



What Keeps Us Going?

Necessity is the Mother of Re-Invention

Tracy Bach, Vermont Law School

When a past associate dean of the Vermont Law School (VLS) made me the offer in 1996 to join the faculty as a legal writing professor, she kindly but firmly reminded me: *You know that this position ends in three years and that you'll have to leave?* Now, eight years later, I marvel at how things have changed. VLS abolished the cap during my last year on that three-year contract. We replaced the old system with one that required a competitive "rehiring" process (my colleagues and I were not "grandmothered" in), two successive full-faculty reviews, and then long-term, administratively renewable

contracts. Now that our positions are long-term, tenured colleagues have turned to questioning the pay gap between "them" and "us." Given that VLS is a small school and that all writing professors teach additional courses critical to the curriculum (not to mention serving on key committees and publishing scholarship), we've reached the point of mutual head scratching about the significant pay differential. And thus the reinvention of the legal writing professor at VLS is taking place.

Within this larger dynamic of institutional change, I've chosen to challenge myself both in and outside the classroom. For example, the full-faculty review process presented an avenue for reinventing myself as a colleague in teaching. I approached these reviews as opportunities to educate faculty colleagues about just what it is we do when teaching legal research, analysis, and writing. I urged my reviewers to not only observe my large "lecture" sessions, but to look closely at the less obvious, more innovative teaching done in smaller group sessions like practice oral arguments, conferences, and written critiques of drafts. More than one-third of the tenured faculty has thus observed my teaching during the past few years, ranging from the most senior to the most recently tenured. In this manner I've earned the increased understanding—if not respect—of

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Three Views of Visiting

Jim Levy, Nova Southeastern School of Law; Samantha Moppett, Suffolk University School of Law; and Terrill Pollman, University of Nevada-Las Vegas, William S. Boyd School of Law
Ed. Note: During the summer of 2001 and 2002, Jim Levy, then teaching at Colorado and currently teaching at Nova Southeastern, taught advanced appellate advocacy as a visitor at UNLV. Samantha Moppett, of Suffolk, visited UNLV during the summer of 2003. Terry Pollman hired Jim and Sam as visitors. Here are their remarks on the impact of visiting. First, Samantha reflects on the professional experience. Then, Jim tells the story of summer in Las Vegas. Finally, Terry observes that Jim and Sam's visit contributed in important ways to the legal writing program at UNLV.

Samantha Moppett: It was great for professional growth

Like many members of the legal writing community, I am annually faced with the query of how to earn some much needed supplemental income during the summer months. Last summer, I struggled with whether to bask in the sun as a lifeguard and swimming instructor or to visit at another law school and teach a summer class. Ultimately, I accepted a visiting position teaching Appellate Advocacy at the William S. Boyd School of Law at the University of Nevada, Las Vegas. I was excited both

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From the Editors

This issue of *The Second Draft* wraps up a somewhat introspective trilogy. We started by asking “What are we teaching?” and “Whom are we teaching?” In this issue, we turn to “What keeps us going?” The variety of responses reflects the myriad ways instructors are continuing their professional development and keeping morale high as “capless” programs and longer contracts become the norm in our profession.

Several of the current essays describe the benefits of visiting other schools, both within the United States and abroad. In fact, Steve Johansen (whose sojourn teaching in Ireland is described in his President’s column) remarked that this issue could have been called “Where do we teach?” because so many people are spending a semester or year visiting another institution. Tracey Bach, Mimi Samuel, Emily Zimmerman, Terry Seligmann, and Mark Wojcik wrote essays about international travel that had us looking for our passports. Jim Levy, Samantha Moppett, and Terri LeClerc wrote about the benefits of visiting other schools within the United States. Diane Edelman and Terrill Pollman wrote about the benefits of hosting a visiting scholar, instead. Susan Kosse described service to others as the “Rx for burnout”; Sheila Simon and Lisa McElroy answered the question with humor. And Sam Jacobson and Jill Paquette wrote about more internal types of motivation. We hope you will find some inspiration here, and especially that this trend of cross-pollination spreads to other schools. In addition to these essays, we have our regular features and one special feature: Chad Noreuil’s essay on a unique segue into statutory interpretation.

Our next issue will primarily be devoted to LWI business following the biennial conference in Seattle, but you can look forward to several regular features as well. The next “theme” issue will come out in the late Spring of 2005.

Barbara Busharis (Florida State)
Joan Malmud (University of Oregon)
Sandy Patrick (Lewis & Clark)

THE LEGAL WRITING INSTITUTE

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

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

Deadline for submitting material for the next issue of The Second Draft: October 15, 2004.

Guidelines for Contributors

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

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

Deadlines. Material can be submitted to the editors at any time. Submissions received after a deadline for one issue will be considered for a later issue, with the exception of submissions written to respond to a particular “theme.” For the next issue, the deadline for submissions will be October 15, 2004.

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

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



The President's Column

Living and Learning in Ireland

Steve Johansen, Lewis & Clark Law School

As this volume of *The Second Draft* goes to print, we are all wrapping up another year and looking forward to another Legal Writing Institute Conference this summer. We will be returning to our roots in Seattle to celebrate the twentieth anniversary of the founding of the Institute. I am looking forward to seeing old friends and meeting new ones this July at what promises to be the most memorable Conference yet.

This marks the last column of my term as President of LWI. It has been a memorable two years and I am indebted to many people for making possible whatever success we have experienced.

First, my predecessor, Jane Gionfriddo, has provided me with four years of wise counsel and an attention to detail that saved me from disaster more times than I care to admit.

Second, I had the good fortune to have a superb Board that worked tirelessly on the many projects of the Institute. I would especially like to thank the outgoing Board members for their years of service. These are the people who truly have made LWI possible. When you see these folks at the Conference this summer, please be sure to say thank you to Davalene Cooper, Mary Beth Beazley, Joan Blum, Coleen Barger, Katie Mercer, and Maureen Straub Kordesh.

I could not have served as President without the support of my colleagues at Lewis and Clark who constantly picked up the slack in our program when I was busy with LWI matters. I am, and forever will be, thankful that I must do the least “directing” of any Director in the country. Thank you, Daryl Wilson, Beth Enos, Toni Berres-Paul, Bill Chin, Sandy Patrick, and Anne Villella.

Of course, one of the great things about the Institute is the active role so many of its members play in keeping it a vibrant and growing organization. I am pleased to be passing the baton to Terry Seligmann. Terry is fortunate to have a superb slate of new people joining the Board this summer. Welcome to the Board, Dan Barnett, Kristin Gerdy, Susan Kosse, Tracy McGaugh, Carol Parker, Ruth Anne Robbins, and Kathy Vinson.

This volume explores, among other things, how many of us have been able to renew our dedication to Legal Writing by visiting other schools. I have been fortunate to have had several opportunities to teach abroad in the past

few years. Each of these experiences has been rewarding beyond measure. They most certainly have made me a better teacher. But they also enriched my understanding of my place in the world and brought my family closer together. I thought I'd try to capture the essence of the overseas teaching experience through a few excerpts from my e-letters home from Ireland in 2002. My wife Lenore, my daughter Kate, and I spent six months living in Kinsale, County Cork. I was teaching Legal Writing to over 200 college freshmen at University College Cork, and we were all soaking up the Irish culture.

January 8

We arrived in Cork after an overnight flight from Boston. Our journey to this point had been uneventful, but that changed at the Cork airport. First, the Immigration official seized our passports because I did not have my work permit with me. For a few minutes, we were envisioning the thrill of deportation, but after a few minutes, he returned with our passports, suddenly all smiles and wishing us a pleasant stay. I have no idea what changed his mind, but we were certainly pleased to have our passports back and to avoid the embarrassment of getting kicked out of Ireland before we really got in.

January 24

I really enjoy my evening class. They are, like night students everywhere, a bit older and, I think, more motivated than the day students. I was surprised at how *much* older some of them are. Of a class of sixty, at least ten appear to be well into their 50's and some in their 60's. They are also very eager—when I asked questions, I had lots of people trying to talk at once. While we had a lively discussion, it was not always orderly. Just as well at that hour, I guess.

February 6

It is a quiet week at UCC, at least for me. I am still grading papers, working on the second hundred. Conferences start a week from Friday. So far, the papers are acceptable for a first attempt. However, I believe it is my position that I think there is one recurring problem that, in my opinion, needs to be addressed. I submit that you will be able to figure out, I think. But that's just my opinion.

March 3

We finished up a long and eventful weekend in our usual way—a night at the Mad Monk Pub. Our usual band wasn't there tonight, but instead we listened to a swell solo artist. He did play a couple of songs by Paul O'Simon, and one by Gordon O'Lightfoot, but managed to play mostly Irish songs. The usual crowd was there—Maggie, Dennis, Col. Mustard (really, I'm certain this guy killed Mr. Boddy

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Re-Invention

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colleagues, and have had many an interesting conversation about pedagogy. Perhaps not consequently, I've been asked to teach other core courses, join the Curriculum Committee, and co-teach a seminar with a tenured colleague.

I've also challenged myself to continually reinvent the classroom. I received a fellowship to attend a Vermont Campus Compact workshop on problem-based service learning, which focuses on bringing real world problem-solving into the classroom. Since legal writing course work has always been problem-based, it seemed like a natural progression to move from simulation to a real client with a real problem. I thus worked with a local coalition of non-profits and government agencies concerned about lead-paint poisoning and incorporated some of their research and analysis needs into my second-semester LRW curriculum. (Our new three-credit course has five sections set in different substantive areas and students have the opportunity to select one according to their preferences. Given strong interest in VLS's environmental law program, I set mine in environmental health law.) I emphasized collaborative work, which resulted in law firm memos on a sizable research task, rather than shorter, individual work product on exactly the same topic. Students found the research and analysis challenging, but rewarding. Comments like "I have developed a sense of ownership of the project" and "I find myself working hard because my work will impact real people" were typical during a recent course evaluation. By bringing real world problems into the classroom, I've not only avoided the professorial "fatigue" associated with critiquing 43 identical predictive memos, but brought new ideas about learning into the classroom.

Finally, the most spectacular form of reinvention was the leave of absence I took last year to live and work

outside the United States. Having lived in France several times, my husband and I had long dreamed of taking our family to a francophone African country for an extended period of time. My faculty colleagues didn't blink an eye when I requested the leave (a first from a legal writing professor), and the law school not only hired a visitor to teach my courses but generously continued my health insurance. My family and I spent most of the year in Rwanda, where my physician husband worked at two local hospitals and a refugee camp, and my children attended a Belgian school (entering without a word of French) and played *football* when not in classes. I enjoyed doing a wide variety of things. On the homefront, I boiled and filtered water daily, negotiated food prices at the *marché* (and learned how to cook it at 1800 meters), and helped my sons navigate the vagaries of European pedagogy. I used my bilingualism to serve as a substitute English teacher in a K-7 program and to work as a translator for a Rwandan consulting firm conducting a comprehensive evaluation of the country's judicial system post-genocide. And after we became settled in our life in Kigali, Rwanda's political capital, I was ready to venture two hours south via local buses to Butare, the cultural and intellectual center. There I taught *Introduction à la Recherche Scientifique* (essentially LRW I) at the national university's faculty of law.

After I finished this course, we moved from our home in Rwanda, which was just below the Equator, to one just south of the Arctic Circle. In Karelia, Russia, I taught a comparative health law course at Petrozavodsk State University's law faculty, as part of an established exchange with VLS. Suffice it to say, it was an amazing year of growth, both personally and professionally. I taught under a wide range of conditions, to very different student populations, in each of my areas of "expertise." These experiences have forever enriched my teaching, and

encouraged new areas of scholarship. And having attained this life-long dream, I'm already beginning to ponder what comes next.

The former associate dean who was once in charge of enforcing that misguided employment cap policy with me now directs our international programs. She recently sought my assistance as a colleague, to do more in this area. While pay and tenure status have admittedly not kept pace with legal writing programmatic changes at VLS, our opportunities to reinvent ourselves as faculty colleagues certainly have. This almost limitless way of seeing myself challenges me every day and certainly keeps me going. ♦

Three Views of Visiting

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to make some spending money and to return to the Southwest. My professional development from the experience, however, far exceeded the monetary and geographical benefits.

I grew professionally from the intellectual challenge of teaching a new course that I could not have taught at my "home" school. For example, I researched and taught for the first time the Ethics of Advocacy, including the ethical issues associated with billing. Moreover, although I had previously taught appellate advocacy, the summer class exposed me to the intricacies of teaching appellate practice in the context of a current United States Supreme Court case.

In addition to growing professionally from the intellectual challenges, I learned new methodologies and teaching tools. Although the course included material that I had taught in the past, my colleagues at UNLV introduced me to new techniques for imparting information and reinforcing the material. This year, I have effectively adapted and incorporated many of these exercises and techniques into my own classes. For example, last summer I placed students into "firms" of approxi-

Three Views of Visiting

mately three students. These firms collaborated on some of the graded assignments. Appreciating the effectiveness of collaborative learning, when I returned home I divided my classes into firms and had the students collaborate on in-class exercises throughout the first year. As a result of these new methodologies and tools, I am more excited about teaching topics that I have taught for six years.

Overall, the visitorship inspired and rejuvenated me. The intellectual challenge of teaching a new class and the introduction to different approaches to teaching have increased my effectiveness and contributed to my evolution as an experienced legal writing professor.

Jim Levy: And it was a great chance to travel

Sure, teaching at UNLV during the summer was a great opportunity to learn from other teachers, contribute to another program and pick up new techniques. And I did learn things that improved my teaching, like a great peer-editing exercise that I've used continually at University of Colorado and now Nova. But the best part was that I got to travel and see a new part of the country. Teaching for a semester in another city is so much better than vacationing there. I had the opportunity to see and do far more things than I ever would have done during even the most leisurely vacation.

Heck, just driving to Las Vegas—through the mountains of Colorado, the breathtaking canyons of Utah and the “Thelma and Louise” country of Arizona’s painted desert—was incredible. Once I arrived, I found an almost limitless number of things to do in my spare time. Every night after teaching I had my choice of some of the country’s best restaurants just minutes from school. It was always a tough choice—should I check out the Bellagio buffet (which has to be seen to be believed), Wolfgang Puck’s Cafe, some sushi at Nobu, or maybe head over (again) to

one of the best burger joints I’ve ever been to, “In-n-Out Burger.”

The southwest possesses such a desolate, unworldly beauty it’s like visiting another planet. Las Vegas is smack dab in the middle of the Mojave Desert, one of the hottest climates on earth. Experiencing it in the summer, when breaking down in your car on a lonely stretch of road can put your life at risk, gives it a special edge. It was a kick to visit Death Valley in July just to find out what 126 degrees in the shade feels like, something few people will ever experience (I chose to stay home the day it hit 134). It was neat to walk down to the bottom of the dry lake bed at Bad Water, just past Furnace Creek, to stand in the lowest spot in the western hemisphere.

One weekend I drove through the California desert and wound up stopping at a dilapidated museum near Barstow devoted to the bygone era of burlesque. I was shocked to learn that former burlesque star Tempest Storm, who dated Frank Sinatra and Elvis during her heyday as a headliner on the Strip, was living there alone and broke “on the property” in a sun-bleached trailer. One of the most memorable experiences was a weekend trip along old Route 66 in Northern Arizona, past forgotten ghost towns now inhabited only by the scores of Japanese and German tourists so fascinated with American car culture. Perhaps the weirdest trip was my visit to the once super-secret Nevada Test Site where, after gaining a security clearance, I toured what remains of the desert atomic bombs test sites featured in so many government films and cheesy monster movies from the 1950s.

Because I was living in Las Vegas for several months, it was easy to find time during the week to take in nearby sights like the Liberace Museum, Elvis-A-Rama and the Gambling Museum. I became a regular at the Peppermill—one of the last vestiges of “Old Las Vegas”—where I could lounge after work in full retro swankiness around the flame pit (“it’s a pool of gurgling

water but it’s also on fire!”), sipping Blue Hawaiians and waiting to see if Las Vegas local Penn Jillette, of Penn & Teller, would show up at his favorite after-hours watering hole.

So next time you get a call from a legal writing director at another school asking if you’re interested in teaching there for a semester, convince your Dean that this would be a great opportunity to learn and grow professionally. And then remember to pick up some good guide books, a map, comfortable walking shoes and a good appetite for adventure. You’re going to have a great semester.

Terrill Pollman: Looking at home through new eyes

My grandmother was fond of the saying, “Travel broadens.” And I always remember the old joke about the saying that suggests the extra calories travelers inevitably consume are likely to broaden the traveler’s hips. But the saying, of course, refers not to anatomy, but to enlarging the viewpoint of the traveler. Sam and Jim have spoken eloquently to that. I have learned during the last three summers, however, that in addition to changing the traveler’s viewpoint, having travelers visit enlarges the perspective of those on the receiving end of the visit. Jim and Sam’s visits at UNLV have broadened the horizons of everyone in our program, without any of us ever leaving home.

I knew Jim and Sam before they visited, and I expected that our students would benefit from their expert teaching. I even anticipated the “cross pollination factor”—that we would both gain from the exchange of teaching plans, tips and ideas. That anticipation was happily filled with both Jim and Sam. For example, we are still using the MPT question that Jim wrote for us two summers ago. What I did not expect, however, was the wonderful way that Jim and Sam gave us the chance to look at our own familiar setting in an entirely new way.

At the time of the visits, several members of our legal writing faculty

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Three Views of Visiting

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had come to UNLV as novice teachers; they had never taught in another program. They understood the characteristics of teaching in our program as just the “normal” way of doing things. But whether the conversation regarded the substance we taught, the teaching methods we used, or the conditions of employment at the law school, hearing the visitors’ surprise about things we considered commonplace led us all to re-examine our own practices. Following a listserv discussion of job conditions is one thing, but learning that a colleague is not allowed to attend faculty meetings (we attend and have voting rights) or that a colleague gets paid for coaching a moot court team (we do not) is another. Reading a suggestion to incorporate games in the classroom has substantially less impact than seeing Sam’s PowerPoint presentation that plays the Family Feud theme song as it asks students to join in a game of “Firm Feud.” Complaining about grading a stack of forty briefs last semester sounds hollow when talking to someone who has just graded sixty. And despite the differences, shared viewpoints also emerge constantly—such as the notion that forty and sixty are both just too many briefs to grade!

It was not just our program or our school that started to look different to us, but also Las Vegas. The temperature in southern Nevada in June is usually a serious business. We all complain bitterly about it. But Sam came to Las Vegas from one of the coldest winters on record in Boston. While we all sighed about the hot weather, she sat outside on the patio to grade papers. It made us all think again. And as you can tell from Jim’s delightful essay above, Jim taught us to relax and enjoy wacky Las Vegas

Take a New Perspective on What You Teach: Host (or Become) a Fulbright Scholar

Diane Penneys Edelman, Villanova University School of Law

One of the most rewarding experiences I’ve had during the past few years is hosting a Fulbright Scholar, who came to the United States specifically to research and observe the teaching of legal analysis and writing—imagine that!

Our visitor, Dr. Nina Hovarava, is a Professor of English at the European Humanities University (EHU) in Minsk, Belarus, one of the former Soviet republics. Although well-known for its law school and other academic departments and centers, EHU’s law faculty lacked a professor to teach this subject. On a trip to

and the surrounding desert. None of us will ever drive past the world’s largest thermometer in the Mojave Desert town of Baker again, without remembering that Jim drove an hour and a half just to see it. And who would believe that meetings at the Peppermill Lounge would become a law school legend—but they have.

These visits have been such a positive experience that we look for ways to continue them. We’ve considered asking other schools if they would be interested in an exchange program where we would not just hire a visitor to fill a need, but arrange for two legal writing professors to exchange jobs for a year. I encourage other programs to consider the idea of an exchange, and put UNLV on the list of places that would be interested in participating. And, like Jim and Sam, I encourage you all to think of putting on your traveling shoes. As my grandmother used to say, “Travel broadens.” ♦

Villanova many years ago, EHU’s then-new law dean, Dr. Alla Sokolova, observed legal writing classes and decided that this was an important subject to teach to her students. She turned to Dr. Hovarava, whose specialty within the field of English is legal analysis and writing. A few years ago, Nina initiated a legal writing course for EHU’s law students, and shortly thereafter, obtained a Fulbright grant to study this subject in the United States.

In the fall of 2002, Nina arrived at Villanova, where she would spend the next four months. During that time, she attended numerous Legal Analysis & Writing classes—often several “versions” of the same week’s class, but taught with different styles and by different professors. She met extensively with members of the Legal Writing faculty, and did the same with members of the Legal Research faculty. She examined and collected legal writing texts, problems, and other teaching materials and literally absorbed all she could about this subject.

Of course, during her visit, Nina did more than study legal writing pedagogy and practice. She became part of the life of the Law School, lunching each day with the faculty, visiting New York and Washington both for pleasure and to develop professional relationships, and hosted us Villanovans at her apartment, abundant with Belarusian specialties. To cap off her visit to the United States, Nina participated on a panel at the 2003 Annual Meeting of the American Association of Law Schools, at which she spoke about developing legal writing programs for foreign students—not from our usual perspective, but from the perspective of a foreign teacher teaching an

“American” subject to foreign students.

Nina’s visit to Villanova did more than give her ideas to bring home to Belarus. For those of us at Villanova, Nina brought a fresh perspective on the needs of a foreign legal culture and education system, as well as an appreciation for the importance of our field. Moreover, her visit began what we hope, to quote *Casablanca*, is a “beautiful friendship”—an ongoing collaborative relationship—between EHU and Villanova.

The Fulbright organization offers not only foreign scholars like Nina the opportunity to study and research in the United States, but provides us with the opportunity to bring our skills abroad.¹ Consider adding the international perspective to your legal writing teaching—you won’t regret it. ♦

¹ For more information, visit www.cies.org.

Gorillas, Grammar, and Governments

Mimi Samuel, Seattle University School of Law

“You’re going to Uganda to teach legal writing?” Many people go to Uganda to see mountain gorillas, chimpanzees, or the source of the Nile. Others think only of rebels, Idi Amin, and AIDS. But while no one is likely to think of Uganda as a place to go to teach legal writing, it turned out to be an exciting, inspiring, and fascinating place to do so.

In December 2003, Laurel Oates and I presented a five-day seminar on clear and effective writing to 40 or so lawyers from the office of the Inspector General of Government (IGG). Back in August, we were contacted by Elizabeth Musoke, the IGG’s Director of Legal Affairs. Ms. Musoke found us through the Legal Writing Institute’s webpage, and contacted us by e-mail to inquire about setting up a seminar. She

explained that the IGG’s office is charged with investigating government corruption and fraud and that she was concerned that the attorneys in her office could not communicate clearly and effectively with all of their constituencies.

Before we left Seattle, Ms. Musoke provided us with some samples of the types of documents that the lawyers in her department prepare, so we could use them as the basis of examples and exercises. Looking at the documents, we realized that we would be in for a fascinating but challenging experience. The attorneys prepare a variety of documents including submissions to the court (similar to our briefs), investigatory reports, and letters to other government agencies and to members of the public who have little or no education. And while all of the attorneys are University-educated, none of them has received specialized training in legal writing.

So, off we went: Laurel, her daughter, and me; all of our luggage; and forty copies of *The Legal Writing Handbook*, graciously donated by Aspen Publishing. After 28 or so hours of travel time, we arrived in Entebbe. We were met on the tarmac by a charming young man who whisked us off to the VIP lounge, while he retrieved our bags and dealt with customs and immigration for us. Settled in deep leather couches in the air-conditioned lounge, we were greeted by one of the lawyers from the IGG’s office as well as the department’s administrative assistant.

We spent our first week traveling: visiting game parks, gorilla and chimp tracking, and visiting some local villages and schools. We then returned to Kampala, the capital city, to start the course. For the next week, the Hotel Africana became our home and our classroom. A large, business-class hotel, while lacking in charm, it was convenient and had an excellent staff. We held our classes in a large conference room away from the main building, next to the swimming pool. The night before our first class, there had been a



Laurel Oates presents a copy of the Legal Writing Handbook to Benjamin Odoki, Chief Justice of the Ugandan Supreme Court.

700-guest poolside wedding, and the next morning, when we went out to check out our classroom, we had to pick our way through a large crowd of four-foot high marabou storks (cousins to the vulture), who were feasting on the leftovers from the wedding.

We started the seminar with a discussion of plain language v. legalese, a topic that we had been asked to address and that we came back to over and over again during the week. Because most Ugandans are accustomed to a lecture approach, and because most of them are very soft-spoken, our loud, interactive, hands-on approach appeared to be a bit of change for them. But after a day or so, they warmed up, and became eager and excited participants. We moved on to topics of organization, audience and purpose, and persuasion. During the week, we covered everything from grammar and punctuation, to writing concisely, to oral advocacy. We even had a lively debate on the appropriate use of “gender sensitive” language. Although the attorneys appreciated our coverage of the basics of grammar and

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Uganda

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punctuation, the highlights of the week included a conciseness contest (with the winning group reducing the sample from 89 words to 34 words), oral arguments with the IGG himself playing the role of judge, and a dramatic reading of Martin Luther King's *I Have a Dream* speech by one of the participants as part of our discussion of eloquence.

On the last day, we had a graduation ceremony, complete with certificates and a keynote speech given by the Chief Justice of the Ugandan Supreme Court. Following the ceremony, we attended a cocktail party during which there were many toasts, speeches, and gifts, including beautiful goat skin rugs for each of us.

And what did we get out of it...other than the goat skin rugs?

We taught people who inspired us. Didas grew up in a small village in the southwest of the country, the kind of village where the children don't have shoes and the schools don't have books. After finishing secondary school, he got a job teaching school. He managed to get his hands on some better textbooks; he studied them on his own, re-enrolled in secondary school, did his coursework a second time, and graduated ninth in the country, earning him a scholarship to university and, as a result, a law degree.

Faridah is a young attorney in her mid-20's. Passionate about the rights of women and children, she wants to use her legal education and position at the IGG's office to effect change. Currently, she's working on issues involving "bride price" and the status of women who are divorced or widowed and cannot repay the bride price. The IGG himself: a sophisticated, well-traveled, and charming man holding a cabinet-level position, he attended all of our workshops. Struggling with the finer points of grammar and punctuation, he actively participated, sought and received constructive criticism, and led his department by example.

We saw a thirst for knowledge. During Idi Amin's regime, education in Uganda did not exist. As a result, the majority of an entire generation is uneducated. Since his departure in 1986, the schools have opened again. However, primary school has only become free and compulsory within the last two years. Only about 15% of the population is able to attend secondary school, and only two percent attends university. The attorneys that we worked with fall within this group, and their hard-



Above: Elizabeth Musoke, Director of Legal Affairs in the office of the Inspector General of Government, works on an exercise with the Inspector himself. Below left: the entire class.

work and determination did not stop after receiving their degrees. Despite long days and our rapid pace, they approached each topic eagerly and seriously; asked probing questions during class, during tea breaks, and during lunch; and even requested additional classes on the use of "which" vs. "that." We've kept in touch with a number of them since we've returned, and Laurel has been sending them weekly writing tips (thanks to Anne Enquist, who has been putting them together for our students). Several of them have expressed interest in furthering their studies in the United States, but, unfortunately, unless they can receive scholarships, the costs are prohibitive.

We remembered just how lucky we are. No matter how many papers we have to critique, how many classes we have to teach, how many meetings we have to attend, or how many students we have knocking on our doors, we never question that we will go home at night to homes with running water and electricity. We never question that we will have access to adequate medical care or that we will have enough to eat. We never question that we or our children will be educated. And when you meet people who can't take these things for granted, you remember just how lucky you are. ♦



What Keeps Me Going? A Great Job at Home and Abroad

Emily Zimmerman, Villanova University School of Law

What keeps me going as a legal writing professor? The immediate answer to that question is the love of teaching legal writing and my wonderful legal writing colleagues. What has challenged me to become a better, more thoughtful legal writing professor? The immediate answer to that question is designing and teaching a new Legal Writing and Drafting course at the School of Law of the City University of Hong Kong. Although I had worked in Hong Kong for a month as a summer associate, was interested in working abroad, and am an incurable travel-addict, I never expected that teaching legal writing would lead me overseas. However, in May 2002, as I was routinely checking my e-mail, I opened a message on the Legal Writing Institute Listserv from Richard Neumann, via Jan Levine, seeking applications for a position teaching a new Legal Writing course at City University. Less than three months later, I found myself on a plane for the long flight to Hong Kong, where I would spend the next five months building on the foundation laid by Richard to design the Legal Writing and Drafting course and teach the course for the first time to over 100 law students in the Postgraduate Certificate in Laws (PCLL) Programme.¹

Having to design and implement a legal writing program in a different country with a different system of legal education forced me to consider the goals of a legal writing program and the means by which to accomplish those goals more actively and deliberately than I ever had before. Although I certainly brought to bear my previous legal writing teaching experience, I could not take anything for granted in designing the new program for City University because there were very few preconceived notions or entrenched practices regarding how the Legal Writing and Drafting course should be designed and taught. Fortunately, I had supportive,

engaged, and creative colleagues with whom to work during this process.²

Designing and teaching a new legal writing course, in another country,

Having to design and implement a legal writing program in a different country with a different system of legal education forced me to consider the goals of a legal writing program...more actively and deliberately than I ever had before.

to non-native English speakers, in another law school, energized and challenged me while I was in Hong Kong and has informed my role as a legal writing professor now that I am back in the United States.

From the standpoint of my day-to-day teaching, for example, I believe that I am more careful to address fundamentals with my students and not to assume that my students will understand general principles or abstract ideas without concrete examples. When I was in Hong Kong, I was very concerned that all of my students, regardless of their level of English proficiency (which, generally, was very good), would be able to understand what was being taught in class. As a result, I relied heavily on overheads, not only to supplement but also to communicate in writing what I was saying in class. I realized that this approach works regardless of whether Cantonese or English is my students' first language. As a result, I use overheads even more now than I did before I went to Hong Kong.

On a more general level, designing the new legal writing course expanded my ideas about the form of legal writing courses and the relationship that can exist between legal writing and other courses in the curriculum. One of the advantages and disadvantages of teaching in most legal writing programs in the United States is that the programs are established and, as such, have more-or-less defined formats. With a start-up legal writing program, there is no established format, or at least not as much of one, within which to fit. As a

result, Myrette Fok and I, along with other instructors, were able to debate all aspects of the structure that we wanted to adopt for the Legal Writing and

Drafting course at City University. For example, Myrette and I considered whether to divide the PCLL students into several, smaller sections or whether to have fewer, larger sections. Ultimately, we decided to have three large sections but to spend the two-hour class time meeting first in one large section, then breaking up into smaller groups (of approximately ten students each, each group facilitated by an instructor) for active learning exercises.

We also decided to coordinate the Legal Writing and Drafting course with some of the students' other courses. The students' first assignment was to write an advice letter to a client who was contemplating the purchase of an apartment. The students were introduced to the underlying facts for the assignment in a role play in their Conveyancing class in which their Conveyancing professor (Myrette Fok) played the lawyer and I played the client. The students reviewed these facts and the relevant doctrinal law in their Conveyancing tutorial (small group meeting) and learned about drafting advice letters and advising clients in their Legal Writing and Drafting class. Myrette attended portions of the Legal Writing and Drafting classes pertaining to advice letters, acting as our conveyancing "subject expert" and as one of the small group instructors.

The fact that Myrette and I were able to integrate the material from our courses speaks to another important issue besides curriculum design: the status of legal writing within the law school curriculum. The legal professions in Hong

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At Home and Abroad

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Kong (solicitors and barristers) had a strong and expressed interest in the development of skills training, and, within the PCLL Programme, legal writing teaching was highly valued and respected. The recognition of the importance of skills training and the respect given to legal writing and advocacy skills teachers was not only empowering to me individually but also encouraged the cooperative, creative, thoughtful development of the PCLL curriculum.

Is any law school or legal writing program perfect? Of course not. However, different schools and legal writing programs have different strengths that are well worth experiencing. Undertaking new challenges in a different environment is sometimes exhausting, but always exciting. Having this unexpected opportunity is one of the experiences that “keeps me going.”³ ♦

¹ The PCLL Programme is one year of courses that students take after receiving their undergraduate degrees in order to practice law in Hong Kong. In May 2002, Richard worked closely with Myrette Fok, the head of the program, and Elsa Kelly, the Civil Procedure Course Leader for the program, to construct the initial framework and goals of the Legal Writing and Drafting course. I thank Richard for the opportunity to continue the work that he started.

² At any given time, there were three instructors for the Legal Writing and Drafting course, in addition to me, the Course Leader. Helen Stockhill and Claire Hall were permanent instructors for the course. Myrette Fok, Judith Waldron, and David Chan were our “subject experts” and, as such, were instructors for specific segments of the course. These instructors were invaluable to the Legal Writing and Drafting course, and it was my privilege and pleasure to work with them all. It was also my great fortune to work closely with Elsa Kelly, the Civil Procedure Course Leader, and Sandra Johnson, the Advocacy, Interviewing, and Negotiation Course Leader.

³ Many thanks to Assistant Dean Diane Edelman for her feedback on this piece.

And Now For Something Completely Different...

Terry Jean Seligmann, University of Arkansas-Fayetteville

Today, I love my job teaching legal research and writing. Even the administrative duties of being a director— hiring, scheduling, meetings, etc.— seem manageable and productive. Eighteen months ago, though, I was miserable. Tight budgets and large classes, seemingly intractable personnel issues, and the grind of classes, conferences and grading had me pining for escape and sure that I could not continue indefinitely in this field. Part of the problem was psychological. I didn’t know that there was something called post-tenure depression until I chatted with some of my colleagues. I had worked toward a major goal, met it, but then what would keep me going faced with “more of the same”? I’m someone who had never stayed in the same job for more than five years, and here I was, past my internal deadline for moving on to something new and different.

Several things changed. First we acquired a new Dean; then, a difficult personality left to take another job. But two other changes refreshed my outlook. The first refresher was teaching “casebook” courses for the first time. In the fall, I taught a course in Education Law. What a pleasure to dig into cases and argue policy. What a relief not to have to constantly create exercises and assignments to convey the content of the course. Although constructing an exam was challenging, grading it quickly instead of laboring over the framing of constructive comments was a breeze. In the spring term, I taught a small seminar in Special Education Law, the area in which I have been writing some of my scholarship. I supplemented the course text with a detailed syllabus and additional materials. Then each student took a leadership role for the discussion of two course topics. The students who took the class were there because they really wanted to be there, not because

the class was required. They worked hard and wrote interesting research papers. One of the papers was so good that the student has since placed it for publication.

The second refresher was teaching a Comparative Education Law course in our five-week summer study abroad program in Cambridge, England. I collected news clippings on UK education law topics all year. I spent several weeks in the late spring researching UK and European Community education law in texts and in articles from on-line databases. I serendipitously located two British education law professors who not only referred me to material, but agreed to give guest lectures to my class. They turned out to be excellent lecturers and interesting colleagues.

On the personal side, I left Fayetteville, Arkansas for a wonderful English college town teeming with students and bicycles. It was full of new restaurants to try, Shakespeare and opera performed in ancient courtyards and chapels, and a film festival. The weekends allowed for trips further afield to London museums and theatre, plus train destinations to Bath, Paris, and Edinburgh. Given that I had not been abroad since before our first child (now 20) was born, it was an invigorating and welcome chance to travel again.

Back home, we still have larger classes, a tight budget, lots of conferences, and grading. I have no non-LRW courses on my schedule for the next two years. My biking and walking apparently was a coup de grace leaving permanent damage to my knee. But I am far happier and satisfied to be in this position than I would have thought possible just a short time ago. Knowing that I can look forward to doing something completely different every so often, I am able to bring renewed energy and enthusiasm to my work and my chosen career. I’m already plotting my next adventure. ♦

What Keeps Me Going...Abroad

Mark E. Wojcik, John Marshall Law School
I have had a wonderful career in legal writing and research. I absolutely love my work, and I am wildly enthusiastic about being a law professor who can work closely with students and see them learn and apply skills that they will use for the rest of their legal careers. There is no better feeling a teacher can have than to see a student learn and to know that you made that learning possible. I love my job.

Some years ago, our law school (like many others) saw an increase in the number of students who spoke English as a second language. They come to the United States to study in LL.M. programs, or they may be permanent residents or citizens who are in J.D. programs.

I have a special sympathy for those law students and lawyers who speak English as a second (or third, or fourth) language. They often have a particularly difficult time in figuring out why we give consideration to consideration in a contract. Or how you can wear a suit while you're going to file a suit. They will know the words "class" and "action," but the phrase "class action" may be entirely unknown to them. And just what is the difference between "probate" and "probation"? These types of questions are simple for a native speaker of English, but they can be frustrating and time-consuming questions for an international student.

I've been extremely fortunate in being able to work with law students and lawyers from other countries who are studying here in the United States. At my own law school, for example, I am teaching 21 students from the People's Republic of China. The course is a continuation of one that I taught in Beijing with my colleague, Julie Spanbauer. I have also taught legal writing seminars in other parts of China. I have also taught legal drafting courses in Singapore, Indonesia, and Mexico. And for several years now I've

been the Director of the Legal English Program at the International Law Institute in Washington, D.C., a summer program for practicing lawyers from other countries and for international students who will study in J.D. and LL.M. programs across the United States. The course that I teach there is a two-week intensive course where course participants are introduced to legal language, legal writing, legal research, and legal analysis in contemporary American jurisprudence.

The opportunity to direct and teach the Legal English program in Washington D.C. is one that I greatly appreciate. I am also tremendously fortunate to have opportunities to teach in Mexico and in Asia. Those foreign opportunities have enriched me personally. More importantly, those foreign teaching experiences have made me a better teacher of international students studying in this country.

What I did not expect from my foreign teaching experiences, however, is that those experiences would also make me a better teacher of students who are native English speakers.

By having to think more carefully about why a sentence is formed in a certain way, I am better able to explain that sentence structure to all of my students. By having to think more conscientiously about the intended and unintended meanings of words, I am better able to teach my students about appropriate word choice and effective communication. And by having to think more closely about the cultural assumptions that underlie our legal language and process of legal analysis, I am better able to teach about sources of authority and methods of reasoning and argument.

I welcome contact with others who are interested in developing their own international experiences. I encourage you to spend some extra time with students who speak English as a second language. I encourage you

to take a foreign language course, so that you can better appreciate the language acquisition process and effective teaching methods. If you already have some language training, see if there is a technical course that you can take (such as "Legal Spanish," for example). If you can't find a course in a language you may already know, at least search out law books and journal articles in that language. If you are uncertain of your abilities, at least find a bilingual law dictionary and browse through that.

Taking these steps allows us to see our teaching through the eyes (and ears) of our students. You will learn not only the foreign language, but you will learn to speak more slowly, more clearly, and to repeat or rephrase difficult material that you are teaching.

When you are ready to embark upon a teaching adventure abroad, international opportunities may be found through a Fulbright program, through work with your local bar association or the American Bar Association Section of International Law and Practice, or through personal contacts that you develop on your own or through colleagues. You may teach in a foreign law school, in the foreign office of a U.S.-based law firm, in a bar association, or in a setting that has no formal connection with legal education, such as business school in another country.

Taking steps to prepare to teach abroad will enrich you, excite you, and help to make you a stronger teacher in your U.S. classroom. Your efforts will be much appreciated (particularly if you are a good teacher, and well-prepared). Think about doing it, talk about doing it, and figure out how to make it happen. Your colleagues in the legal writing community (including me) will be happy to help you along the way. ♦

Why Do What We Do?

M. H. Sam Jacobson, Willamette University College of Law

What propels any of us to do what we do? Motivation. However, what motivates one person may not motivate another. Motivation comes in different shapes and sizes depending on a person's values and goals.¹

Motivation, which defines the level of interest in establishing and achieving goals, may be either extrinsic or intrinsic. Extrinsic motivation is due to some reward or punishment outside the task itself, while intrinsic motivations satisfy personal values, such as self-esteem or the need for achievement.

The best motivators are those that are intrinsic. However, the motivation needed to achieve a desired goal may vary, depending on the goal. The teaching of legal research and writing illustrates this well.

Extrinsic motivators in LRW include the need to teach certain material, to design and grade a certain number and type of assignments, and to submit end-of-the-semester course grades for each student. These extrinsic motivators are the “must do’s” imposed by the law school through its curricular design and administration.

As anyone teaching LRW can probably attest, these extrinsic motivators have their limitations, especially when measured against the many tedious and labor-intensive tasks involved in successfully teaching LRW, few of which will be immediately appreciated by the students or the law school administration. Surviving these tasks requires intrinsic motivation.

When faced with a thousand pages of memoranda or appellate briefs that I must read, critique, and grade within a few days, the true motivator for quality work is not the due date, the extrinsic motivator; the due date only requires that I get the work done. Doing quality work comes from the intrinsic motivators of knowing that my comments will form the way these students will analyze and communicate the law for the rest of their careers; knowing that my critique

will help them to be more successful in law school and in their work; and knowing that, when they begin their law practices, they will not say to themselves, as I said many times to myself, “if only someone had told me.”

When faced with one student after another who needs advice or a sympathetic ear, the true motivator to listen is not an extrinsic one, like a favorable course evaluation or an institutional requirement that I meet with each student a certain number of times. Instead, the motivator for listening patiently to personal tales of woe, to analysis confused by anxiety or lack of sleep, or to questions answered at least three times in class, is an intrinsic one, to care for the well-being of the whole person as each student tries to survive what I think is an unnecessarily difficult first year of law school.

When faced with issues of status, salary, and institutional respect, the true motivator to sign my annual contract is not an extrinsic one, the salary, the job title, or the benefits. Instead, the motivator is an intrinsic one, that I can be a person of significance in the eyes of others, if not my own law school, through my teaching law in China and Bulgaria, through my publications, and through my many presentations, including speaking last spring to the Bulgarian Parliament on how to use administrative structure to fight corruption.

Why do I do what I do? Because I believe that I can make a difference and that that difference matters. Oh, and did I mention chocolate? ♦

¹ For further discussion of motivation, see Sharon L. Silverman & Martha E. Casazza, *Learning and Development: Making Connections to Enhance Teaching* 92-115 (Jossey-Bass 2000); Noel Entwistle, *Styles of Learning and Teaching: An Integrated Outline of Educational Psychology for Students, Teachers, and Lecturers* 193-98 (David Fulton Publishers 1988); John Wilson, *Philosophy and Educational Research* 100 (Nat. Found. Ed. Res. 1972); R.S. Peters, *The Concept of Motivation* 38-50 (2d ed., Humanities Press 1960).

Different And Equal: Embracing the Teaching of Legal Research, Analysis and Writing

Jill M. Paquette, Syracuse University College of Law

When a non-lawyer asks me what I do for a living, the usual reaction to my reply that I teach at a law school is “how interesting,” followed almost invariably by the question “what do you teach?” I have concluded that as my new acquaintance awaits my answer, visions of the controversial legal issues depicted in television programs such as “Law & Order” and “The Practice” fill his mind. I harbor this belief because on many such occasions I have detected at least a hint of disappointment when I respond, “I teach legal research, analysis, and writing.” Perhaps my acquaintance’s disappointment is merely a function of my hesitation to launch into a full description of the myriad subjects my answer encompasses and the fact that the discipline I teach is largely unfamiliar to those outside the legal profession. I suspect, however, that my new acquaintance would be much more interested, and undoubtedly find it more “important,” if I taught a subject such as constitutional law, or employment discrimination, or securities law, or another subject involving great social import and spirited public debate.

While I am disappointed by the reaction to what I teach, I cannot pretend that I do not understand it. When I initially pictured myself teaching, I too envisioned constitutional law, or employment discrimination, or securities law, or another subject involving great social import and spirited public debate. Nonetheless, when I was presented with the chance to join a legal writing faculty, I had the good sense to enthusiastically accept the opportunity. My subsequent four years of teaching—which have encompassed so much more than my casual “research,

analysis, and writing” description implies—quickly demonstrated to me that what I teach is challenging, rewarding, and immensely important. Ironically, though, it was only after I accepted an adjunct position teaching business law to undergraduate students at my university’s school of management that I came to unequivocally embrace the fact that what I teach—although different from my initial vision—is equal or, dare I say it, perhaps even better than what I could have imagined when I first dreamt of teaching “the law.”

As an adjunct for this introductory business law course, I was largely allowed to choose the topics on which I would focus. I chose to concentrate on constitutional law, employment law, and securities law within the business law context. I was not disappointed. I enjoyed the challenge of a new way of teaching, along with a renewed excitement for discussing these legal issues on a formal basis. In addition, class participation suggested that I was able to impart some passion for the subject matter to my students, even though none of them would admit to any interest in attending law school in the future. I consider this experience to have been a success and look forward to teaching this course again next fall. While my enjoyment of teaching substantive law did not surprise me, I was somewhat unprepared for (and relieved by) the fact that it did not create any intense desire to teach “substantive” law at the expense of what I teach now.

My adjunct teaching experience confirmed my constant refrain (which I know is sometimes thought to be merely self-serving by my law students) that no matter how well one knows a subject, that knowledge is often meaningless without the ability to express it clearly and concisely in narrative written form. I did make a concerted effort to teach my business students a simpli-

fied version of formal legal analysis and required four written assignments with organized legal analyses. However, the discrepancy between the higher scores on the multiple choice portion as opposed to the essay portion of the final exam revealed that the students were unable to fully develop a clear and concise written legal analysis. Because my primary goal was to introduce the business students to a broad range of substantive law topics, I was not able to focus on the expression of ideas, as opposed to the memorization of concepts, nearly as comprehensively as I do with my law students. I am sure that doctrinal legal faculty face this same dilemma. We in the legal writing profession are fortunate to be able to consistently focus our teaching on this crucial goal and, consequently, are able to derive satisfaction from helping our students develop these invaluable communication skills.

In addition, I more fully appreciate the relatively small class size that many of us in the legal research and writing field enjoy and the relationships with my students that it fosters. As an adjunct for a required course, I taught a class of 49 students, more than twice as many students as I teach in each of my law school class sections. Of course, this disparity in class size is even more dramatic with respect to some large first year doctrinal law classes. Because of this difference, I simply did not get to know my business students nearly as well as I know my law students. Inevitably, my teaching style as an adjunct became more formal because much of the give and take in my law school classes is based on knowing the capabilities and personalities of the students. The lack of contact with my business students outside of class was exacerbated by the fact that my class was scheduled for 6:00 to 8:40 p.m.—which did not result in many students lingering after class to talk to me—and the fact that

my office was in a different building on the campus (something, I admit, I have been known to wish for the week before a major law school writing assignment is due). While the chance to teach chosen legal issues as an adjunct was wonderful, I missed the interactions I enjoy with my law students.

I also have now further embraced the fact that I have a full year to watch my students acquire crucial skills in a way that is dramatic and immensely gratifying to me. The course I taught as an adjunct, as with most doctrinal law school courses, was completed in one semester. The fact that I spend a full year with my law students—during which time they are totally immersed in the law—allows me the opportunity to watch their development in a way that would otherwise not be possible. As an adjunct teaching a required course, I also missed having my students’ interest be as intense as mine with respect to the legal field, and lacked the certainty that I have in my law school classes that what I teach has a clear application to the students’ future careers. This combination of time and immersion in the law that I share with my law students adds significantly to the satisfaction that I derive from my law school teaching experience.

As a result of the opportunity to teach as an adjunct, I began this new semester of law school with renewed appreciation for the job I have. I look forward to the next time someone inquires as to my profession, when I will state proudly that “I teach legal research, analysis, and writing.” ♦

... What I teach—although different from my initial vision—is equal or, dare I say it, perhaps even better than what I could have imagined when I first dreamt of teaching “the law.”

Hidden Payoffs from Visiting Professorships

Terri LeClercq, University of Texas

I have been fortunate to teach at several schools as a visitor. Each time, I have vowed to give 100% to the new position.

Each time, I have returned with precious memories—and renewed appreciation for my own school.

On one trip, I was given a light teaching load and no administrative duties. Thus, I felt free to accompany a group of activists from the St. Louis law school clinic, clinical faculty and students, who joined other private and governmental organizations for Dress-Down Day for military veterans. Our group represented the legal interests of these street people. Prosecutors and judges from the city and county hooked up computers that pulled the files and records they needed.

Under a large, flapping canvas tent, I got to interview man after man, soul after soul, completing an intake form for each. Some vets, who knew the system from years of St. Louis Dress-Downs, had a thick collection of grimy, torn traffic tickets and arrest warrants for minor offenses. They also had their excuses at ready—with the same assurance that you'd have cash ready at a grocery line. They might have been down and out, but they were prepared. Others had no clue why they were wanted by the legal system, and no explanation for their offenses once we pulled up the file. For some I had to fight my own cynicism, and for some I had to fight their own short-comings. Most needed a bath, a clean change of clothing, and heavy shoes for winter. Several required medical and dental help even more than legal, so, after the prosecutor convinced them to “go and sin no more” and erased their tickets, we escorted them to an

adjoining flapping tent lined with military medical personnel.

I'll never forget the caring law faculty and the needy veterans. This visitorship was a lesson in humility.

When I had the opportunity to visit again, I became interested in the civil rights movement that had washed over the little town where I was teaching, so I took day trips to

I hope all legal writing faculty members get to step into another institutional culture for a semester's glimpse. ... Surely, they will cherish both the lesson and the return.

Selma and to Birmingham. During that visitorship, I developed a CLE course and new teaching materials for law journal editors. Still, I had time to learn that in large cities and small towns, every Alabama community seems to have a civil rights museum with a unique perspective. Each one stabbed me through the heart.

Probably the highlight of that professional semester was a day following the route of the Selma marchers. We stopped at the memorial for Viola Liuzzo, a white Chicagoan who had left everything—including her children—to help with the Selma march. She was shot through the head for driving with a young black male in her car. It was years before this country learned that J. Edgar Hoover had misrepresented her mission and moral background, and had done so deliberately because an undercover FBI agent was in the murderers' car. Her children grew up motherless and insulted by classmates. We put flowers on her grave, which has to be protected with an iron fence from modern vandals who also travel the Selma highway.

I'll never forget the proud, yellow-dog liberals in this conserva-

tive law school or the lonely grave. This visitorship was a lesson in the layers of history.

Getting to teach for a semester in D.C. was the headiest experience of all—everyone there is an activist; everyone has a political cause and works for it. How they find time to get prepared and to class I'm not sure, but I loved all

the meetings and parties. The school where I taught was small but had as many clinics as my huge home school, and the clinicians were maniacs about the homeless, the underrepresented. Wandering around schmoozing with the faculty, I discovered, right across the street from my new office, the national headquarters of my own political group—one dedicated to closing The School of the Americas in Ft. Benning, Georgia. So when I wasn't teaching and writing (I finished the second edition of a textbook two months early as a direct result of flowing adrenalin), I joined Catholic priests and Quaker teachers and California artists as they lobbied Congress to vote down funding for the “School of Assassins.” Like most Americans, I had never traveled to the nation's capitol to lobby Congress for a cause. In my other spare time, I got to meet with AALS and LWI and NAACP and union activists for breakfast, lunch, drinks, supper, and after-drinks, and I absorbed their energy and traded influence and votes.

I'll never forget the political activists, the people who put themselves on the line for a cause

The Rx For Burnout: Serve Others

Susan Hanley Kosse, Louis D. Brandeis School of Law, University of Louisville

“I don’t know what your destiny will be, but one thing I know: The ones among you who will be really happy are those who have sought and found how to serve.”
—Albert Schweitzer

As part of the legal academy we have the unique and enviable position that our jobs allow us many opportunities to be of service to our schools, universities, profession, and communities. Not having the pressures of billable hours and inflexible schedules, we are able to incorporate service into our professional lives more easily than practicing attorneys. Although I love teaching and even writing, my passion is service and that is what “keeps me going.” It often is a juggling act for me to balance my teaching, research, and service roles with my busy family, but the pleasure I receive from serving others has reinvigorated me and helped me become a better professor and scholar. And my conversations with many of you reveal a common desire to volunteer your time and

talents to all sorts of exciting and challenging endeavors.

I offer just a few examples of ways legal writing professors can serve:

1. Volunteer at your local bar association. You are the perfect person to be chair of the CLE committee, the Public Service Committee or even a Section Chair in an area of the law that is of interest to you.
2. Volunteer at your state bar organization. Most bars publish monthly magazines and who better than LWR professors to serve on the editorial boards or submit monthly columns on writing issues.
3. Volunteer to organize clinics for groups in need. I have the privilege of planning five Latino Legal Clinics per year which have helped Kentucky’s growing Spanish population.
4. Volunteer to be a CLE speaker. Attorneys always need to brush up on their writing skills. Or how about leading an ethics roundtable using a play or piece of fiction?
5. Go to the schools. The ABA Young Lawyer’s Division has

designed an excellent curriculum that is intended to teach third graders how to be tolerant and respectful of others. Curriculums also exist (Dialogue on Freedom) for high school students.

6. Volunteer for university committees. By serving on these committees you will not only get to help set the agendas on important campus issues but also get to meet professors from other disciplines who will inspire and challenge you.

7. Volunteer in LWI, ALWD, or our AALS section. By doing this I have become acquainted with the leaders in the LWR field who have become my mentors and friends. These individuals have aided me with LW problems, lesson plans, research suggestions, and feedback on article drafts.

With all of these ideas, the benefits you will receive personally and professionally far outweigh the time you devote to them. At least for me, the best way to prevent burnout is to constantly challenge myself to find projects where I can make a difference and give back. I can’t think of a better way to grow as a professor, scholar, and person. ♦

larger than any one person. What did I learn? That I can be one of those people.

Ironically, a pattern emerged: as each of these semesters ended, I was ready to return to my old office, familiar desk and companionable faculty. Even with more classes, endless committee meetings, and new administrative duties, I can get more rest here! I’ve come to understand that when I’m back, I focus on my institution’s underside, its warts. The perspective changes

when I’m away teaching and writing and learning. There, I forget my all-too-human irritations about my home school and instead remember the familiar, kind face of my institution and colleagues.

When my deans see me on campus again, undoubtedly they’re amazed that I’m so enthusiastic about my return!

I hope all legal writing faculty members get to step into another institutional culture for a semester’s glimpse. Social and political issues

may not be for everyone, but surely they will encounter local educational issues that differ from those at home, and different faculty attitudes and priorities that will add to their understanding of the legal landscape. Surely, they will cherish both the lesson and the return. ♦

I Can't Earn a Living Playing the Banjo!

Sheila Simon, Southern Illinois University

It's true. I own and operate a 5-string banjo. But even if I had talent it wouldn't be a good career choice for me. The question for me is not what keeps me going in legal writing, but why I would change. It's a matter of assessing the alternatives. What did I leave to teach legal writing, what opportunities am I missing now, and is the job worth those sacrifices?

Before I became a full time legal writing teacher I worked mostly in public interest law. I worked in legal services, in the local prosecutor's office and in the domestic violence clinic here at SIU School of Law. Each of those jobs was a good fit for me. I helped people, either as an advocate for individuals in civil cases or as an advocate for the state in criminal cases. Each job was rewarding and taxing at the same time. I loved helping domestic violence survivors who had decided to set their lives on a better course. But I'm just now getting over having my heart stop when I hear "A Jackson County woman was killed..." on the morning radio news.

I moved into legal writing partly because it was the grown-up thing to do. It offered more job security than the clinic, which was funded only by a grant. And it's a manageable job. I no longer have clients calling me at home with evening or weekend emergencies. But I feel as if I'm still doing public service work. I can choose problems that have public service aspects, and I make opportunities to talk about the work I once did. I know students will get plenty of encouragement from others to follow the money. But if I

can encourage a few students each year to hold on to their dreams of being a public defender or legal aid attorney then I am more than replacing myself. Heck, sometimes I feel like the head of a pyramid scheme!

There are other opportunities for contributing to our world, and they are tempting. It's flattering to be asked to consider those opportunities. But when I weigh those against what I am doing now I have consistently decided to stay where I am. Judges don't get to go to Bangladesh during the semester break to study domestic violence laws. Legislators can't guarantee that they will be home for their daughters' violin and cello lessons every week.

And the law school faculty is such a great fit for me personally. I hang out with word geeks! Do you know of any other group that has so much fun looking up words in different dictionaries and comparing defini-

tions? I can't imagine working on the *New York Times* Sunday crossword puzzle with a better bunch.

The legal writing community is an even more precise fit for me. At my first LWI conference I was overwhelmed by the number of people who, like me, rewrite songs into goofy parodies for special and limited purposes. I didn't know there were so many of us on the planet, and here were so many in just one room. It was a homecoming to a group of folks I had never met.

The Grand Ole Opry will be better off without me. But I think there are some students, and their future clients, who might be better off because I'm where I am. ♦



What Gets Me Through: My Top Ten List

Lisa T. McElroy, Roger Williams University School of Law

What gets me through? I've started writing this article three or four times now, and it has finally occurred to me that, when the topic isn't that scholarly, nor must the article be. After all (we teach our students), before you begin writing, you must think about your audience and your tone. Who's my audience? Several hundred LRW professors across the country who, like me, are just trying to figure out how the heck to get through the ubiquitous stack of papers. What's my tone? Sometimes desperate, sometimes humorous, always ready for the next challenge and the next bucket of popcorn.

So, with a nod to comedian Dave Letterman, what gets me through? Here's my top ten list.

A little help from my friends.

10 It has taken a couple of years, but since I've gotten over the fear that someone will correct my grammar on the listserv, I've been lucky enough to find gurus like Sue Liemer and Suzanne Rowe, mentors like Robin Meyer, and peers like Sarah Ricks and Alison Julien, all colleagues across the country who always welcome a phone call or an e-mail and who shoot them right back at me. When I have a question about an exercise or good news about a class I've taught or frustration pouring out of me after a student conference, it's really good to know they're there. The fact that none of them is at my own school, or even in my own state helps, as each is far enough away to be both sympathetic and objective.

9

Ben & Jerry's Phish Food. I've gained 12 pounds since I started teaching LRW. If Ben and Jerry ever discontinue

this perfect mix of chocolate, caramel, and marshmallow, simultaneously crunchy and smooth, then I'll be in real trouble. My husband always knows that the briefs are waiting for me on my desk when he sees four pints in our freezer. "Atkins" is a dirty word in our house.

Circle time.

My two preschool-aged daughters always want to know what I do with my students at my school at circle time. Do we sing

songs or eat snacks or finger paint? I've never broken out the finger paint in class, but Krispy Kremes have saved many a class from tanking. Singing the Preamble to the Constitution is always good for a laugh. Last year, my colleagues and I even wrote a song as the subject of our spring brief problem. And, if there's no opportunity for circle time at law school, I can always count on reliving my kids' preschool circle time over the dinner table. Hearing my four-year-old tell me about Dave, the Animal Man, who brought a boa constrictor to school, tends to focus my perspective on what there really is to fear in life. A big stack of papers? That's nothing.

Writing myself.

7

Before I started teaching LRW, I embarked upon an entirely different career as a children's book writer. Cur-

rently, I'm working on expanding this second career into writing for adults about children, as well. When I just can't take the pressure of grading legal writing any more, it's pretty

refreshing to sit down and write a picture book about an eight-year-old named Lizzie or an essay about toddler romance. Furthermore, because I'm a professional writer, I have to deal constantly with feedback and criticism and rejection (and wait endlessly for the pleasure of them), and I can really relate to the way my students feel when I (finally!) hand back their memos covered with green ink.

6

The hot tub across the street. For three years, I commuted 80 miles each way to my job at Roger Williams. Last year, my family and I

moved 73 miles closer to school. Luckily (I wish I could brag that it was by design), we bought a house right across the street from a family with 1) a teenaged babysitter, 2) a psychiatrist, and 3) a hot tub. Each has definitely come in handy in its own right. Nothing like a hot tub on a snowy evening after eight student conferences.

5

Snow angels.

Before or after the hot tub, get really, really cold, and make a thing of beauty.

4

The Barefoot Contessa. Speaking of beauty, Ina Garten really has it down. What I like about her cookbooks, though, is that she's great at

striking the right balance between planned beauty and improvisation, organization and creativity. She left a job at the White House to buy a specialty food store and has never looked back, and I think that says it all. As I encourage students to do with their writing, she has hit upon a winning formula: find out what your customers (translation: your bosses and judges) want, give it to them, but

don't lose what makes you "you" in the process.

3

Inspiration. I look for it everyday: in store window displays, in American flags flying, in movies (if you haven't seen *Miracle*, you must), in books (ditto *Into Thin Air* by Jon Krakauer), in professionals (my pediatrician is an incredible role model for kindness, patience, intelligence, and competence), even in children. Watching my three-year-old learn to talk when her ears were so infected for over a year that she couldn't hear—that's inspiration.

2

My "feel good" file. Actually, I have two: one in a folder in my e-mail system, and one in my file cabinet. When a student e-mails me

and says, "Great class!", into the e-mail folder the letter goes. When the Dean sends me a note to say, "Congratulations on the activity you planned!", I stick it in the manila file. On really, really, low days, when the stack of papers is way too high and my morale is way too low, I kick off my shoes and sit on the floor of my office with a supersize Dunkin' Donuts coffee and read through the whole pile.

Fact is, it's way too easy to remember everything that's bugging me, everything that has gone wrong, everything there's left to do. It's way harder to remember and call upon the times that I actually got it right.

And, finally...

Actually grading the stack of papers. Sometimes, unfortunately, there's just no way around it. ♦



Judges Protecting Our Language

M. Louise Lantzy, Director of the Writing Center, Syracuse University College of Law

In this age of instant messaging, wireless cellular connectivity, and streaming text-video communication, two recent events assure us that the English language does indeed have protectors at court and that language does indeed affect results in the legal arena. In two separate venues a judge denied the relief sought because the attorneys' documents submitted to the court fell below the standards for written English.

In *Devore v. City of Philadelphia*, U.S. Magistrate Judge Jacob P. Hart, of the United States District Court for the Eastern District of Pennsylvania, refused to award a victorious attorney in a civil rights case his hourly rate. Although the judge found the attorney's courtroom work worthy of his usual \$300.00 an hour fee, the Judge disdained to grant the written work the same hourly rate, finding that the attorney's writing was "vague, ambiguous, unintelligible, verbose, and repetitive." The attorney's errors caused both the court and the defense to expend "an inordinate amount of time deciphering his arguments." A practicing attorney who could not write coherently and intelligently—who did not punctuate, spell, employ the rules of standard written English, or make cogent arguments—did not deserve an hourly fee of \$300.00. Accordingly, Judge Hart cut the attorney's fee in half.

Three thousand miles away, another judge ruled in favor of the English language. In San Francisco, California Superior Court Judge James Warren ruled against The Proposition 22 Legal Defense and Education Fund, which sought a court order commanding the City to "cease and desist issuing

marriage licenses to and/or solemnizing marriages of same-sex couples; to show cause before this court." Judge Warren found the lawyer's incorrect use of the semicolon fatal to Proposition 22's cause. Same-sex marriages would continue until the plaintiff's lawyer wrote a comprehensible Order to Show Cause.

In deference to Judges Hart and Warren, who raised their voices against careless and unintelligible legal writing, let us briefly consider the role punctuation plays in writing. Assuming no educated writer needs a refresher on full stops—the period, the question mark, and the exclamation point—this piece concentrates on other "stops" (semicolon, the colon, and the em dash) or linguistic devices the literate lawyer uses to clarify, to emphasize, and to create rhythm.

In the hands of a literate lawyer, the semicolon is a powerful weapon. When the semicolon is used imprecisely or indiscriminately (the situation in Judge Warren's courtroom) or used not at all, the writer miscommunicates, misleads, or obstructs. The lawyer for the coalition seeking to stop same-sex marriages in San Francisco possessed no understanding of the semicolon's linguistic role and very likely no feeling for its stylistic role.

The semicolon possesses a dual personality; it is part period and part comma. Through its form—comma and period—the semicolon shows both separation and intimacy. Its comma signals a division of ideas while its period, follow by no capitalization or extra type space, signals closeness to the preceding idea, an intimacy of ideas that a comma alone can not convey and the period would destroy.

The semicolon has five linguistic roles: (1) to separate closely related coordinate clauses of a compound

sentence in the absence of a coordinating conjunction; (2) to separate independent clauses when joined by a connective adverb or when the internal punctuation creates confusion; (3) to separate end-of-sentence elaboration set off by "that is," "namely," "for example," or similar terms; (4) to separate phrases or clauses in a series when the structures are long or contain internal commas; and (5) to separate items in a series when the items are long or set off in a tabulated structure.

Stylistically, the semicolon should be used sparingly. Often a comma will suffice. But when context or purpose or audience demand a show of intimacy, an emphatic signal, or structural rhythm, the semicolon should be used. Unfortunately, The Proposition 22 lawyer's use of a semicolon in place of the simple coordinating conjunction "or" showed the lawyer not only failed to understand the linguistic role of the semicolon in legal writing, but also failed to understand "or's" role as a coordinator of equal or balanced ideas.

In contrast to the semicolon, the colon plays a relatively minor role in sentence clarity and contextual emphasis. Primarily, the colon serves as a connective mark for introducing or signaling statements, explanations, elaborations, or quotations; a series or list; or an appositive. Generally, the colon follows formal introductory wording: the most common are thus, following, as follows. Without such introductory wording, the colon should not be used; a comma suffices. In each instance where a colon is called for, it separates elements of unequal importance. Where the semicolon usually joins independent clauses, the colon routinely follows an independent clause and precedes the secondary element

consisting of a single word, a phrase, or a dependent clause. On a rare instance the colon may follow the dependent idea.

A colon also performs several other linguistic conventions: it marks the subdivisions of time; it follows the salutation and the enclosure term in a business letter; it follows “to, from, re, and date” headings of a memorandum; it separates scriptural, literary, and bibliographic entries. Several grammarians recommend the inexperienced writer avoid the colon: when in doubt leave it out or use a comma or a dash.

In contrast to the semicolon and the colon, the dash has no unique linguistic function. Most of its functionality can be achieved through other linguistic signals—the comma, parentheses, or brackets; however, the dash offers a more emphatic interruption to the context and structure of the sentence than these signals. The dash often stands for a strong comma or substitutes for a semicolon or parenthesis. In informal writing, the dash might stand in for a colon when the writer wishes to introduce an explanation or an example. In each instance the dash seeks to show abruptness, interruption of thought or idea, a special emphasis, or a change in structure. Dashes may emphasize single words, phrases, dependent clauses, or even an independent clause with a compound structure

Specifically, the dash emphasizes nonrestrictive elements—appositives, modifiers, and parenthetical expressions. The dash is frequently useful in setting off an introductory or concluding series or a concluding explanation. A dash indicates a shift in tone, a changed or unfinished thought, or hesitation in dialogue. The writer wishing to break the flow of the sentence to emphasize an idea may choose among the comma, the semicolon, the colon, the parenthesis, or the dash. The signal selected depends on the writer and the emphasis intended.

Speaking out from their benches on sloppy and incomprehensible writing, Judges Hart and Warren stand as the high priests of grammar. Let us pay tribute to these protectors of our language. ♦

A Vision for the Future: Integrating Legal Research and Writing Across the Law School Curriculum

J. Lyn Entrikin Goering, Washburn University School of Law

After twenty-something years working in a variety of professional settings involving extensive legal research and writing, I am back in law school this year as a brand-new teacher of legal analysis, research, and writing. During the years since I graduated from law school, the field of legal research, analysis, and writing has quite rightly generated focused commentary and debate and has achieved recognition as an academic discipline in its own right. Organizations like the Legal Writing Institute, the Association of Legal Writing Directors, and SCRIBES have raised the collective awareness of the legal academy regarding the importance of legal research,

analysis, and writing as the “least common denominator” of lawyering. Despite

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many advances in the field of legal writing, however, the teaching of writing still has not assumed the central importance it deserves.

When I enrolled in law school in the mid-1980s, I had a master’s degree in public administration and had been working for the state legislature as a research analyst for several years. Legal writing was my stock in trade. In law school, to my surprise, outside written assignments were only required in our first-year legal methods and research and writing classes. While a handful of upperclass electives required writing assignments or papers, even that was unusual in those days. I took as many writing electives as I could manage, believing that a research paper or other outside written assignment would better demonstrate the knowledge I acquired in law school than a four-hour essay examination.¹

Even now, years later, the curriculum in legal education still focuses primarily on doctrinal courses that culminate in essay examinations. Most upper-level courses do not require law students to practice and perfect the legal research and writing skills we teach them in their first year. As in the 1980s, law review and moot court remain the primary avenues for students to develop these critical skills beyond the basic introduction required for first-year students. Yet both are student-administered programs with minimal faculty involvement, and both are designed to be more competitive than educational endeavors.

As a law student, I naively assumed that my professional writing experience served me well in law school. Years later, as a new member of the legal academy, I am chagrined to learn that many doctrinal faculty members only marginally consider the quality of student writing when grading law school examinations. Yet professional legal practice will require our graduates to demonstrate doctrinal knowledge not in hand-written bluebooks, but in office memoranda, client letters, legal pleadings, or appellate briefs.

Legal writing in the professional world requires the ability to thoughtfully research and analyze the issues, prepare an initial draft, and then edit and revise one’s own work extensively to yield a persuasive, credible work product. Whether our graduates choose to enter private practice, public service, or the corporate world,

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their success as professionals will depend in large part on their legal analysis, research, and writing skills. Indeed, law school placement officials consistently report that excellent legal research and writing skills are one of the most important criteria for successful placement of law school graduates. The ABA Standards for Accreditation of Law Schools explicitly recognize that the skills we teach are prerequisites for “effective and responsible participation in the legal profession.”²

Legal writing, research and analysis should be an integral part of every law school course, not just for two or three semesters, but throughout the three-year curriculum. We owe it not only to our students, but to the legal profession and to the judicial system in which they practice, to ensure that law school graduates are equipped with the critical skills they need for success. How can we credibly provide that assurance without requiring law students to demonstrate and practice their legal research and writing skills throughout their law school training? While all first-year law students are required to demonstrate those skills, many successfully navigate the second and third years of the curriculum without completing another writing assignment requiring revisions after comprehensive, personalized feedback from faculty.

At Washburn University Law School, each law student must complete an upper-level writing requirement as well as six graded credit hours of Legal Analysis, Research, and Writing during the first year. Electives are offered periodically in Advanced Legal Research, Appellate Practice, Directed Research, Legislation, Legislative Workshop, Pretrial Advocacy, Transactional Drafting, and various seminar courses requiring research papers. In March 2004, our faculty approved a new upper-class elective course focusing on the development of skills in legal analysis and writing for law practice.

Upper-level legal research and writing electives are certainly a beginning. However, unless and until the legal academy integrates legal research, writing, and analysis requirements across the law school curriculum, we make the mistake of treating legal research and writing much like a separate doctrinal specialty. My vision, admittedly far down a long and winding road, is a law school curriculum that not only introduces legal research and writing skills during the first year, but also integrates those skills into every upper-level doctrinal course.³

We cannot expect students to maintain the skills we teach during the first year unless we *require* them to practice and develop those critical skills throughout their legal training.

As a first step toward an integrated curriculum, we should propose curriculum changes that require law students to engage in some kind of rigorous legal writing experience in each of the three years of law school.

The idea of a three-year legal writing requirement is neither new nor unique. In 1987, George D. Gopen, then Director of Writing Programs for Duke University’s Department of English, wrote that “logic and sound pedagogy demand . . . a

three-year writing requirement for all law students.”⁴ Even earlier, in 1979, the ABA Task Force on Lawyer Competency specifically recommended, “Law schools should provide every student at least one rigorous legal writing experience *in each year of law study*.”⁵

Required legal research and writing courses should not be viewed as an end in themselves, but rather as a means to ensuring that all law students are well-equipped with legal research and writing skills on the day they graduate. We can make this vision a reality only with the cooperation and support of our doctrinal colleagues in integrating opportunities to practice these critical skills across the law school curriculum. It cannot be done in doctrinal classes of 100 or more students, at least not without substantial help from teaching assistants or the support of legal writing professionals.⁶ We must work together to encourage law school administrators to reduce student-faculty ratios and rally the necessary resources to make this vision a realistic possibility. Only when legal analysis, research, and writing skills are integrated throughout the law school curriculum will legal education meet the legitimate expectations of the legal profession and the judicial system for well-prepared lawyers.

Those of us who have chosen to devote our professional careers to teaching legal writing, analysis, and research understand the challenges that must be overcome to achieve a three-year writing requirement. And yet some of us need just such a vision to keep us inspired and motivated to keep moving forward, if only a step at a time, to continue to integrate legal writing as a credible component of the legal academy. Oliver Wendell Holmes, the father of one of our most admired jurists, left us a legacy of words that can inspire us to keep reaching for that brass ring:

*I find the great thing in this world is not so much where we stand, as in what direction we are moving: To reach the port of heaven, we must sail sometimes with the wind and sometimes against it, —but we must sail, and not drift, nor lie at anchor.*⁷

And sail we will—toward the day when legal writing becomes as thoroughly integrated into the law school curriculum as it is in the daily lives of lawyers. ♦

¹ For an example of student criticism of the typical law school evaluation scheme, relying on a final exam as the sole or primary means of student learning, see Gerald F. Hess, *Listening to Our Students: Obstructing and Enhancing Learning in Law School*, 31 U.S.F. L. Rev. 941, 961 (1997).

² Standard 302(a) of the August 2001 edition of the ABA Standards for Approval of Law Schools requires a law school to offer all students “(1) instruction in . . . skills (including legal analysis and reasoning, legal research, problem solving and oral and written communication) generally regarded as necessary to effective and responsible participation in the legal profession; (2) substantial legal writing instruction, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year.” ABA Interpretation 302-1, however, provides in part, “Instruction in professional skills need not be limited to any specific skill or list of skills.” ABA Interpretation 302-2 provides, “A law school need not accommodate every student requesting enrollment in a particular skills course.” However, ABA Interpretation 302-3 requires law

The President's Column

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in the library with the lead pipe), and a couple of very strange guys dressed in Khaftans and fezzes. . .

March 6

Today is the vote on the Abortion Referendum. The street signs have really sprouted up: "Vote Yes—Save the Lives of Women and Babies"; "Vote No—Don't Make Women's Lives Worth Less!"; "Vote Yes—Let's Learn From the Mistakes of Other Countries!"; and my favorite, "Babies Will Die—Vote No!"

If you find this a little difficult to sort out, you are not alone. I've been trying to sort it out for a couple of weeks now, and I think I at least understand the positions of the major parties. Those on the far right oppose it because it permits abortion in rare circumstances. Those on the left oppose it because it prohibits abortion in most circumstances. Those in the middle seem to support it because it allows access to the "Morning After Pill." I'm thinking of writing an article, offering an outsider's perspective on the Referendum and its impact. How does *Strange Bedfellows and The Morning After*¹ sound?

March 13

It is a quiet week in Ireland, at least for one of us. I am in the midst of grading 200 papers and eagerly anticipating next week when I get to have 200 conferences. Fortunately, this round of papers is considerably better than the first set. It appears my Irish students are quick learners and have learned the most important lesson—write to your audience. They have managed to avoid most of my pet peeves, and I have yet to read a paper that began with "In my opinion, I think I believe . . ." I see this as a great success!

March 20

I am now in the midst of conferences. Conferences are not as tedious as grading papers because they involve human

schools to engage in periodic review of the curriculum "to ensure that it prepares the school's graduates to participate effectively and responsibly in the legal profession."

³ For one innovative approach, see Mary Whisner and Lea Vaughn, *Teaching Legal Research and Writing in Upper-Division Courses: A Retrospective from Two Perspectives*, 4 *Perspectives: Teaching Legal Res. & Writing* 72 (1996), reprinted in *Best of Perspectives: Teaching Legal Research & Writing* 17 (2001).

⁴ George D. Gopen, *The State of Legal Writing: Res Ipsa Loquitur*, 86 *Mich. L. Rev.* 333, 357 (1987) (describing Chicago-Kent's legal writing program).

⁵ ABA Task Force on Lawyer Competency: *The Role of the Law Schools* 3 (ABA Section of Legal Educ. & Admissions to the Bar 1979) (known as the Cramton Report) (emphasis added).

⁶ Whisner & Vaughn, *supra* n.3, at 19 (noting uniformly favorable reaction to one integrated, labor-intensive approach).

⁷ Oliver Wendell Holmes, *The Autocrat of the Breakfast Table: Every Man His Own Boswell* 93 (40th ed. 1885).

interaction. They also generally go a lot faster and some of them are actually quite fun. However, by the end of 35 conferences over an eight-hour span, my mind has pretty much turned to Clonakilty blood pudding. (Mind you, *Clonakilty* blood pudding is the *best* blood pudding in Ireland. Of course, being the best blood pudding still puts it pretty far down the list of Things You'd Want to Put In Your Mouth—somewhere below low-fat tofu and probably just above a handful of chalk dust. It's tantamount to being the least obnoxious Yankee fan. Both have exceedingly bad taste.) Anyway, this many conferences is a mind-mushing experience.

May 1

Back in the days when the English were running things over here, the seat of the government was Dublin Castle. Perched atop the outer wall, overlooking the center square, is a statue of Justice, holding her scales. However, this statue is unlike any other portrayal of Justice. She doesn't have a blindfold! She stands atop the seat of government, casting her judgmental eyes on all who come before her. Symbolically speaking, this is not a good message to send to people you've been oppressing for hundreds of years. To make matters worse, when it rained, water used to drip off her hand and into one of the pans of her scale, causing it to tip out of balance. All in all, she was a rather stunning, if unintended, expression of the English sense of judicial fair play.

May 9

For the first time since we left home, Lenore and I are on our own for awhile. Today was the first day of our walk along the Dingle Way. If all goes well, we will make it around the entire Dingle Peninsula in the next eight days. If the rest of the week goes like the first day, it will be a memorable adventure indeed.

Our guidebook is clearly written by an Irishman. Some of its descriptions are, well, just too Irish. My favorite so far came as we were about to leave a peat bog and head into a small stand of pine trees. The book said, "Turn left at the dog and continue along the road." The dog? We wondered, is there a statue out here in the middle of the bog? Some sign with a dog on it, maybe? No. There is a dog—a *real* dog in a small dog house, out in the middle of nowhere. No hint of an owner anywhere in sight. We made the left turn, and agreed that a dog is a fairly temporary landmark to put in a guidebook.

Our Irish Adventure came to an end in May 2002, just in time for me to head to Knoxville for the LWI Conference. I returned refreshed and ready to meet a new crop of first year students that fall, and with a deeper appreciation of Irish music and literature. I still haven't acquired a taste for Clonakilty blood pudding, though. ♦

¹ I did write the article, though the original title did not survive. See Steven J. Johansen, *Clearly Ambiguous: A Visitor's View of the Irish Abortion Referendum of 2002*, 2003 *Loy. L.A. Intl & Comp. L. Rev.* 205 (2003).

Special Feature:

Laughing (Sort of) Their Way Into Statutory Interpretation

Chad Noreuil, Arizona State University College of Law

It's the day our 1Ls turn in their first graded writing assignment. Most of the students are brain-dead or half asleep, and it's usually not the best class for teaching. I like to start this particular class with a joke—but the real punch line is that they start learning without even realizing it.

The set up: After I collect their papers, the next few minutes of class go something like this: “Okay, class, congrats on finishing your first graded assignment. Despite all of the bleary eyes I see, I have one important question: What time is it?” A few students will look at the clock and grumble “11:03.” “That’s right, it’s 11:03. And what time does class officially start?” I usually get a few half-hearted replies of “11 o’clock.” “That’s right... but we’re not going to start class at 11 o’clock today. I’m going to tell you a joke first, so put your pens down, push your computers away, and don’t worry about taking notes....”

The joke: (Virtually any joke can work for this exercise. The one I use is as follows, though I’m looking for a new one, so please feel free to throw ideas my way.) “Class, I’m going to tell you a joke about Mac. Mac was a first-year summer associate who wrote such a great first office memo, the firm decided to make him the guest of honor at their monthly happy hour. Unfortunately, Mac isn’t supposed to drink because when he drinks, he (a) usually gets drunk and loses all bodily functions, and (b) gets in a lot of trouble with his wife. Needless to say, Mac couldn’t refuse the drinks purchased by the grateful partners, and, sure enough, Mac got drunk, and, sure enough, Mac lost all bodily functions. As he sat at the bar, he vomited on his shirtsleeve.

“As Mac sat at the bar sulking about how angry his wife would be when he got home, a partner in the firm sat next to Mac and, after hearing Mac’s dilemma, offered a solution. ‘Mac, I got just the trick for you. Take a \$20 bill, put it in your front shirt pocket, and when you get home, tell your wife that a guy at the bar vomited on your shirt—and you can prove it by showing her the \$20 the guy stuffed in your shirt pocket to cover the dry cleaning cost.’

“Hopeful, Mac sobered up and went home a few hours later. Right when he walked into the house, his wife noticed the stains on his shirtsleeve. ‘Mac, you did it again! You promised you wouldn’t drink and I can see that...’

“‘Whoa, wait a minute, sugar,’ Mac interrupted. ‘I know what you’re thinking, but it wasn’t me. Some guy sitting next to me at the bar puked on me—look here,’ he contin-

ued, reaching into his shirt pocket. ‘The guy felt so bad about it, he gave me \$20 to cover the cost of the dry cleaning.’

“Skeptical, his wife snatched the \$20 bill and told Mac to get out of his dirty clothes so she could throw them in the laundry. As she left the room, Mac, now clad only in his boxers, breathed a big sigh of relief. Moments later, his wife reentered the room. ‘Okay, Mac, I know why there’s a \$20 bill in your front shirt pocket, by why is there a \$20 in your front pants pocket?’

“Mac half-heartedly smiled. ‘Oh, well, that same drunk guy who puked on me...he crapped in my boxers, too.’”

The segue into statutory interpretation: After the joke, there’s usually a muffled group chuckle. I continue as follows: “Okay, so the joke’s not really that funny. But you know what’s *really* not funny? In the wake of the Clarence Thomas hearings, the State Legislature passed the following statute in 1992:

(On board) “Any professor who tells a dirty joke during class shall be guilty of public indecency, a Class A misdemeanor, and fined \$500.”

I then tell the class that they are my law firm, and I want to know if I’ve violated the statute. After breaking down the statute into its separate elements, the students are quick to spot the relevant issues: (1) whether the joke was told “during class” and (2) whether I told a “dirty” joke. This gives the students a little more practice (and confidence) in the early stages of issue spotting. (Depending on your specific title, it could be an issue as to whether you are a “professor,” but I haven’t had this raised at ASU, where my title is “legal writing professor.”)

At this point, I have the students tackle each issue separately. I ask for the specific facts that go into analyzing each issue. For the “during class” issue, the students usually come up with the relevant facts on both sides of the analysis: I told them that class wasn’t going to start yet, and that they shouldn’t take notes; but the joke was told after the “official” class starting time as listed on their syllabus, and, in fact, the joke was being used (now) as a teaching tool, making it more likely to be considered a part of, or “during” class. Also, many of the students say that, despite my prefaced comments, they didn’t feel that they were free to leave the room while I was telling the joke.

After the factual analysis, I introduce the “tools” of statutory interpretation that every lawyer has at her disposal: plain language, purpose, public policy, and the canons of

“Any professor who tells a dirty joke during class shall be guilty of public indecency, a

LWI Committee Chairs 2002-2003

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ruthanne@camden.rutgers.edu.

Web Site Committee

Mimi Samuel (Seattle), msamuel@seattleu.edu.

construction. After discussing the plain language of “during class” and the likely purpose behind the statute, the students usually tend to agree that the joke was told “during class,” leaving only the issue of whether the joke was “dirty.”

In analyzing the “dirty joke” issue, I usually get a fairly healthy debate, particularly when I assign students to argue for the prosecution and the defense. The students proffer arguments, usually tied to the tools I have written on the board: the plain language suggests that joke be about dirt or mud, which it wasn't. Moreover, the purpose of the statute seems to have been to prohibit professors from telling “sexual” jokes (due to the fact that the impetus behind the legislation was the Clarence Thomas hearings). The joke I told wasn't in any way “sexual.” The vast majority of students usually conclude that, although the joke was likely told during class, I did not violate the statute because the joke wasn't a “dirty” joke.

At this point, I warn them that, although the process we went through in breaking down and analyzing each element is important, it's just the first step. I tell them that we need to find out how courts in our jurisdiction interpret the phrases “during class” and “dirty joke.” After a brief discussion on generating search terms and the sources and processes we might use to locate such cases, I tell them that there is in fact a case on point. Pursuant to the 1993 case of *State v. Holt*, for purposes of our statute on public indecency, the term “dirty” was held to mean, “lewd, sexually explicit, or offensive.”

I then ask the class if anyone has changed his or her mind as to whether I violated the statute. Invariably, several more students raise their hands because they feel that, while the joke was certainly not lewd or sexually explicit, it could have been offensive due to references to vomiting and defecating (or even the consumption of alcohol). At the very least, the students all agree that the rule from our precedent case makes it somewhat more likely that I violated the statute. This stresses to the students the importance of seeing how courts interpret statutory terms.

In sum, the exercise pulls the students into the day's lecture without even realizing that they're learning. It gives them practice (and confidence) in issue spotting; it emphasizes the importance of facts in any legal problem; it introduces them to the various tools of statutory interpretation; it reminds them of the research process; and it illustrates the importance of finding precedent before jumping to any conclusions on the outcome of a client's case. ♦

[Not Just] For New Teachers: Enhancing Feedback with Technology

Ken Swift, Hamline University

I read Joel Schumm's article in the December 2003 edition of this column with interest, as I have used PowerPoint and electronic critiquing for several years with similarly positive results. In addition, I have recently begun utilizing a couple of technology "gadgets" that help me provide more effective feedback.

Voice recognition software. Voice recognition software types into your word processor what you state into a microphone. I have Dragon NaturallySpeaking 7.0 by ScanSoft. There are other manufacturers (most notably IBM), but the Dragon software is generally regarded in tech literature as the most accurate. It retails for anywhere from \$100 to \$200.

The software comes with a microphone and headset. You begin "training" the software to recognize your voice accurately by repeating passages provided by the software. An hour or so of training is necessary to begin making the software anywhere near functional. After that, the accuracy of the software improves through two different methods. One is to go back from time to time (which I have rarely done) to the "accuracy center" and continue to train the software. The other is by correcting mistakes as you dictate. As you close out each session, the computer updates your user file.

Overall, the software is fairly slick, but it does require careful proofreading (and *a lot* of it). At best, the software is probably only 97-99% accurate. While that is a great percentage if you are shooting free throws, for typing that means from three to twelve errors per page. And while a typing error may be caught by spell check, the software never misspells a word; rather it correctly spells the *wrong* word. So, if you do not proofread carefully, you will end up looking foolish.

Even with the accuracy problems, the software is a useful tool. While I have average typing speed, it is certainly no match for how quickly I can speak.

Digital voice recorder. A digital voice recorder looks and functions much like micro cassette recorders have for years. The difference is that the digital voice recorder creates digital files that can be downloaded to your computer and, ultimately, passed on to your students. I purchased an Olympus DW-90 for about \$50. Several different models are available in that

general price range. The main requirement you should look for is one that creates files that can be downloaded to computer, a feature that is not available on some models.

Voice recognition software and digital voice recording save time and can facilitate more effective critiques of student work.

While most word processors allow creation of short audio files with a microphone and additional software, there are advantages to using a digital voice recorder. First, it is much easier to use than a word processor and provides consistent quality. All you need to do is press record, speak, and press stop when you are done, and you have created a high-quality audio file. Second, it allows you to create longer audio files without any difficulty. The experimenting I have done with word processing files indicated that the audio file should be one minute or less. With a digital recorder I have routinely created files that were anywhere from three to seven minutes long without any problem. Finally, the digital voice recorder is mobile. You do not need to be sitting in front of your computer to record your comments to a student, and you can record multiple files totaling up to 90 minutes. The files are very easy to download onto your computer. They are large, however; a CD burner is necessary because the files you create will be too large to fit on a regular floppy disk.

I used the digital voice recorder last semester to provide feedback on oral arguments and on appellate briefs. The recorder was particularly handy for providing feedback on the oral arguments because I had to hear 40 oral arguments in a span of three days. It would have been virtually impossible, even with good note taking, to keep all of the oral arguments clear in my head if I had to try to hand-write comments a few days after the arguments. Instead, I was able to keep up fairly closely through the use of the digital recorder.

I also used the digital recorder on several critiques of appellate briefs. The mobility factor was particularly nice because, instead of needing to be directly in front of my computer to type out final comments, I could read the briefs at home or in the faculty study and immediately record comments. There would seem to be quite a few other possible uses for the digital voice recorder. One could easily make an audio file to go with a PowerPoint presentation of a supplemental study aid, for example.

Both of these tools allow me to comment with less effort than typing and, ultimately, lead to more effective and expansive critiques. ♦

Publications, Promotions, and Moves

Legal Writing Professor **Lorraine Bannai** (Seattle University) was granted her second three-year contract.

The Moritz College of Law faculty voted to confer tenure on Associate Professor **Mary Beth Beazley** (Ohio State University).

Assistant Legal Writing Professor **Robin A. Boyle** (St. John's University) recently published several articles on learning styles, including: *Employing Active-Learning Techniques and Metacognition in Law School: Shifting Energy from Professor to Student*, 81 U. Det. Mercy L. Rev. 1 (2003); *Presenting a New Instructional Tool for Teaching Law-Related Courses: A Contract Activity Package for Motivated and Independent Learners*, with Karen Russo & Rose Frances Lefkowitz, 38 Gonz. L. Rev. 1 (2003); *Impact of Learning Styles and Law School Teaching*, in *Synthesis of the Dunn and Dunn Learning-style Model Research: Who, What, When, Where and What?* (R. Dunn & S.A. Griggs eds., St. John's Univ. Center for Study of Learning & Teaching 2003); and *Research on Learning Style and Legal Writing*, in *Synthesis of the Dunn and Dunn Learning-style Model Research: Who, What, When, Where and What?* (R. Dunn & S.A. Griggs eds., St. John's Univ. Center for Study of Learning & Teaching 2003).

Nigel Bruce (English Centre at the University of Hong Kong) had a paper published in Elsevier's English for Specific Purposes Journal called *Dovetailing Language and Content: Teaching Balanced Argument in Legal Problem Answer Writing*.

Molly D. Current will serve as the director of the legal writing program at Santa Clara University School of Law beginning with the 2004-2005 academic year. She is currently teaching in the legal research and writing program at Chicago-Kent College of Law as a Visiting Assistant Professor.

Darby Dickerson (Stetson) was named Vice President and Dean of Stetson University College of Law in February.

Janet Dickson (Seattle University) was granted her first three-year contract as a Legal Writing Professor.

Director of Legal Writing **Diane Dimond** (Duke) received the Duke Bar Association's Distinguished Teacher Award for the current school year. This award is presented each year by the student bar association to recognize a professor who, through mentoring, classroom teaching, and extracurricular support of student activities, has exemplified teaching excellence, service, and dedication to students.

Eric Easton (Baltimore) had an article accepted by the Columbia Journal of Law and the Arts. The article titled, *Who Owns the "First Rough Draft of History"?: Reconsidering Copyright in News*, argues that copyright may not be the best legal regime for protecting society's interest in journalism.

Judith Fischer (Brandeis School of Law-Louisville) has two articles forthcoming. First, *The Use and Effects of Student Ratings in Legal Writing Courses: A Plea for Holistic Evaluation of Teaching*, will be published in The Journal of the Legal Writing Institute. Second, *The Forensic Embroiderer, the Ostrich in the Sand, and Other Tales About Professional Responsibility in Legal Writing*, will be published in the Scribes Journal of Legal Writing. Fischer is also publishing a book with Carolina Academic Press titled *Pleasing the Court: Writing Ethical and Effective Briefs*.

Scott Fruehwald's (Hofstra) recent publications include *Judge Weinstein on Personal Jurisdiction in Mass Tort Cases: A Critique*, 70 Tenn. L. Rev. 1047 (2003), and the forthcoming *The Rehnquist Court and Horizontal Federalism: An Evaluation and A Proposal for Moderate Constitutional Constraints on Horizontal Federalism*, which will be printed in the Denver University Law Review.

Assistant Professor of Law **Lyn Goering** (Washburn University) has been appointed the first Director of Washburn's Legal Analysis, Research, and Writing Program. The directorship is a tenure-track

CONTINUED ON PAGE 26

Publications and Promotions

Continued from page 25

position with full faculty voting rights. Goering will also be teaching a third semester, three-credit, legal writing course just approved by the faculty called, *Writing for Law Practice*.

Deborah Hecht's (Touro) short story, *The Dancing Partner*, has been accepted for publication in a forthcoming collection titled, *Mean*. Her article, *Private Letters and the (Nineteenth) Century Law*, will be printed by the Touro Law Review. A previous and related article, *Representing Lawyers*, is being published by Rodopi Press in a collection titled *Law and Literature*. Also, Hecht and her colleague, **Jeffrey Morris**, have been asked to co-author a history of Touro Law School.

M.H. Sam Jacobsen (Willamette) will be traveling to Bulgaria in a few weeks to continue work with the Bulgarian Parliament on how to use administrative structure to fight corruption. She will also be presenting at a conference on "Evil, Law and the State" in Oxford, England this summer. Her presentation is titled, *When Bad Faith Meets Machiavelli: Abuses of Administrative Power Under the Bush Administration*.

Susan Hanley Kosse (Brandeis) has been chosen as Program Chair for the AALS Section on Legal Writing, Reasoning and Research. The title of the Section Program at the 2005 AALS Annual Meeting in San Francisco is *Developing the 5th MacCrate Skill—The Art of Storytelling*. Kosse also has an article, *Virtual Child Pornography—A United States Update*, that was accepted for publication in *Tolley's Communications Law Journal* at LexisNexis.

James Levy (Nova) has been elected to the AALS Teaching Section Executive Committee and will serve as the treasurer for 2004 and the secretary for 2005.

Molly Lien has been named the new Director of Lawyering Skills program at John Marshall Law School and was also granted tenure by the law school's faculty. Lien, who has been visiting at the school, will become a permanent member of the faculty starting in the next academic year. Current director **Maureen Straub Kordesh** will continue as a member of the regular faculty.

Joan Malmud (University of Oregon) has published *Adding Method and Alleviating Madness: A Process for Teaching Citation*, 12 *Perspectives* 117 (Winter 2004).

Professor **Michael Murray** (Visiting Professor—University of Illinois) will publish *Art Law: Cases and Materials* with William S. Hein in Spring 2004. This work will be the first student-oriented course book that will cover all of the topics currently taught under the title of Art Law in law schools today. Murray recently signed contracts with Thomson West to produce two books in 2005: *Jurisdiction, Venue, and Limitation* and *Civil Rules Practice*. Murray also has two law review articles being published this Spring called, *Jurisdiction Under the Foreign Sovereign Immunities Act for Nazi War Crimes of Plunder and Expropriation*, in the *New York University Journal of Legislation*, and *Public Policy and Stolen Art and Sovereign Immunity: The Case of Altmann v. Austria*, in the *Columbia Journal of Law and the Arts*.

Mitch Nathanson, Libby White, and Emily Zimmerman have been promoted to the rank of Associate Professor of Legal Writing at Villanova. This is the first formal set of promotions under the Standards & Procedures that the Villanova faculty adopted earlier this year.

In February, **Laurel Currie Oates** (Seattle University) was officially granted tenure by the law school's University Rank and Tenure Committee. Oates was also promoted to Associate Professor of Law.

Rick Peltz, an associate professor of law at University of Arkansas-Little Rock and, until this year, a professor of legal writing, has been granted tenure. Rick has been a member of the faculty since January 1998, starting with instructor status on a year-to-year contract. He went on the tenure track in 2000. Rick's grant of tenure was based in substantial part on his teaching, service, and scholarship as a legal writing professor.

The faculty of American University voted unanimously to grant **Penny Pether** tenure and promotion to full professor.

Sarah E. Ricks (Rutgers-Camden) filed an amicus brief on behalf of four Pennsylvania and New Jersey cities regarding the scope of the parental liberty interest, a substantive due process issue that has split the federal circuits. The reasoning of the brief was largely adopted by the Third Circuit in the case of *McCurdy v. Dodd*, 352 F.3d 820 (3d Cir. 2003), which overturned 15 years of district court decisions and was the result of many years of litigation strategy by Sarah and other City of Philadelphia attorneys. The March 2004 issue of *Trial Magazine* includes an interview with Sarah about the decision and the litigation strategy. Additionally, her paper on *Some Strategies to Teach Reluctant Talkers to Talk About Law* was accepted by the *Journal of Legal Education* (forthcoming 2004). A presentation based on the paper (with Anne Kringel) was accepted by the Program Subcommittee of the 2004 Legal Writing Institute Conference, on which Sarah served.

The faculty at Rutgers-Camden has voted to appoint **Ruth Anne Robbins** as a Clinical Associate Professor of Law, a rank that comes with 405(c) status. The faculty's decision was based on her clinical experience, primarily in the area of domestic violence, but also on her teaching, service, and scholarship in legal writing.

Sophie Sparrow (Franklin Pierce), Director of Legal Skills, was recently recognized for her excellence in teaching professionalism. She won the Inaugural Award for Innovation and Excellence in Teaching Professionalism, an award co-sponsored by the ABA Standing Committee on Professionalism and the Conference of Chief Justices. Sparrow has also written an article which will be published in the *Michigan State Law Review* 2004:1 edition called, *Describing the Ball: Improve Teaching by Using Rubrics—Explicit Grading Practices*.

Gail Stephenson, administrative general counsel for the First Circuit Court of Appeals in Baton Rouge, Louisiana, has been named the new Director of Legal Writing at the Southern University Law Center. Stephenson, who has been an adjunct instructor in the law center's legal writing lab since January of 2003, began the position in March. She is also on tenure track as an Assistant Professor of Law.

Hollee S. Temple (West Virginia University) is publishing an article, *Here's a Scoop for the Law Profs: Teach Your Students to Think Like a Journalist*, that will appear in the next issue of the *University of Detroit Mercy Law Review*.

Mark Wojcik (John Marshall Law School) has been appointed as Director of Global Legal Studies at The John Marshall Law School. Mark will be coordinating John Marshall's eleven foreign affiliations, while continuing his work in the Lawyering Skills Program. Mark was also appointed as chair of two committees on international studies, and he is the editor of three of the international sections' newsletters.

Robin Wellford-Slocum (Chapman) recently received tenure and promotion to full professor at Chapman University School of Law.

Congratulations to **Michael A. Zamperini** (Golden Gate), winner of the John A. Gorfinkel Award for Outstanding Instructor, selected by the graduating class. In addition to directing the first-year legal research and writing program, Michael teaches Torts, Wills & Trusts, Remedies, Constitutional Law, and Sexual Orientation and the Law.



Program News

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

The tenured faculty at **Oklahoma City University School of Law** has voted to change the title of the writing faculty from "instructor" to "Legal Research and Writing Professor."

Professor Andrew Solomon, Director of LRW at **South Texas College of Law**, reports that the faculty there has voted to allow any current LRW professors to convert to tenure-track. This significant development was "the result of many years of hard work and many lost battles."

News

Continued from page 27

Award Rewards First-Time Briefwriters

Professor Terri LeClercq (Texas) has funded an award for the Best 1L Brief at the University of the District of Columbia. The award was conceived when Professor LeClercq earned an unexpected consulting fee, and the first winner was announced in the spring of 2003. Thanks to Professor LeClercq's donation to the UDC School of Law Foundation, the award will continue for three more years, and will draw attention to the importance of good writing.



ALWD Announces Grants

The Association of Legal Writing Directors has announced the recipients of the \$5,000 ALWD Scholarship Grants for 2004:

Marilyn Preston, University of Toledo, who will be writing an article on the need to integrate appellate mediation skills into appellate advocacy programs; and

Adam Todd, Northern Kentucky, who will be writing an article exploring theories of modernism and postmodernism and their relationship to our work as legal writing professionals.

For the first time, ALWD will also award three \$2,000 incentive scholarship grants for 2004. These grants are designed to help legal writing professors begin their scholarship projects. The recipients are:

Chris McNeil, Capital University, who will write on the role of the executive branch adjudicator in post-9/11 government, with a focus on the trend of legislatures ceding judicial functions to the executive branch;

Julie Spanbauer, John Marshall, who will write on the comparison between legal writing courses for international students and those for U.S. students in first-year programs, with a focus on the transition process for both groups of students; and

Kathleen Elliott Vinson, Suffolk, who will write on why improving legal writing is a life-long learning process, and why the legal profession needs to share the responsibility to improve legal writing skills.

As in past years, ALWD received many more applications than it could fund. All the applications outlined topics worthy of scholarly attention, which made the selection process especially difficult. As you may know, funds for these scholarships were made available, in part, from the sale of the *ALWD Citation Manual*. Terry Pollman, chair of the ALWD Scholarship Committee, organized the grant review process again this year, and the members of the Scholarship Committee reviewed the many grant applications.

JoAnne Durako, ALWD President



LWI Election Results

The following newly elected members of the Board of Directors will begin their four-year terms in July, 2004:

Dan Barnett, Boston College Law School
Kristin Gerdy, Brigham Young University
Steve Johansen, Lewis and Clark Law School
Susan Hanley Kosse, Louis D. Brandeis School of Law, Louisville
Tracy L. McGaugh, South Texas College of Law
Carol McCrehan Parker, University of Tennessee College of Law
Ruth Anne Robbins, Rutgers School of Law-Camden

In addition, the Board of Directors has appointed **Kathleen Vinson**, Suffolk University Law School, the nominee who received the next highest number of votes, to fill the two-year unexpired term of board member Jane Gionfriddo. Professor Gionfriddo will be leaving the board after ten years of service, including terms as President-Elect and President.

These board members will join the following continuing board members:

Linda Edwards, Mercer University Law School
Anne Enquist, Seattle University School of Law
Elizabeth Fajans, Brooklyn Law School
James B. Levy, Nova Southeastern University
Sue Liemer, Southern Illinois University School of Law
Judy Rosenbaum, Northwestern University School of Law
Terry Jean Seligmann, University of Arkansas School of Law

Under LWI by-laws, officers for the positions of President-Elect, Treasurer and Secretary will be elected by this Board of Directors in July 2004.

LWI was fortunate to have a wonderful slate of nominees this year, and thanks go to all of them for their support and contributions to LWI. Thanks to all the members who voted, and to those who worked on the election process: Linda Edwards, Yonna Shaw, Betsy Fajans, Lori Lamb, and Kathryn Sampson. Extra special thanks to Lori and Yonna for making sure that errors not of their making were corrected and that every member who voted did so with the proper information on the candidates.

Finally, the departing Board members have given their hearts, their souls, and their sweat to the success of LWI. A bottomless thank you to Coleen Barger, Mary Beth Beazley, Joan Blum, Davalene Cooper, Jane Gionfriddo, Katy Mercer and Maureen Straub Kordesh for their service on the LWI Board.

Terry Seligmann, Chair, LWI Election Committee



ALWD Board Changes

The following new ALWD officers and directors will begin serving on August 1, 2004:

President-Elect: **Kristin Gerdy**
Secretary: **Amy Gajda**
Treasurer: **Grace Wigal**
Board of Directors: **Diane Edelman, David Romantz, and Judy Stinson**

In addition, **Brad Clary**, the current President-Elect, will become President on August 1.

In August, Suzanne Rowe will be leaving the board but has agreed to continue to serve as one of ALWD's ABA representatives. Kristin Gerdy leaves the Board to become President-Elect. We owe both Suzanne and Kristin many thanks for their work on behalf of ALWD and thanks for their continued service. A special thanks goes to Barbara Busharis and Jean Zorn for handling the election process again this year.

Jo Anne Durako, ALWD President



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

In Memoriam

Marie Monahan (John Marshall) died in April after a long and courageous battle with cancer. Marie was an Associate Professor in the Lawyering Skills program at John Marshall for fifteen years. Marie used a strong clinical approach to teaching legal writing before it became fashionable to do so. She also ran the Judicial Externship Program, taught Contracts, and co-authored a Contracts textbook with other members of the John Marshall faculty. Her family, colleagues, and friends will miss her greatly.

Call for Contributors

Volume 11 of *The Journal of the Legal Writing Institute* will be a Proceedings issue based on the conference about to take place in Seattle, WA. Presenters are invited to submit an article to the journal for that Volume on the topic of their conference presentation. The deadline for submission of a Proceedings article will be September 1, 2004. The editorial board will review and vote on which articles should be published by October 1, and plans to publish Volume 11 in late Spring 2005.

For presenters, or for those who are considering submitting articles for a future issue, the publication guidelines are reprinted here. Guidelines also appear on the LWI website.

Legal Writing: The Journal of the Legal Writing Institute Goals and Scope

The goal of the Legal Writing Institute is to encourage a broader understanding of legal writing and the teaching of it. To further that goal, the Institute publishes *Legal Writing: The Journal of the Legal Writing Institute*. The Institute hopes that this journal will provide a forum for an informed and lively exchange of ideas and opinions about legal writing. *Legal Writing* publishes articles, research reports, book reviews, and critical commentary from persons interested in both the theory and the practice of legal writing, in the design of courses and curricula, and in teaching techniques for the classroom and law office. In recognition of the fact that a variety of disciplines can contribute to knowledge about legal writing, *Legal Writing* is multi-disciplinary.

Background

The Legal Writing Institute established the journal in 1988 as a forum for the developing discipline of legal writing. Christopher Rideout of the University of Puget Sound School of Law served as the journal's first editor-in-chief. The first volume appeared in 1991. Unlike most other legal journals, which are student-edited, *Legal Writing* is a peer-review journal. Articles appearing in the journal include theoretical essays, reports on original research, and pedagogical pieces on all aspects of teaching legal writing. The journal also publishes a proceedings issue with articles based on presentations at the biennial Legal Writing Institute conferences.

Articles

All members of the editorial board read all articles submitted to the journal. Articles receiving an affirmative vote of the majority of editors are accepted for publication. As a general matter, the board is looking for well documented articles that our readership will appreciate either as original theory or as practical pedagogy. Authors are notified of the board's decision within three weeks. Two members of the editorial board work with each author in the publication process. For the proceedings issue, assistant editors work with the authors. The editorial board chooses its new members by majority vote. In recent years, new board members have been chosen because of their considerable efforts as assistant editors for a proceedings issue.

To submit an article to *Legal Writing*, please send a double-spaced paper copy of the article to Kathryn Mercer at the following address:

The Journal of the Legal Writing Institute
Case Western Reserve Law School
11075 East Boulevard
Cleveland, OH 44106

Also send an e-mail submission with the article attached, preferably in Word, to klm@cwru.edu.

In your submission, you may use either the *ALWD Citation Manual* or the *MLA Style Manual*. For information, contact Kathryn Mercer at the address above, by telephone at (216) 368-2173, or by e-mail at klm7@cwru.edu.

Please make sure all of your legal writing colleagues are getting The Second Draft by e-mailing address changes or additions to Yonna Shaw, LWI Program Assistant, at shaw_yw@Mercer.edu.

LWI Board Meetings

2004 LWI Conference: Wednesday, July 21, 2004

2004 LWI Conference

2004 LWI Conference, Seattle University School of Law, Seattle, WA:
Wednesday, July 21 through Saturday, July 24, 2004

Board of Directors Elections

Call for Nominations: January 2006
Elections: March 2006

Legal Writing: The Journal of the Legal Writing Institute

Status of Volumes 10 & 11: Currently accepting submissions
For information, contact Kathryn Mercer, Editor-in-Chief, at 216-368-2173 or klm7@po.cwru.edu

The Second Draft

Deadline for submissions for Fall/Winter 2004 issue: October 15, 2004
Deadline for submissions for Spring/Summer 2005 issue: March 15, 2005

Special thanks to Professors Jennifer LaVia and JoLen Wolf (FSU) for proofreading, to Mike Horgan (FSU Printing & Mailing Services) for production assistance, and to Yonna Shaw for maintaining the mailing list.

The Second Draft: Bulletin of the Legal Writing Institute

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2004 LWI Conference

*Seattle University
School of Law
Seattle, WA*

*Wednesday, July 21-
Saturday, July 24, 2004*

