</sup> I tell them to notice, but not focus, on the thoughts that pop into their heads. After the two minutes are over, I suggest they jot those thoughts down to acknowledge things that may require attention after class. Then they put those notes away, signaling that they will attend to them later. This allows them to let go of those nagging thoughts, at least for the rest of class.

## CREATE A DISTRACTION-FREE ENVIRONMENT AND FACILITATE MINDFUL DRAFTING

Many of our current students do not know what it feels like to work absent distraction, so I begin the class by creating a distraction-free environment for them. Students are required to bring a hard copy of a portion of a memo to class. If space permits, I have students sit in every other seat so they have space to spread out. I instruct them to put phones and laptops away, so they cannot be distracted with technology, social media, or even the clickety-clack sound of a neighbor typing.<sup>6</sup> Once they are physically ready to begin, I transition to an exercise to help them mentally prepare themselves to work. I have used these techniques at different points in the semester or memo preparation, so what they bring to the class varies. I might require an umbrella thesis paragraph, a draft of persuasive facts, or a CREAC of one issue from a memo. I give students a checklist correlated to the assignment; it might be a checklist of the elements of a thesis paragraph or an editing checklist for each part of a memo. No talking is permitted, and they cannot ask me any questions during this time period, which is usually around thirty minutes.<sup>7</sup> Each student is permitted only his or her memo and a writing utensil. They quietly work without distraction to improve their memos.

## ENCOURAGE SELF-REFLECTION

Equally important as the forced mindfulness exercise is reflecting after the exercise concludes.<sup>8</sup> After students complete their work, I ask them to reflect on what they

are able to recognize in their writing that they may not have seen before. Many commented that thirty minutes feels like a long time, and they cannot believe how much they have accomplished. I then ask them to reflect on how it feels to work in this focused manner and compare that to how they might usually work surrounded by people, technology, and an endless array of possible distractions. This end-of-class reflection is important because it encourages students to be mindful of their study patterns and habits. While I had lectured to them about working free from distraction, this exercise enables them to experience the benefits of mindfulness firsthand.

These easy tools will enable you to incorporate mindfulness into your classroom, which will not only benefit your students but also allow for more mindful teaching as well.

### NOTES

1. Larry D. Rosen, L. Mark Carrier, & Nancy Cheever, *Facebook and Texting Made Me Do It: Media-Induced Task Switching While Studying*, 29 *COMPUTERS IN HUMAN BEHAVIOR* 948-958 (2013), <http://www.sciencedirect.com/science/article/pii/S0747563212003305> (discussing negative effect of technological distractions on studying).
2. See NICHOLAS CARR, *THE SHALLOWS* 6-28 (2010) (describing the shallow nature of online reading and research, which leads to a decline in the ability to deeply focus).
3. Timothy D. Wilson et al., *Just Think: The Challenges of the Disengaged Mind*, 345 *SCIENCE* 75, 75 (2014).
4. Student response has been very positive with comments like “I’ve never before accomplished so much in such a short amount of time” and “So this is what you mean by focus!”
5. Guided mindfulness meditations are readily available. See, e.g., <http://marc.ucla.edu/body.cfm?id=22>; <http://www.contemplativemind.org/archives/law> (last visited May 28, 2016).
6. See, e.g., Nancy G. Maxwell, *From Facebook to Folsom Prison Blues: How Banning Laptops in the Classroom Made Me a Better Law School Teacher*, 14 *RICH J.L. & TECH.* 4, 4-6 (2007) (recounting that the increase in laptops in the author’s classroom over the years coincided with a loss of student engagement); Timothy Snyder, *Why Laptops in Class Are Distracting America’s Future Workforce*, *CHRISTIAN SCI. MONITOR* (Oct. 7, 2010), <http://www.csmonitor.com/Commentary/Opinion/2010/1007/Why-laptops-in-class-are-distracting-America-s-future-workforce> (describing prevalence of student use of YouTube, Hulu, TV shows and video clips during lectures at elite universities).
7. I adopted this practice because some students are too quick to run and ask a question if I am readily available, rather than engaging in the mental work to find the answer themselves.
8. Kimberly Holst, *Reflection as a Tool to Combat the Changing Practice of Law*, *THE LEARNING CURVE: AALS SECTION ON TEACHING METHODS* 39 (Winter 2013) (discussing the importance of self-reflection in learning and in the practice).

# Legal Writing Professors Without Borders: Exploring the Benefits of Integrated Teaching of Legal Writing, Doctrine, and More



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Law schools often categorize their courses as doctrinal, clinical, or legal writing, based on the subject matter or skills being taught and the teaching methods being employed. They also categorize their faculty accordingly. Yet, prominent critics of legal education have long encouraged the integrated teaching of legal doctrine and practice.<sup>1</sup> Moreover, the reality is that students benefit when law professors step outside of their assigned boxes—their comfort zones—and teach in more comprehensive ways.

Despite their narrow categorization, the scope of “legal writing” courses goes well beyond the teaching of legal writing skills, and the expertise of legal writing faculty goes far beyond their ability to write. Indeed, even the labeling of these courses and faculty as “legal writing” is a bit of a misnomer. Good legal writing requires the writer not only to have an ability to communicate effectively, but also to possess a deep understanding of the law and an ability to apply this knowledge to solve legal problems.<sup>2</sup> As such, professors of legal writing necessarily teach students the substantive law about which they are writing and help students to understand what it means to write in a legal practice context.

This supports the conclusion that legal writing teaching is by its very nature integrated. Some law schools, however, have gone one step further and expressly integrated the teaching of legal writing and a subject matter area of the law. At my law school, the University of Maryland Francis King Carey School of Law, for example, the first semester of legal writing is taught in conjunction with a doctrinal course, with both courses being taught by the same professor.<sup>3</sup> For several years, I have taught a group of approximately 25 first-year law students both a legal writing course and a criminal law course, for a total of six course credits in the fall semester.<sup>4</sup> My teaching of these two courses is coordinated, and my students’ legal writing assignments are all in the subject area of criminal law.

While teaching two integrated courses can be challenging, it can also enhance students’ learning. Legal scholars have observed that integrated teaching can serve two distinct purposes: students can write to learn (using the process of writing to discover and refine their thinking) or learn to write (writing in a specific discipline to engage in that discipline’s community of discourse).<sup>5</sup> As a legal writing professor (yes, I embrace this label), who teaches a legal writing course in conjunction with a doctrinal course, I firmly believe that integrated courses can serve both ends—helping students learn about the law through writing and learn how to write in a legal context—and much, much more.

## 1. ENGAGING STUDENTS IN WRITING TO LEARN ABOUT THE SUBSTANTIVE LAW

Do you know how to determine whether, under New York law, a building contractor has substantially performed his work on a swimming pool and is thus entitled to payment by the swimming pool owner, despite a number of construction errors? Well guess what? I do! (At least as of 1994 when, as a law student, I completed a lawyering assignment that focused on this legal issue.)

One of the often-discussed benefits of having students engage in legal writing is that writing on a legal subject deepens the students' understanding of it.<sup>6</sup> While there are no doubt a number of studies that can support this theory, experience also illustrates this point. Indeed, even when law school is a distant memory, many law school graduates can still recall the law that they learned for their legal writing assignments.

Integrated teaching of legal writing and a doctrinal subject can enhance these benefits. This became clear to me the first time that I used a legal writing assignment that required my students to analyze a topic that we covered in criminal law. For the hypothetical legal problem, students were to act in the role of defense attorneys and represent a client who shot and killed a friend during a social outing.<sup>7</sup> Prior to the shooting, the friend had become enraged and physically attacked the defendant. The defendant shot his friend after making several unsuccessful attempts to de-escalate the situation. The defendant had been charged with murder, and the students were asked to analyze whether the defendant could successfully claim that he acted in self-defense.

Prior to introducing this problem in legal writing class, I introduced the students to affirmative defenses in our criminal law class and assigned a few self-defense cases in the criminal law casebook. After we discussed the assigned cases in criminal law, students were able to identify the standard elements of self-defense and consider the policy that led to the development of self-defense law. Students also read cases that illustrated how the courts applied a normative standard in these cases—requiring in many jurisdictions that a defendant demonstrate both an honest and reasonable belief that he faced a threat and that he needed to meet that threat with force. Based on this limited knowledge,

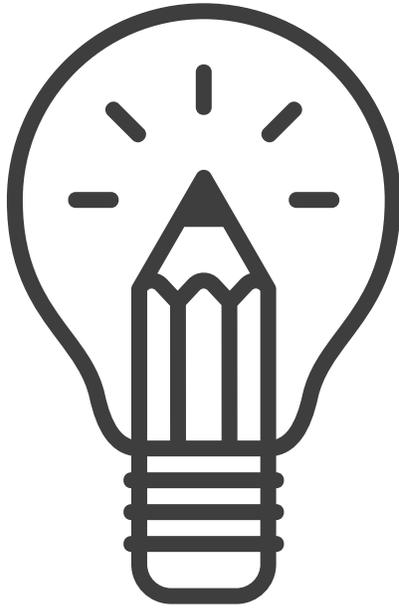
after receiving the legal problem, students were able to make an educated guess about how the court in the designated jurisdiction might respond to their hypothetical defendant's self-defense claim and to explain why a court might reach such a conclusion.

The students' work on the self-defense legal writing assignment, however, took their understanding of the law to a different level. In applying the legal standard to their case facts, students quickly came to appreciate the challenges of proving the elements of self-defense. To analyze their case accurately, students had to pay close attention to how the courts in the relevant jurisdiction framed the legal standard: Was the reasonable person standard purely objective, or did it allow the court to consider some characteristics and experiences that were unique to the defendant? Students also had to understand the nuances of the law. For example, students needed to appreciate that the focus of a court's inquiry would be on the defendant's perceptions, not on whether the defendant actually faced a threat or actually needed to use force: The friend's past violent behavior did not matter in the abstract, but it mattered if the defendant was aware of his friend's prior behavior and this contributed to the defendant's belief.

I am no doubt preaching to the choir as I set forth this example and state my firm belief that work on legal writing assignments deepens students' understanding of the relevant law. As a legal writing professor who teaches both a legal writing and criminal law course, I offer the following observation: While the casebook reading and class discussions can introduce students to legal rules, close work on a legal writing assignment takes students beyond thinking about the law and forces them to really grapple with it. In teaching both courses, I was able to see quite clearly how legal writing pushed my students to engage with the legal rules and to appreciate the more subtle aspects of these rules as they worked through legal problems.

## 2. TEACHING STUDENTS TO WRITE IN A LEGAL CONTEXT

The fact that students learn more deeply about the law when they engage in legal writing is argument enough for a more fully integrated law school curriculum. But, there are other significant benefits to teaching a legal writing course in conjunction with a doctrinal course. Indeed, the benefits of integrated courses can be reciprocal: Just as engaging in writing can help



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*When students start with some knowledge of law and have a framework for understanding, they are better able to delve into the law for their legal writing assignment and can more easily move beyond the basics . . .*

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students learn about the law, the study of doctrinal law can help students become better writers.

Traditional doctrinal courses do not focus on teaching students about legal writing. Yet, reading cases can afford many opportunities for students to learn about this skill.<sup>8</sup> In my criminal law class, for example, the students and I often talk about aspects of the cases in their casebook that go beyond traditional discussions of case facts, and court holdings and reasoning. I ask questions that prompt students to think not only about the courts' decisions, but also about the writing; we discuss how the opinions are written, including the court's tone, framing of facts and law, and use of storytelling. Students often make the observation that facts are not static, but rather are subject to interpretation. As students begin to realize that facts are not always neutral, even in judicial opinions, we also get into discussions of what the attorneys in these cases

may have argued and how this may have impacted the courts' decisions.<sup>9</sup>

What students learn about the substance of criminal law from studying cases in their casebook can also help them analyze their legal writing problems. As discussed above, my students are introduced to the law relevant to their legal problem through the study of cases and the discussion of broader principles in their criminal law class. Only after students gain some understanding of the relevant law do I introduce their legal writing assignment. I have observed that when students start with some knowledge of law and have a framework for understanding, they are better able to delve into the law for their legal writing assignment and can more easily move beyond the basics of mechanically analyzing the law as it applies to their case.<sup>10</sup>

For example, once students grasped the legal standard for the self-defense legal writing assignment, they were able to engage in more in-depth discussions of how effectively to analyze the law for their client's case. From our readings in criminal law, students learned about theories of punishment and why courts were inclined to carve out this legal defense. Students also learned that when this defense is considered in a given case, cultural norms can impact a jury's assessment of reasonableness.<sup>11</sup> Considering their hypothetical self-defense problem from this broader perspective, students began to appreciate that different listeners could assign different meanings to the evidence in their case. Through the process of writing, many students soon realized that in order to succeed with a self-defense claim, it might be important not only to have good facts, but also to tell a story that appeals to potential jurors. Thus, as students began to appreciate the ambiguity of facts, they also began to see the attorney's role not only in reporting the facts, but also in framing them. Ultimately, the students began to recognize how an attorney—how good advocacy—could make a difference in the outcome of a case.

Again, many legal writing teachers can profess to the opportunities—often spontaneous—to teach students about practice that arise when students work on legal writing assignments. In teaching integrated courses that lack formal boundaries, however, I have found that these teaching opportunities arise more often. Moreover, when students are introduced to the fundamental law prior to receiving a legal writing assignment, I have found that they are better equipped

to move beyond basic legal analysis and to benefit from these teaching moments.

### 3. HELPING STUDENTS TO LEARN WHAT IT MEANS TO PRACTICE LAW

As discussed above, there are many benefits to the integrated teaching of legal writing and doctrine, including using writing to deepen students' understanding of the law and furthering students' engagement in the process of writing in a legal context. But, integrated teaching can also provide opportunities that do not fit neatly into the categories of legal writing or doctrine. Indeed, one of the additional benefits of teaching integrated legal writing and doctrinal courses is that this approach can foster a classroom environment where law school teaching can be more fluid and creative ideas are more easily generated.

For example, my integrated courses each provide opportunities for my students to learn about the role of attorneys in the criminal justice system. In criminal law, students read about professional standards that specifically address the roles of prosecutors and defense attorneys in the criminal justice system.<sup>12</sup> In legal writing, students are assigned to act in the roles of prosecutors or defense attorneys as they analyze criminal law issues for their legal writing assignments. Students often bring what they learn about the role of these attorneys in criminal law into their work on legal writing assignments: When I ask my students to act in the role of prosecutors, it is difficult to confine the assignment to what the prosecution can prove; students want to consider the broader, and often more nuanced, question of what goes into a prosecutor's charging decision. Likewise, when students act in the role of defense attorneys, the students often raise questions about not only whether the defense attorney can put forth facts to support a defense, but also whether the defense attorney should advise his client to go to trial or take a plea under the given circumstances.

The fact that students are often concerned about these professional matters that go beyond the legal writing assignment and criminal law casebook coverage speaks volumes about the benefits of integrated teaching methods. The students' questions tell me that the students understand they are not merely working to complete their legal writing assignments, but are also preparing to be part of a profession. Further,

these questions tell me that the students are beginning to appreciate how what they learn in their first-year classes—about legal writing and doctrine—comes together and fits into the bigger picture of practicing law.

### CONCLUSION

As illustrated above, the integrated teaching of legal writing and doctrinal subjects through coordinated courses can help students learn about the law through writing, while learning how to write in a legal context. It can also help students to gain a better understanding of what is required for the practice of law. As an added benefit, the teaching of these courses has made me a more well-rounded professor—it has prompted me to be more thoughtful not only about how I am teaching legal writing, but also about how I am teaching the relevant law. Teaching integrated courses has also led me to think more about how I can use legal writing assignments to expand my students understanding of legal practice and the roles that attorneys play in the legal system. Regardless of whether law school courses are expressly integrated, students will benefit where professors do not confine themselves to the categories set by their institutions, but rather utilize the full breadth of their expertise to show students how good legal writing and a deep understanding of the law and practice go hand in hand.

#### NOTES

1. See WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007) [the Carnegie Report], at 3, 8 (“Recommendation 1 Offer an Integrated Curriculum, To build on their strengths and address their shortcomings, law schools should offer an integrated, three-part curriculum: (1) the teaching of legal doctrine and analysis, which provides the basis for professional growth; (2) introduction to the several facets of practice included under the rubric of lawyering, leading to acting with responsibility for clients; and (3) exploration and assumption of the identity, values and dispositions consonant with the fundamental purposes of the legal profession. Integrating the three parts of legal education [legal doctrine and analysis, practice competence, and professionalism] would better prepare students for the varied demands of professional legal work.”); E. Eugene Clark, *Legal Education and Professional Development—An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap*, 4 LEGAL EDUC. REV. 201, 202 (1993) [the MacCrate Report]; Susan E. Thrower, *Teaching Legal Writing Through Subject-Matter Specialties: A Reconception of Writing Across the Curriculum*, 13 LEGAL WRITING: J. LEGAL WRITING INST. 3, 13 (2007) (“The MacCrate Report has been widely perceived as a call for law schools to increase their skills course offerings to better integrate the teaching of theory and skills training in the classroom.”).
2. Sherri Lee Keene, *One Small Step for Legal Writing, One Giant Leap for Legal Education: Making the Case for More Writing Opportunities in the ‘Practice-Ready’ Law School Curriculum*, 65 MERCER L. REV. 467, 475 (2014); see Mark K. Osbeck, *What is “Good Legal Writing” and Why Does It Matter?*

4 DREXEL L. REV. 417 (2012) (defining good legal writing and identifying qualities that contribute to an effective document).

3. At the University of Maryland Carey School of Law, legal writing is taught in conjunction with a doctrinal or procedural first-year course such as Civil Procedure, Contracts, Criminal Law, or Torts. Most of the professors who teach these courses fit into the category of doctrinal professors. Currently, there are two full-time legal writing professors at Maryland, including the author, who also regularly teach these integrated courses. For more information see Susan J. Hankin, *Bridging Gaps and Blurring Lines: Integrating Analysis, Writing, Doctrine, and Theory*, 17 LEGAL WRITING: J. LEGAL WRITING INST. 325, 328 (2011) (describing the integrated legal writing program at the University of Maryland Carey School of Law).

4. Prior to teaching full-time, the author was a criminal appellate attorney.

5. See Pamela Lysaght & Cristina D. Lockwood, *Writing-across-the-Law-School Curriculum: Theoretical Justifications, Curricular Implications*, 2 J. ALWD 73, 74-75 (2004); Thrower, *supra* note 1, at 18-24 (discussing the two approaches identified by Lysaght and Lockwood and the learning theories that support them).

6. See Carnegie Report, *supra* note 1, at 108 (“Many students with whom we spoke noted the ways in which their writing courses accelerated their progress in legal reasoning in their doctrinal courses. . . .”); Laura C. Kadoch, *The Third Paradigm: Bringing Legal Writing “Out of the Box” and into the Mainstream: A Marriage of Doctrinal Subject Matter and Legal Writing Doctrine*, 13 LEGAL WRITING: J. LEGAL WRITING INST. 55, 69 (2007) (arguing that writing about a particular doctrinal subject matter increases students’ understanding because it requires students to engage critically with the subject’s complexities); Carol McCrehan Parker, *Writing is Everybody’s Business: Theoretical and Practical Justifications for Teaching Writing Across the Law School Curriculum*, 12 LEGAL WRITING: J. LEGAL WRITING INST. 175, 177 (2006) (explaining that writing provides the context necessary for acquisition and development of knowledge).

7. This legal writing assignment originated from a legal problem published in ROBIN WELLFORD SLOCUM, *LEGAL REASONING, WRITING, AND PERSUASIVE ARGUMENT* 623-33 (2006).

8. See ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP* 8 (2007) (Best Practices) (“There is no more effective way to help students understand what it is like to be a lawyer than to have them . . . perform the tasks that lawyers perform or observe practicing lawyers at work.”).

9. See Julie M. Spabauer, *Teaching First-Semester Students That Objective Analysis Persuades*, 5 LEGAL WRITING: J. LEGAL WRITING INST. 167, 169-70 (1999) (discussing the use of “close reading” as a tool for revealing persuasion in objective writing and analysis).

10. See Carnegie Report, *supra* note 1, at 109-10 (“The pedagogies of legal writing instruction bring together content knowledge and practical skills in very close interaction.”).

11. In my criminal law class, students are assigned reading from CYNTHIA LEE & ANGELA P. HARRIS, *CRIMINAL LAW CASES AND MATERIALS* (2014). In this casebook, the authors note that self-defense raises “questions of cultural bias,” and that certain characteristics of the defendant may be “factored in the reasonableness equation.” *Id.* at 589. This book includes cases that illustrate these issues including the highly publicized case *People v. Geotz*, 497 N.E.2d 41 (1986). *Id.* at 589-595.

12. See AMERICAN BAR ASSOCIATION, *Criminal Justice Standards for Prosecution and Defense Function*, [http://www.americanbar.org/groups/criminal\\_justice/standards.html](http://www.americanbar.org/groups/criminal_justice/standards.html). Select Standards are included in the Lee & Harris casebook, *supra* note 11, at 45-48.



# Legal Writing Specialists and Our Contribution to Experiential Learning Opportunities



Dr. Chantal Morton  
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Legal writing specialists are well positioned to contribute to and participate in the experiential learning opportunities of law students. We often work closely with students and faculty to develop innovative ways to teach and support the development of skills relevant to success in law school and beyond. Furthermore, our individual consultations with students on various assignments and subjects give us insight regarding where students struggle and need additional support.

I arrived at Melbourne Law School (“MLS”) with a commitment to experiential learning grounded in the life-changing experience I had enjoyed as an academic director at Parkdale Community Legal Services in Toronto, Ontario. While there, I watched students grapple with the real-life consequences of law and thereby gain a deeper appreciation of the opportunities and limits posed by working within the legal system. These observations convinced me that encouraging practical engagement was one more teaching methodology that had powerful and positive results.

For years, MLS has offered students experiential learning opportunities through internships for credit,<sup>1</sup> teamwork required in various courses,<sup>2</sup> subjects called *Global Lawyer* (“GL”) and *Institutions in International Law* (“IL”),<sup>3</sup> and our competition programs run through the Law Student Society (“LSS”) (e.g., mooting, negotiation, client interviewing, and witness examination).<sup>4</sup>

In 2012, MLS began to invest more resources and energy into developing additional experiential learning opportunities for our students through the Public Interest Law Initiative (“PILI”). In the PILI Program, students provide supervised legal advice through legal aid clinics in Victoria and are also able to practice in areas such as environmental law and disability rights. We have also started to think more carefully about how we might embed experiential learning opportunities in doctrinal subjects through simulations, role-play, and other assignments that better mirror competencies expected in their chosen professions.

This expansion of experiential learning opportunities at the law school is an excuse to develop new workshops with the faculty, the clinics, and the LSS. These workshops focus on topics such as writing persuasively, networking, interviewing clients, negotiation, teamwork, and clarity.<sup>5</sup>

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The ***cross-cultural professionalism workshop*** is designed to orient students in ILL and GL to the complex professional environments they will visit.

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The ***persuasive writing workshop***, intended for senior JD and Masters students, highlights the importance of writing for varied audiences and how attention to structure and language can work together to persuade your reader. The content draws from the insights of colleagues, including Charles Calleros, Christy DeSanctis, Michael Murray, and Lurene Contento.

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The ***networking workshop*** aims to help nervous students plan for success in networking events. It addresses common fears and provides concrete tips for overcoming social anxiety.<sup>6</sup>

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The ***negotiation workshop*** provides a very preliminary introduction to some concepts in negotiation. The purpose is to both minimize student stress and highlight some strategies for the competition. The workshop draws heavily upon materials from the Harvard Program on Negotiation and uses a videotaped negotiation to prompt questions, reflection, and discussion.

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The ***client interviewing workshop*** highlights the importance of establishing trust in a relationship and cultivates active listening skills.<sup>7</sup> The workshop draws from experiences in legal aid clinics to script an ineffective interview, which we perform to invite critique from students. It further provides a good foundation for discussing best practices in client interviews.

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The ***teamwork workshop*** involves an interactive two-hour session for first-year students who work in small groups to identify the benefits, challenges, and solutions for collaborative lawyering. It also uses the language and concepts drawn from the Myers Briggs Type Indicator (“MBTI”) to process the many ways in which personality differences might influence team dynamics. In addition, it emphasizes the advantages of self-reflection and self-awareness when working with others.<sup>8</sup>

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*Contrary to popular belief, writing specialists do not simply edit student papers! Instead, we prepare advice sheets for assignments, design workshops on a wide variety of topics, and consult students individually while collaborating with faculty to ensure that our messages align with their needs and expectations.*

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### **I have learned a lot through the process.**

Faculty need to know what a writing specialist can do and respect the limits. I presented at a faculty meeting so that my colleagues would know what I could offer if they were to invite me to develop a workshop or resource in support of their learning objectives. Contrary to popular belief, writing specialists do not simply edit student papers! Instead, we prepare advice sheets for assignments, design workshops on a wide variety of topics, and consult students individually while collaborating with faculty to ensure that our messages align with their needs and expectations.

The successful workshops flowed from ongoing relationships with the relevant members of the faculty. Casual conversations over coffee have led to opportunities to work closely with faculty on the content, design, and outcomes for workshops that link directly with the experiential learning goals of the subject. In fact, the workshops on persuasive writing and client interviewing are a direct result of that process.

However, the most rewarding exercises have come through my relationships with students. I sit on several committees that include LSS representatives and, as a result, I have developed more of a profile with their leadership. The negotiation and client interviewing workshops resulted from those relationships.

### **There are challenges.**

Many students do not realize the skills they will need to excel until they have that first (potentially demoralizing) experience when they receive negative feedback on their efforts. They tend to seek individualized support and advice from the person they associate with the workshops and resources they previously ignored. The demand for individual consultations can become unmanageable depending on the university's staff and resources.

Aside from the teamwork sessions I run for first-year students, all workshops are voluntary. While this suggests that students will be more motivated since they decided to attend, in practice, some students tend to sit back and expect me to do all the work. Without a participation grade or a clear and direct link between the content and their goals with respect to a grade, it is not always easy to get them to engage deeply with the activities.

Again, because my workshops and resources are designed to support student skill development that is assessed by someone else, getting the messages “right” can be difficult. There have been times when the advice I provided was not directly related to how the assignment was assessed, even when the faculty member knew exactly what I would say prior to the workshop. When that happens, I am back in the professor’s office to close the gap before the next workshop.

### **The benefits far outweigh the challenges.**

In the four years since I arrived at MLS, I have had wonderful opportunities to develop resources and design workshops that respond directly to the school’s invigorated commitment to develop more experiential learning opportunities. These opportunities are the result of a faculty that is open and curious about how to support our students in their skill development and a student body that is committed to being competent and professional graduates wherever their degrees may take them. I am honoured to be a small part of that process.

#### NOTES

1. These are the equivalent of externships in law schools in the USA and Canada.
2. For example, students work in small groups or pairs to prepare: (1) a memo for a minister in *Principles of Public Law* (first semester, first year); (2) analysis of a contracts problem in *Obligations* (first semester, first year); (3) a submission for a moot in *Constitutional Law* (second semester, first year); and (4) a submission for *Criminal Law* (second year).
3. GL and ILL provide groups of twenty students with an opportunity to explore how law works “on the ground” in Geneva, Switzerland, Washington, D.C., and New York City. In each subject, students spend two weeks meeting with legal practitioners at the various international organizations and gaining insight into how the law works in practice. See Andrew Mitchell, Bruce Oswald, Tania Voon, & Wendy Larcombe, *Education in the Field: A Case Study of Experiential Learning in International Law*, 21 LEGAL EDUC. REV. 1 (2011), for details on the goals and design of GLL and ILL.
4. LSS members design and run the voluntary competition program. In 2016, at least half the first-year class was involved in at least one of the competitions. For each competition, an individual student has multiple opportunities to practice relevant skills and receive constructive feedback on his or her performance. For more information on the competitions program, see MELBOURNE UNIVERSITY LAW STUDENTS’ SOCIETY (May 31, 2016, 4:38 PM), [http://mulss.com/competitions/competitions\\_overview](http://mulss.com/competitions/competitions_overview).
5. If anyone is interested in more detail, please feel free to contact me.
6. I draw on ten years as a career coach for this workshop.
7. I ran this program with my colleague Kate Fischer-Doherty who runs the PILI Program.
8. I am accredited in MBTI and draw from my experiences working in the legal clinic and on various boards and university committees for the material covered in this workshop.



## Program News

### Arizona State University Sandra Day O'Connor College of Law

From summer 2016 onwards, the legal writing faculty at Arizona State University Sandra Day O'Connor College of Law will (continue to) work together collaboratively, now without a designated director or coordinator.

### Chicago-Kent College of Law

Chicago-Kent College of Law thanks **Sanford Greenberg** for all his service to the legal writing program as he retires after twenty-two years of teaching.

### University of Denver Sturm College of Law

The University of Denver's Legal Writing Program was ranked 7th in the country by U.S. News and World Report.

The University of Denver's Legal Writing Program hosted a **LWI One-Day Workshop**, *Taking It to the Next Level: Your Course, Your Program, & Your Career*, in December 2015. The Denver Law Review Online published a special issue with the following articles from three workshop presenters:

**Jeremy Francis**, *The Role of a Writing Specialist in Enhancing Your Legal Writing Program*, 93 *Denv. L. Rev. Online* 69 (2016), currently available at <http://www.denverlawreview.org/dlr-onlinearticle/2016/4/6/the-role-of-a-writing-specialist-in-enhancing-your-legal-wri.html>.

**Lucille A. Jewel**, *From Legal Writing Teacher to Supervising Attorney in an Appellate Litigation Clinic: How I Got my Legal Writing Mojo Back*, 93 *Denv. L. Rev. Online* 75 (2016), currently available at <http://www.denverlawreview.org/dlr-onlinearticle/2016/4/6/from-legal-writing-teacher-to-supervising-attorney-in-an-app.html>.

**Shakira D. Pleasant**, *Gaining Exposure to Law Practice through Best Practices*, 93 *Denv. L. Rev. Online* 83 (2016), currently available at <http://www.denverlawreview.org/dlr-onlinearticle/2016/4/6/gaining-exposure-to-law-practice-through-best-practices.html>.

### John Marshall Law School

The John Marshall Law School co-sponsored the **11th Global Legal Skills Conference** in Verona, Italy. The GSL-11 Conference was held in Italy on May 24-26, 2016 at the University of Verona Department of Law (Università di Verona Dipartimento di Scienze Giuridiche). GLS-11 had more than 120 presenters and attendees from 16 countries.

The GLS-11 Conference opened with welcomes from the Conference Co-Chairs, **Stefano Troiano** (University of Verona Department of Law) and **Mark E. Wojcik** (The John Marshall Law School, and founder of the GLS Conference Series). Welcomes were also made by the GLS-11 Conference Program Co-Chairs, **David Austin** (California Western

School of Law in San Diego) and **Lurene Contento** (The John Marshall Law School). **Lidia Angeleri** (University of Verona Delegate for Internationalization), **Maria Caterina Baruffi** (University of Verona Department of Law), and **Stefano Fuselli** (University of Verona College of Law) also extended greetings to attendees at the opening session.

The GLS-11 Conference was supported by the cooperation of many other organizations and entities. **Bob Brain** (Loyola Law School, Los Angeles, Chair of the Association of American Law Schools Section on Legal Writing, Reasoning, and Research), gave welcoming remarks on behalf of various AALS Sections with leaders attending the GLS Conference. **William B.T. Mock** (The John Marshall Law School) gave welcoming remarks on behalf of the American Bar Association Section of International Law. Other supporting organizations included the American Society of International Law, the International Law Students Association (which organizes the Philip C. Jessup International Law Moot Court Competition), Scribes—The American Society of Legal Writers, and the Teaching International Law Committee of the American Branch of the International Law Association.

**Kimberly Holst** (Arizona State University Sandra Day O'Connor College of Law), Immediate Past Chair of the AALS Section on Legal Writing, Reasoning, and Research, introduced the opening plenary speaker, **Charles Calleros** (Arizona State University Sandra Day O'Connor College of Law). The next days of the conference offered thirty different panels and roundtables with speakers from around the world. Speakers and participants came from Austria, Canada, China, Colombia, Egypt, Germany, Italy, Japan, Mexico, the Netherlands, the Philippines, Qatar, Sweden, Switzerland, the United Kingdom, and the United States. The speaker in the closing session was **David Austin** (California Western School of Law). The full schedule of speakers and topics is currently available at <http://glsc.jmls.edu/2016/schedule>. Persons interested in any particular topic can contact speakers directly for more information about their presentations.

GLS Awards were presented during the conference to individuals and organizations that have made substantial contributions to the promotion and development of global legal skills education. Award recipients this year were **Dr. Amrita Bahri** (Mexico), **Laurel Oates** and **Mimi Samuel** (United States), **Robin Palmer** (New Zealand), Legal English book authors **Alison Riley** and **Patricia Sours** (Italy), the Lawbility Professional Language Program (Switzerland), and the University of Verona Department of Law (Italy). Prior winners of GLS awards presented the 2016 GLS Awards, which have become global awards to recognize innovation and excellence in legal skills education. A cumulative list of the GLS Award Recipients is currently available at <http://glsc.jmls.edu/2016/gls-awards>.

This was the second time that the GLS conference had been held in Verona, Italy. Other GLS conferences have been held in Chicago, Washington, D.C., Mexico, and Costa Rica. The next GLS conference will be held in 2017, with a location and dates still to be announced.

Members of the GLS-11 Program Committee (Comitato Scientifico) included **Paolo Butturini** (University of Verona), **Juli Campagna** (Hofstra University), Holst, Mock, and **John Thornton** (Northwestern University). The GLS-11 Communications Officer was **Tommaso Lecca** (University of Cagliari in Sardinia).

The John Marshall Law School also hosted the first-ever **Scribes CLE Program and Award Ceremony** in April. Scribes – The American Society of Legal Writers – held its first national CLE program called *Legal Writing: From Basics to Application*, on April 15, 2016 at The John Marshall Law School in Chicago, one of the institutional member schools. The CLE program, featured remarks from the new Vice President of Scribes, Wojcik, and from the Scribes President, **Justice Michael B. Hyman** of the Illinois Appellate Court.

During a reception the Scribes Book Award was presented to **Wil Haygood**, author of *Showdown: Thurgood Marshall and the Supreme Court Nomination That Changed America* (Alfred A. Knopf 2015). The event concluded with the presentation of Lifetime Achievement Awards by **Bryan Garner** to **Judges Frank H. Easterbrook** and **Richard A. Posner** of the U.S. Court of Appeals for the Seventh Circuit. Mr. Garner interviewed both former Chief Justices about their writing habits and tips for good writing.

The event at The John Marshall Law School was well attended and well received. Scribes expects to hold future annual CLE programs at member law schools around the country.

## University of Maryland Francis King Carey School of Law

University of Maryland Carey School of Law sponsored the **Sixth Annual Capital Area Legal Writing Conference** on March 11 and 12, 2016. The conference included dynamic presentations by professors from approximately 27 schools from the region and across the country, and had about 90 attendees. The conference program and presentation materials are currently available at <http://digitalcommons.law.umaryland.edu/calw/>. With the generous support of ALWD, Maryland hosted an **ALWD Scholars' Workshop** just prior to the Conference. Six authors presented their works in progress at the workshop. **Terri LeClercq** (University of Texas School of Law), **Ellie Margolis** (Temple Law School), **Karin Mika** (Cleveland Marshall Law School), and **Ruth Anne Robbins** (Rutgers Law School—Camden), generously volunteered to act as facilitators, providing feedback on drafts and leading small group discussions.

## University of North Dakota School of Law

The UND faculty approved an additional 3 required credits of intensive legal writing during students' second year.

## Suffolk University Law School

Suffolk University Law School hosted the inaugural meeting of the **New England Scholarship Circle** on May 12, 2016. Suffolk's Legal Practice Skills Program started the New

England Scholarship Circle with the idea to form a small group of colleagues to meet informally once a month for an hour or two to discuss their scholarship—in any stage—or ideas for scholarship. The Scholarship Circle provides opportunities for feedback and support, while increasing accountability to stay on track.

## University of Texas School of Law, David J. Beck Center

The University of Texas School of Law announces the retirement of **Robin Meyer** after 24 years of teaching legal research and writing at Texas Law. Her talent and humor will be missed

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# Hiring and Promotion

## Arizona State University Sandra Day O'Connor College of Law

**Andrew Carter**, earned continuing status and was promoted to Clinical Professor of Law at Arizona State University Sandra Day O'Connor College of Law. **Alyssa Dragnich** joins the permanent faculty in Fall 2016 as an Associate Clinical Professor of Law.

## Baylor Law School

Baylor Law School has appointed **Matt Cordon** as the inaugural director of the school's new legal-writing center. The appointment became effective in 2016. Cordon is a tenured professor of law at Baylor and previously served as director of legal research and associate director of the law library. He has been a member of the faculty since 2000 and teaches all introductory legal-writing classes as well as advanced legal research and an independent study in advanced legal writing.

## Brooklyn Law School

**Professor Heidi K. Brown** joined the faculty of Brooklyn Law School as the new Director of the Legal Writing Program, and Associate Professor of Law on the tenure track.

## Campbell Law School

In the 2016-2017 academic year, **Elizabeth Berenguer** (Savannah Law School) and **Susan Thrower** (DePaul University College of Law) will join the faculty of Campbell Law School to pioneer an innovative expansion to its writing curriculum. Thrower will direct the first year legal writing program while Berenguer will develop and implement an upper level writing program. They envision working collaboratively to incorporate best practices and cutting edge approaches aimed at cultivating well-rounded lawyers capable of advanced legal reasoning and writing.

More information about them and Campbell's growth is currently available at [http://law.campbell.edu/news\\_article.cfm?id=42758](http://law.campbell.edu/news_article.cfm?id=42758).

## Chicago-Kent College of Law

Chicago-Kent College of Law is pleased to announce the hiring of **Melina Healey** and **Anthony Kreis** as Visiting Assistant Professors of Legal Research and Writing.

## University of Denver Sturm College of Law

**Tanya Bartholomew** was appointed Director of the Masters of Legal Studies Program at the University of Denver Sturm College of Law in January 2016.

## DePaul University College of Law

**Martha Pagliari**, DePaul University College of Law's current associate director of Legal Analysis, Research & Communication, will serve as interim director at DePaul during the 2016-2017 academic year. Martha has been instrumental in developing and directing DePaul's upper-level legal writing curriculum and will now direct the first year program, as well.

## University of Houston Law Center

The University of Houston Law Center is pleased to announce the hiring of **Katherine Brem** as a Clinical Assistant Professor in Lawyering Skills and Strategies. Brem returns to the Law Center faculty after 10 years in private practice. She first came to the Law Center in the fall of 2000 as an assistant clinical professor of Legal Research and Writing and taught for five years. Prior to coming to the Law Center, she spent six years with Baker Botts LLP as an associate in the trial department.

The University of Houston Law Center is also pleased to announce the hiring of **Sarah Morath** as a Clinical Associate Professor in Lawyering Skills and Strategies. Morath brings to the Law Center six years of experience teaching legal research and writing and has also taught environmental and animal law. She previously clerked in the U.S. District Court, District of Maine; the Maine Supreme Judicial Court; and the Maine Superior Judicial Court. Her articles have appeared in the *Oregon Law Review*, *Duke Environmental Law and Policy Forum*, and *Natural Resources Journal*, among others, and she is a regular contributor to several legal writing publications, as well as an assistant editor for the *Journal of the Legal Writing Institute*.

The University of Houston Law Center is also pleased to announce the hiring of **Kenneth Swift** as a Clinical Associate Professor in Lawyering Skills and Strategies. Before coming to the Law Center, Swift taught legal research and writing for nearly 20 years, during which time he also practiced civil litigation with several firms as an associate, partner, and of counsel. He has published numerous law review and journal articles on legal writing and employment law in academic and practitioner publications.

## John Marshall Law School

**Maureen B. Collins**, **Anthony Niedwiecki**, and **Kim D. Chanbonpin** were recently promoted to Full Professor.

## University of Maryland Francis King Carey School of Law

**Sherri Lee Keene** was recently promoted to Law School Associate Professor.

## University of North Carolina at Chapel Hill School of Law

UNC's Writing and Learning Resources Center welcomes two new faculty members: **Kevin Bennardo** and **Rachel Gurvich**. Both bring experience clerking (Gurvich in the First Circuit and Bennardo in a U.S. District Court, at the Supreme Court of Palau, and as a staff attorney in the Fourth Circuit's Office of Staff Counsel); working at major firms (Gurvich at Wilmer Hale in Boston, Bennardo at Sidley Austin in Chicago); and teaching various law courses (Gurvich at UNC and Boston College, Bennardo at Indiana, LSU, and Richmond).

UNC's writing faculty continue to expand contributions beyond the first-year research-and-writing curriculum. For example, **Kaci Bishop** is teaching an immigration clinic, and **Sara Warf** is using her many years of experience clerking and teaching to develop a writing seminar for aspiring clerks. Others are teaching courses in legal foundations, negotiation, and small-firm practice.

**Jon McClanahan**, a longtime member of UNC's Writing and Learning Center, earned promotion in spring 2016 to Associate Dean for Administration. Other UNC writing faculty also are offering increasingly varied service, serving for example on the hiring, academic affairs, and diversity committees, coaching moot teams, and advising student organizations.

## University of North Dakota School of Law

UND is thrilled to announce that **Denitsa Mavrova Heinrich** will be joining the faculty! She will teach Lawyering Skills, Advanced Trial Advocacy, and Professional Communication.

**Tammy Pettinato** was appointed Interim Director of the Law Library for a two-year term. She will continue to teach Lawyering Skills.

## Ohio State University, Moritz College of Law

**Katherine Silver Kelly** has been promoted to Associate Clinical Professor of Law at The Ohio State University, Moritz College of Law.

## University of Richmond School of Law

**Christopher Cortis**, **Doron Samuel-Siegel**, **Tamar Schwartz**, **Rachel Suddarth**, and **Laura Webb**, were promoted to the rank of Associate Professor of Legal Writing.

## Suffolk University Law School

The Legal Practice Skills Program at Suffolk University Law School is excited to announce that it has hired **Dyane O'Leary** as an Assistant Professor of Legal Writing, effective July 2015. O'Leary has taught Legal Research and Writing at New England Law | Boston and was an Adjunct Professor in the Legal Skills in Social Context program at Northeastern University School of Law. Currently, O'Leary is an Assistant Professor of Academic Support at Suffolk University Law School.

## University of Texas School of Law, David J. Beck Center

The University of Texas School of Law announces that **Wayne Schiess** has stepped down as Director of the David J. Beck Center for Legal Research, Writing, and Appellate Advocacy (director of legal writing). After twelve years in the position, Schiess looks forward to focusing more on teaching and writing. **Kamela Bridges**, a former law-firm partner and trial lawyer with 16 years' experience teaching legal writing, will direct the Beck Center. The University of Texas School of Law, is also pleased to announce the hiring of **Lori Mason**, a Texas Law graduate, former Fifth Circuit clerk, and current attorney at Cooley LLP.

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## Publications and Accomplishments

**Debra Austin**, of University of Denver Sturm College of Law, and Rob Durr, of Northwestern University, published *Emotion Regulation for Lawyers: A Mind is a Challenging Thing to Tame*, 16 Wyo. L. Rev. \_\_\_\_ (forthcoming 2016). This article discusses the neuroscience and psychology of emotion regulation intended to enhance lawyer wellbeing and performance.

**Tanya Bartholomew**, of University of Denver Sturm College of Law, chaired University of Denver's LWI One-Day Workshop, *Taking It to the Next Level: Your Course, Your Program, & Your Career*, held December 2015. She was also selected to serve on the Legal Writing Institute's Diversity Sub-Committee.

**Mary Beth Beazley**, of The Ohio State University, Moritz College of Law, published *Finishing the Job of Legal Education Reform*, 51 Wake Forest Law Rev 275 (2016).

**Cynthia D. Bond**, of The John Marshall Law School, will publish her book chapter, *Top Five Tips for Using Popular Culture in the Law School Classroom*, in *Teaching Law with Popular Culture* (Christine A. Corcos ed., Carolina Academic Press) (forthcoming 2016).

**Robert D. Brain**, of Loyola Law School, Los Angeles, published *Multijurisdictional Practice: A Need for Care*, 2015 Cal. Bar J., June Ed., currently available at [http://apps.calbar.ca.gov/mcleselfstudy/mcle\\_home.aspx?testID=98](http://apps.calbar.ca.gov/mcleselfstudy/mcle_home.aspx?testID=98). This article discusses potential ethical and criminal violations under California law when out-of-state lawyers

practice law in California. He also published the casebook *Videogame Law: Cases, Statutes, Forms, Problems & Materials* (Carolina Academic Press, 2d ed. 2016) (with Professor Ashley Lipson). This is the second edition of the only casebook in the country on videogame law. Brain was also elected as the Chair of the Legal Writing, Reasoning, and Research Section of the American Association of Law Schools, and as a Board Member of the Legal Writing Institute. He was also appointed to the California State Bar Committee on Professional Responsibility and Conduct (the committee that writes ethics opinions of the California State Bar).

**Heidi K. Brown**, of Brooklyn Law School, published *The Mindful Legal Writer: Mastering Predictive and Persuasive Writing* (Wolters Kluwer 2016).

**Charles Calleros**, of Sandra Day O'Connor College of Law at Arizona State University, published the following article for the Symposium for Persuasion in Civil Rights Advocacy: *Advocacy for Marriage Equality: The Power of a Broad Historical Narrative during a Transitional Period in Civil Rights*, 2015 Mich. St. L. Rev. 1249-1325 (published Feb. 2016).

**John Campbell**, of University of Denver Sturm College of Law, won the American College of Consumer Financial Services Lawyers (ACCFSL) writing competition in February 2016. Each year the ACCFSL recognizes papers written about consumer financial services law.

**Susan M. Chesler**, of Arizona State University Sandra Day O'Connor College of Law, published Susan M. Chesler and **Judith M. Stinson**, *Team Up for Collaborative Teaching*, 23 Perspectives: Teaching Legal Res. & Writing 169 (2015), and will soon publish Chesler, et al., *Once Upon a Transaction: Narrative Techniques and Drafting*, 68 Okla. L. Rev. 263 (forthcoming Winter 2016).

**Alexa Z. Chew**, of University of North Carolina at Chapel Hill School of Law, teamed with former UNC faculty member **Katie Rose Guest Pryal** to write *The Complete Legal Writer*, which Carolina Academic Press published in early 2016.

**Maureen B. Collins**, of The John Marshall Law School, chaired the 22nd Annual Belle R. & Joseph H. Braun Memorial Symposium planning committee in October 2015. She continues to serve as the Editor-in-Chief of The Scrivener. Her article, *Reading Jane Austen through the Lens of the Law: Legal Issues in Austen's Life and Novels*, is forthcoming in De Paul's Journal of Art, Technology, & Intellectual Property.

**Lurene Contento** and **Mark E. Wojcik**, of The John Marshall Law School, organized the 11th Global Legal Skills Conference in Verona, Italy. Contento's position as Chair of the Association of Legal Writing Specialists has been extended through June 2018. Her article, *Why Online Resources Won't Replace Writing Specialists*, appeared in the Spring 2016 edition of The Second Draft.

**Sabrina DeFabritiis**, of Suffolk University Law School, received the Suffolk Impact Award. This award honors faculty, nominated by their peers, "who are making

exceptional contributions to building a better Suffolk University.”

**Luke Everett**, of University of North Carolina at Chapel Hill School of Law, following his victory in *Grady v. North Carolina*, 135 S. Ct. 1368 (2015) (holding that a state conducts a search when it attaches a GPS device to a person to track the person’s movements), won the UNC Pro Bono Board’s Faculty Member of the Year Award in May 2016.

**Liz Frost**, of University of Oregon School of Law, received the 2016 Ersted Award for Specialized Pedagogy, in recognition of achievement and expertise in the area of legal research and writing. This is one of just nine University-wide teaching awards made this year. Frost also published her article, *Feedback Distortion: The Shortcomings of Model Answers as Formative Feedback*, in the forthcoming summer issue of the Journal of Legal Education.

**Rebekah Hanley**, of University of Oregon School of Law, has been selected as the 2016-17 Galen Scholar in Legal Writing. This year’s theme is *Building Professional Writing*, and Professor Hanley will be incorporating writing into her section of the school’s required course in professional responsibility.

**Anna Hemingway**, of Widener University Commonwealth Law School, along with **Ben Barros**, Dean at Toledo Law School, published a new casebook titled Property Law. The book is published with Wolters Kluwer and is also available as a connected casebook.

**Karen Henning**, of University of Detroit Mercy School of Law, published a new edition of her textbook Criminal Pretrial Advocacy (Thompson West 2d. 2016) (with co-authors: **Peter J. Henning** and **Leonid Fuller**).

**Tamara Herrera**, of Arizona State University Sandra Day O’Connor College of Law, published *Getting the Arizona Courts and Arizona Legislature on the Same (Drafting) Page*, 47 Ariz. St. L.J. 367 (2015) and the following articles in Maricopa Lawyer: *Mega Problems with Metadiscourse*, Vol. 36, No. 4 (April 2016); *Dealing with Others’ Mistakes*, Vol. 36, No. 3 (March 2016); *Don’t Sound “Stuffed” Up*, Vol. 36, No. 2 (February 2016); *Making a “Real” Point*, Vol. 36, No. 1 (January 2016); and *A Helping Hand in Editing: Readability Tools*, Vol. 35, No. 12 (December 2015).

**Kim Holst**, of Arizona State University Sandra Day O’Connor College of Law, published *Commentary on Bradwell v. Illinois*, in *U.S. Feminist Judgments: Rewritten Opinions of the United States Supreme Court* (Kathryn M. Stanchi, Linda L. Berger & Bridget J. Crawford eds., 2016).

**Sherri Lee Keene**, of University of Maryland Carey School of Law, recently published *Standing in the Judge’s Shoes: Exploring Techniques to Help Legal Writers More Fully Address the Needs of Their Audience*, 50 San Francisco Law Review Forum 479 (2016), currently available at [http://digitalcommons.law.umaryland.edu/fac\\_pubs/1562/](http://digitalcommons.law.umaryland.edu/fac_pubs/1562/). While many attorneys understand the importance of writing in anticipation of the legal audience’s response, even experienced attorneys may struggle to see their case from a

different perspective and to identify the weaknesses of their case. This Essay discusses three strategies that can help writers to step outside of the attorney role and stand in the shoes of the decision-maker.

**Sue Liemer**, of Southern Illinois University School of Law, received the 2016 Mentorship Award from the University Women’s Professional Association.

**Megan McAlpin**, of University of Oregon School of Law, has been elected by the Association of Legal Writing Directors to serve as President-Elect in 2016-17.

**Samantha Moppett**, of Suffolk University Law School, published *4 Tips for Encouraging Creativity in Law Students*, The Road to 1L (Sept. 23, 2015), currently available at <http://theroadto1l.blogs.law.suffolk.edu/general/legal-writing-matters-4-tips-for-encouraging-creativity-in-law-students/>. Moppett also was elected for a second four-year term on the Board of the Legal Writing Institute.

**Sarah Morath**, Clinical Associate Professor at University of Houston Law Center, published *A Park for Everyone: The National Park Service in Urban America*, 56.1 Nat. Resources J. 1 (2016), *Stand out from the Crowd: Drafting Persuasive Administrative Comments in an Era of “Notice and Spam,”* 43 Rutgers L. Rec. 1117 (2016), and *Administrative Law Applied: The E-Comment Exercise*, Perspectives: Teaching Legal Res. & Writing (forthcoming summer 2016). Morath was also selected for the Editorial Board of *Legal Writing: The Journal of the Legal Writing Institute* in summer 2016.

**Anne Mostad-Jensen**, Head of Faculty Services at University of North Dakota School of Law’s Law Library, co-authored a fascinating piece on invoking the Supreme Court’s original jurisdiction to challenge the legalization of marijuana in Colorado. **Chad DeVaux** & Anne Mostad-Jensen, *Fear and Loathing in Colorado: Invoking the Supreme Court’s State Controversy Jurisdiction to Challenge the Marijuana Legalization Experiment*, 56 B.C. L. Rev. 1829 (2015).

**Anne Mullins** and **Tammy Pettinato**, of University of North Dakota School of Law, will have their book, North Dakota Legal Research, hit the shelves later this summer! The book is part of Carolina Academic Press’s state research series, edited by **Suzanne Rowe**. Anne Mullins & Tammy Pettinato, North Dakota Legal Research (Suzanne Rowe ed., 2016).

Mullins’s latest article on persuasion in judicial writing is forthcoming from Wyoming Law Review: Anne Mullins, *Jedi or Judge: How the Human Mind Redefines Judicial Opinions*, 16 Wy. L. Rev. 325 (2016).

**Hugh Mundy**, of The John Marshall Law School, was recently voted Professor of the Year, and received the *Lex Ancilla Justitiae* award during the commencement ceremony in June. His article, *Forward Progress: A New Pattern Jury Instruction for Impeachment with Prior Inconsistent Statements Will Ease the Court’s Burden by Emphasizing the Prosecutor’s*, appeared in the Fordham Law Review.

**Anthony Niedwiecki**, of The John Marshall Law School, recently published his article, *Prepared for Practice? Developing a Comprehensive Assessment Plan for a Law School*

*Professional Skills Program*, in the University of San Francisco Law Review.

**Abigail L. Perdue** is an Associate Professor of Legal Analysis, Research, and Writing at Wake Forest University School of Law. This winter, the Duke Journal of Gender, Law, and Policy published her article *The Solidarity Paradox*. Her book, *The All-Inclusive Guide to Judicial Clerking*, is forthcoming in 2017 from WestAcademic Press. Marquette Law Review has just accepted her latest article, *Lean In or Man Up: Exploring Perceptions of Women in Leadership*, for publication.

**Sue Provenzano** and co-authors **Sarah Schrup, Carter Phillips**, and **Jeff Green**, all of Northwestern University School of Law, have published a new upper-level appellate advocacy coursebook, *Advanced Appellate Advocacy*, available from Wolters Kluwer.

**Joan Rocklin**, of University of Oregon School of Law, **Robert Rocklin**, of Willamette University College of Law, **Chris Coughlin** of Wake Forest School of Law, and **Sandy Patrick**, of Lewis & Clark Law School, have published *An Advocate Persuades*, a companion to the textbook *A Lawyer Writes*. *An Advocate Persuades* was published in December 2015 and is available from Carolina Academic Press.

**Suzanne Rowe**, of University of Oregon School of Law, has been actively editing books in the Legal Research Series. The newest title is *North Dakota Legal Research* by **Anne Mullins** and **Tammy Pettinato**. New editions of nine books will be published this summer: *Arkansas Legal Research* by **Coleen Barger, Cheryl Reinhart, and Cathy Underwood**; *California Legal Research* by **Aimee Dudovitz, Hether Macfarlane, and Suzanne Rowe**; *Iowa Legal Research* by **John Edwards, Karen Wallace, and Mel Weresh**; *Massachusetts Legal Research* by **Joan Blum and Shaun Spencer**; *Michigan Legal Research* by **Cristina Lockwood and Pam Lysaght**; *Oregon Legal Research* (revised printing) by **Suzanne Rowe**; *Tennessee Legal Research* by **Scott Childs, Sibyl Marshall and Carol Parker**; *Texas Legal Research* by **Spencer Simons**; and *Wyoming Legal Research* by **Debra Person and Tawnya Plumb**.

**Nantiya Ruan**, of University of Denver Sturm College of Law, published *The New 1L: First-Year Lawyering with Clients* (with **Eduardo R.C. Capulong, Michael A. Millemann, and Sara Rankin**), Carolina Academic Press (2015). Ruan is also the Associate Editor of 2015, Cumulative Supplement to *Fair Labor Standards Act*, 2d Ed. (BNA Books).

**O.J. Salinas**, of University of North Carolina at Chapel Hill School of Law, wrote *A Short and Happy Guide to Effective Client Interviewing and Counseling*, which West published in 2016.

**Steven Schwinn**, of The John Marshall Law School, is the 2015–2016 Edward T. & Noble W. Lee Chair in Constitutional Law. As the Lee Chair, he presented a public talk entitled “The Right to a Remedy for Torture,” in conjunction with the American Constitution Society. He continues to write for the ABA’s Preview of United States Supreme Court Cases. He is also a contributor to the Constitutional Law Prof Blog and SCOTUSBlog.

**Lauren Simpson**, Clinical Assistant Professor in Lawyering

Skills and Strategies at the University of Houston Law Center, was awarded a Teaching Excellence Award (Instructor/Clinical category) in spring 2016.

**Craig Smith**, of University of North Carolina at Chapel Hill School of Law, was selected by the American Bar Association’s Section of Legal Education and Admissions to the Bar to chair an accreditation site visit during the 2016-17 academic year.

**Judy Stinson**, of Arizona State University Sandra Day O’Connor College of Law, published *Team Up for Collaborative Teaching, 23 Perspectives: Teaching Legal Res. & Writing 169* (2015) (co-authored with **Susan Chesler**).

**David Thomson**, of University of Denver Sturm College of Law, published *How Online Learning will Transform Legal Education*, in *Handbook of Digital Transformation*, Olleros and Zeghu, eds. (Edward Elgar, 2016). This book, developed and edited by two business school professors at the University of Quebec at Montreal (UQAM), contains 20 chapters on digital transformation and how it is affecting different sectors of the economy. Thomson’s chapter - the lead chapter in the book - addresses the impact that online and hybrid education models will have on legal education over the next decade.

**Mark E. Wojcik** and **Lurene Contento**, of The John Marshall Law School, organized the 11th Global Legal Skills Conference in Verona, Italy, and helped to organize the Scribes CLE at John Marshall in April. Wojcik, a Board Member of the Legal Writing Institute, was elected as Vice President of Scribes—The American Society of Legal Writers. Wojcik was also recently appointed to a three-year term on the ABA’s Standing Committee on the Law Library of Congress.



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