Engaging First-Year Law Students Through Pro Bono Collaborations in Legal Writing

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> So much in our legal education tell[s] us that we need to distance ourselves and detach, which I find hard to do. We begin to talk about human conflict as a math problem that has a calculated rational answer. Also, when we talk about made-up and absurd hypos, it is hard to get invested in the people involved. The reality of these [collaborative] assignments helped me re-engage in the material and in the work on a level that I haven't been able to in my other courses.[1]

Many students begin law school full of passion for their legal studies and their future careers, but too often law school extinguishes their "passion for justice and...enthusiasm for helping other people that were their strongest initial motivations for wanting to become lawyers."[2] A variety of approaches to problems with student engagement have been suggested, including increased opportunities for experiential learning and giving students more contact with real lawyers and clients.[3] Furthermore, recent research indicates that the best way to encourage law school graduates to engage in pro bono activities is to provide them with a positive pro bono experience that is integrated into the law school curriculum.[4] This paper describes a project at Seattle University School of Law (SU) that fosters student engagement by integrating pro bono

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1. This quotation from an anonymous first-year student at Seattle University School of Law in response to a survey on the social justice collaborative projects. Student responses to this survey are on file with the author.

2. Deborah A. Maranville, Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning, 51 J. Legal Educ. 51, 51 (2001).

3. *Id.*; Cynthia F. Adcock, Beyond Externships and Clinics: Integrating Access to Justice Education into the Curriculum, 62 J. of Legal Educ. 566 (2013) (discussing Carnegie and Best Practices reports).

4. *Id.* at 8-10.

opportunities into the law school curriculum, specifically the first-year legal research and writing (LRW) class.

The LRW faculty at SU has developed the Legal Writing Collaborative (Collaborative), in partnership with SU's Access to Justice Institute and the local legal services community. Through the Collaborative, 1L students perform research and prepare memoranda on issues currently faced by lawyers working in a range of legal services settings. Although the students are not working directly with clients, they are contributing to the lawyers' efforts to solve real-world problems. Furthermore, the students do so within a context of learning the traditional material covered in LRW courses.

The first section of this paper describes the importance of bringing pro bono opportunities into the LRW curriculum. The second section describes the SU Collaborative in more detail, including the benefits and challenges we have encountered in implementing the Collaborative. The final section offers practical recommendations for adapting the Collaborative at other schools.

I. LRW's Vital Role in Bringing Pro Bono Opportunities Into the Curriculum

The Carnegie Report noted that law school is supposed to be where the legal profession "puts its defining values and exemplars on display."[5] As law professors, we play a crucial role in socializing law students into the profession,[6] but for too many students, the defining values and exemplars displayed in the first-year required courses seem disconnected from their ultimate careers.[7]

Similarly, experts on student engagement note that one of the most important ways to make law students feel that they matter is to make them feel as though they have embarked on a noble journey.[8] One way we can honor our students' choice of law as a career is to offer courses, and content within courses, showing lawyers as justice seekers, justice givers, and problem solvers.[9] "By introducing issues of social justice early in law school, professors introduce students who entered law school with an interest in practicing public interest law to situations they will face as attorneys."[10] Yet, only slightly more

5. William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, Educating Lawyers: Preparation for the Profession of Law 4 (Jossey-Bass 2007) [hereinafter Carnegie Report].

6. Bonita London, Geraldine Downey & Shauna Mace, Psychological Theories of Educational Engagement: A Multi-Method Approach to Studying Individual Engagement and Institutional Change, 60 Vand. L. Rev. 455, 459 (2007).

7. *See* Pamela Edwards & Sheilah Vance, Teaching Social Justice Through Legal Writing, 7 Legal Writing: J. Legal Writing Inst. 63, 65 (2001).

8. Nancy Levit & Douglas O. Linder, Happy Law Students, Happy Lawyers, 58 Syracuse L. Rev. 351, 372 (2008). Student engagement encompasses students' academic and psychological investment in their studies. London, Downey & Mace, *supra* note 6, at 456, 457.

9. Levit & Linder, *supra* note 8, at 372.

10. Edwards & Vance, *supra* note 7, at 65. Edwards and Vance argue that it is particularly important to teach social justice in the first year because after that, students "will have

than 10 percent of 1Ls nationally report having ever participated in a clinical or pro bono project as part of a course for academic credit.[11]

LRW classes provide a valuable opportunity for schools to engage law students with the practice of law, and more particularly with the practice of public interest law. The Carnegie Report noted that "[t]he teaching of legal writing can be used to open a window for students onto the full complexity of legal expertise."[12] LRW classes can more specifically introduce students to social justice practice, which can help students "begin to realize the importance of legal writing and research to practitioners by being exposed to some of the types of writing attorneys engage in on behalf of their clients."[13]

LRW professors often introduce students to legal practice, including public interest practice, through the use of "canned problems." These canned problems typically present students with a hypothetical client with a hypothetical problem to solve, often involving an area of law appropriate for novice researchers.[14] These canned problems are often designed to be realistic, and they may raise ethical and moral issues about the legal profession or questions about what it means to be a lawyer.[15] Hypotheticals play a crucial role in the LRW curriculum and are used for a variety of important reasons related to student learning.[16]

But reliance solely on canned problems creates a number of issues that can be addressed, at least in part, through projects like SU's Collaborative. First, canned problems present a misleading view of practice. They are often highly simplified, with the facts crafted through a sort of "reverse engineering"[17]

assimilated the language of the law and be unable or unwilling to see the biases in the law." *Id.* at 70 (*citing* Kathryn M. Stanchi, Resistance is Futile: How Legal Writing Pedagogy Contributes to the Law's Marginalization of Outsider Voices, 103 Dick. L. Rev. 7, 28 (1998)).

11. 2009 LSSSE data, question 11. 88.3 percent of 1Ls nationally said they never participated in a clinical or pro bono project as part of a course for academic credit. 6.6 percent said they sometimes did so, and only 5.2 percent said they often or very often did so.

12. Carnegie Report, *supra* note 5, at 111.

13. Edwards & Vance, *supra* note 7, at 65. "Writers enthusiastic about their topics are more likely to produce a better product. Incorporating issues of social justice into legal writing assignments is more likely to increase student interest in the writing assignment." *Id.* at 69.

14. Rebecca A. Cochran, Legal Research and Writing Programs as Vehicles for Law Student Pro Bono Service, 8 B.U. Pub. Int. L.J. 429, 438 (1999).

15. *Id.* at 437, 438.

16. *See* Nantiya Ruan, Experiential Learning in the First-Year Curriculum: The Public Interest Partnership, 8 Legal Communication and Rhetoric: J. ALWD 191, 199-201 (2011), (discussing evolution of LRW curriculum and the benefits of the contextual approach to learning that gives rise to use of "canned" problems); Kate O'Neill, But Who Will Teach Legal Reasoning and Synthesis?, 4 J. ALWD 21, 25-26 (2007) (discussing the reasons why LRW faculty use canned problems rather than real cases in most instances).

17. Michael A. Millemann & Steven D. Schwinn, Teaching Legal Research and Writing with Actual Legal Work: Extending Clinical Education into the First Year, 12 Clin. L. Rev. 441, 454 (2006).

necessary for very beginning law students because it focuses them on the discrete analysis and communication skills that are being taught. However, that process does not prepare students to work with the uncertainty and indeterminacy found in legal practice.[18] Instead, "[t]he standard curriculum perpetuates the illusion that the legal world is orderly, rational, and controlled. Canned problems reinforce this illusion. But we then expect students to cope intuitively with, and bring order to, the disorderly world they will find in practice."[19]

Second, canned problems promote teacher-centric and lawyer-centric thinking rather than client-centric thinking. Canned problems are teacher-centric in the sense that they lead students to try to discover the "answer" that the teacher already knows, rather than encouraging creativity and discovery.[20] Even more troubling is the way hypotheticals can inadvertently create a lawyer-centered rather than client-centered focus. LRW professors often ask their students to focus on the reader of their documents, i.e. emphasizing how judges and attorney readers of memos expect to receive information. But in doing so, this focus often results in what has been called "regnant" lawyering—"the opposite of client-centered lawyering, put[ting] the attorney's professional expertise ahead of the client's interests."[21] LRW professors can teach client-centered lawyering while using canned problems, but "[b]y definition, hypothetical clients cannot interact with the students or give students a sense of real responsibility for the life, liberty, or property of another."[22] Using actual legal work, particularly on behalf of marginalized populations, can help counter the tendency to emphasize the lawyer's expertise over the client's wishes and views.

Finally, when LRW programs rely only on canned problems, they waste potentially valuable resources. LRW faculty spend countless hours developing and teaching problems, giving feedback on student papers, and meeting with students to help them improve their work. The students put in countless hours drafting, revising, editing, and proofreading. Yet, at the end of a canned assignment, all that work often ends up in the trash. This considerable effort by faculty and students benefits the students "only in a narrow sense. They have not helped others who badly need it, and therefore have not experienced the satisfaction and professional growth that can come from helping another."[23] Furthermore, "[i]t also sends disturbing messages to our students and to the communities in which our schools are located: that we do not believe law

18. *Id.* at 456.

19. *Id.* at 460.

20. *Id.* at 459.

21. Edwards & Vance, *supra* note 7, at 69.

22. Millemann & Schwinn, *supra* note 17, at 456.

23. *Id.* at 457.

students have the ability to produce work that is useful to others, or that we cannot find ways to put their work to good use."[24]

For all these reasons, although canned problems are certainly valuable at the beginning of a law student's career, LRW faculty and schools should look for ways to move beyond them during students' required LRW instruction. In particular, LRW faculty should consider bringing in pro bono collaborations with law clinics or nonprofit legal services organizations to develop writing problems. SU's Collaborative provides an example of how schools can do so.

II. Seattle University School of Law's Collaborative

Seattle University's Collaborative began with a partnership between two LRW professors and a clinical professor in 2008.[25] Students in the immigration clinic were representing two female asylum seekers who had been victims of human trafficking and genital mutilation. Four clinic students played "client" to approximately 70 LRW students, in that the clinic students presented the issues to the 1Ls. The LRW students then researched factual and legal issues in the case, providing the clinic students with more information than they could have gathered on their own. The clinic students then used the LRW students' work preparing asylum applications that were ultimately successful.[26]

That same year, another LRW professor worked with a contact at a local nonprofit, Legal Voice, on a research project involving whether step parents are eligible for classification as de facto parents in Washington. The LRW student research and analysis was used by Legal Voice in the preparation of an amicus brief filed with the Washington Supreme Court, and a number of students attended the oral arguments in the case.

Following these two successful projects in 2008, more LRW faculty members expressed interest in participating in the Collaborative, and SU's Access to Justice Institute (AtJI) became involved in coordinating the projects.[27] The adjunct clinical faculty member who worked on the first clinical collaboration

24. *Id.* at 459.

25. Professors Millemann and Schwinn from the University of Maryland have written persuasively about the value of collaborations between legal writing programs and law school clinics. *See* Millemann & Schwinn, *supra* note 17. *See also* Michael A. Millemann, Using Actual Legal Work to Teach Legal Research and Writing, 4 J. ALWD 9 (2007). They offer a variety of models in which that type of collaboration could take place. Examples include a legal writing course taught by a legal writing professor in which the assignments come from a separate clinical course; a course co-taught by clinical and legal writing faculty or a clinical course taught by a clinical professor that includes a legal writing component. Millemann & Schwinn, *supra* note 17, at 444.

26. *See* Dave Thomas, The Motivators: Students at Seattle University School of law work to save two East African women from further abuse and intimidation, National Jurist 12 (February 2009).

27. The AtJI serves as SU's social justice hub, promoting and supporting community engagement by the law school community in service of justice for marginalized and underserved communities. It also plays a key role in community building and leadership development activities at SU.

became the Associate Director of AtJI; in that capacity, she organized an outreach to local non-profit legal services organizations. That outreach lead to a meeting of LRW faculty and representatives from these organizations where both groups discussed their interest in collaborative projects and what they would need in order for these projects to work. As a result of that meeting, six potential partner organizations (partners) suggested topics that could be used as writing projects for first-year LRW students. All faculty teaching first-year LRW at SU opted to teach one of these projects, so our entire first-year class of approximately 330 students worked on a collaboration in 2009.

Participation has continued to be widespread. In 2010, nearly all 1L students again worked on a pro bono collaboration, providing legal research to five community partner organizations and another group of clinical students.[28] In 2011 and 2012, all 1Ls worked on a project through the Collaborative, with community partners or the legal clinic. In all, SU's Collaborative has had participation by all SU LRW faculty, four SU clinical faculty, and eight partner organizations. As of this writing, approximately 1250 SU 1Ls have worked on at least one of 25 projects through the Collaborative. SU student research has been used for litigation, lobbying and policy analysis at the federal, state and local levels.[29]

Both the clinical collaborations and the collaborations with community partners have been generally very positive. Both types of collaborations have been very helpful in motivating students to produce their best work. Students often appreciated the connection between their coursework and the "real world": "I believe that working on an actual problem versus a hypothetical one gave me more appreciation for the process and gave me some sense of how important this work can be to clients."[30] Students also appreciated the community service aspect of the project because their work would serve those who could not afford representation. Student feedback also confirmed the suggestions from the literature discussed above about increased motivation, which in turn helped students learn the LRW course material: one student noted "[a]lthough it was rather difficult in subject matter, I thought that it was the best memorandum thus far for the advancement of my writing and analytical skills."[31]

The clinical collaborations have been particularly helpful in terms of building community at SU among clinical and LRW faculty and the students who have worked on the projects. The collaborations at least in some instances have also increased student interest in taking clinic courses later in law school. Additionally, the clinical collaborations have often been better in terms of generating manageable and discrete issues for the LRW students to work

28. The only LRW professor who did not participate did so because of timing issues with his syllabus, not because he was uninterested or unwilling to participate.

29. *See* Appendix A for a list of some of the Collaborative's projects.

30. Anonymous student comment response to survey, on file with the author.

31. *Id.*

on. Clinical faculty are often better than community partners at identifying issues at the right level of difficulty for 1L students, such that the problems our clinicians have suggested have worked well pedagogically for the LRW students.

How the student work is used may differ depending on whether the collaborating partner is a clinic or a community organization. Many of the community partner collaborations have asked the students to consider whether the partner should bring a particular litigation claim. Those projects have been pedagogically useful for the LRW students in that they often involve analysis of existing precedent, a task that 1Ls can generally do effectively. But the students have often, although not always, concluded that the proposed litigation claim was unlikely to succeed. That work has still been valuable to the community partners, as they have not had to expend resources and effort on something likely to lead to a dead end, but the LRW students sometimes have difficulty appreciating the value of that work to the partner. The clinical projects, on the other hand, have generally been able to be used more directly in cases that go forward, perhaps because of the different timing and posture of the cases involved.

But the clinical collaborations also pose some important challenges, particularly regarding timing. It can be difficult to give the LRW students enough time to complete their work and still leave the clinical students time to use the materials the LRW students produced. Furthermore, it can be difficult to identify the needs in the clinical case in time to slot them into the LRW syllabus and give the LRW professors adequate time to prepare the problems. Community partners have often been able to be more flexible about the timing of their cases, which has been helpful as we have tried to develop potential projects.

Collaborations with community partners can provide other benefits as well. Bringing in community partners can broaden the potential subject matter that can be used for these collaborations. Community partners can also help lighten the burden of clinical faculty who often face heavy loads in terms of teaching, scholarship, and service.[32] Additionally, the law school does not have to commit resources to the continued handling of a case, as it does with clinical matters. These collaborations also offer a way to build or strengthen connections between the law school and partner organizations. For example, the Collaborative has furthered partnerships in the development of an Advanced Civil Equal Justice seminar, increased external mentorship for

32. For example, Millemann & Schwinn recommend that clinical faculty and legal writing faculty co-teach courses, and that a clinical teacher might be given a semester off from clinical teaching to develop and co-teach the course. Millemann & Schwinn, *supra* note 17, at 493. Many institutions may not have the resources to make that possible, at least not without compromising the availability of clinics for upper-division students. Millemann and Schwinn also suggest that the clinical teacher "could 'refer' a legal matter to a LRW course, consult with the LRW teacher, be available to field questions, and teach several classes, without co-teaching the entire course." *Id.* But that model still places a heavy burden on clinical teachers.

students working on the *Seattle Journal for Social Justice,* and inspired students seeking externship and fellowship opportunities. The Collaborative has also increased student involvement in other AtJI activities, giving interested students a head start on pursuing social justice careers. For all these reasons, law schools and LRW faculty should consider collaborations with clinical faculty and non-profit legal services organizations.

III. Practical Guidance in Implementing LRW Collaborative

Those schools or faculty interested in bringing pro bono collaborations into the LRW curriculum should keep in mind several important practical considerations. Most crucially, for these collaborations to be successful they must meet the pedagogical needs of the LRW class; the other benefits of the projects will be outweighed if the students do not learn the core LRW skills that the course is designed to teach. There are several components to ensuring that the projects meet the students' pedagogical needs. Initially, it is important to think about the structure of the LRW program and how the projects could fit into the curriculum.

As these collaborations often involve issues that are very difficult for 1Ls, it is important to make sure that the students get solid foundational skills in legal research, analysis and writing before attempting these projects.[33] I would recommend waiting until the second semester of the first year before introducing such a project. For many schools, this would mean that the students were working on advocacy rather than objective writing[34] although at SU we have a three-semester program that allows our students to spend the entire first year on objective analysis and writing. Thus, SU LRW faculty have looked to the Collaborative for sophisticated questions that allow the students to research and analyze an issue and then write an objective memorandum based on the results. But we have not had to worry about both sides having good arguments, as can be necessary when teaching advocacy.[35] In any event,

33. Kate O'Neill has raised some important cautions about the difficulties in replacing hypothetical problems with real issues in a legal writing class. *See* O'Neill, *supra* note 16, at 25-27. In particular, she raises concerns that these projects will not adequately teach neoclassical reasoning, that is, "the work-a-day techniques of interpretation of and reasoning from positive law" including close reading and synthesis of legal sources and deductive reasoning "from those sources to determine a party's legal obligations in particular factual circumstances." *Id.* at 22. O'Neill correctly suggests that real cases often do not lend themselves to teaching interpretation, synthesis, and deductive application in the systematic way that students need to learn. *See id.* at 25. That is precisely why I advocate for ensuring that the students have a good foundation built from continued use of canned problems before bringing in collaborative problems. Then the students can see how "real legal work" does and does not resemble the hypothetical problems that are designed for teaching.

34. *See also* Cochran, *supra* note 14, at 446 (noting that pro bono projects should supplement, rather than replace, more traditional LRW assignments).

35. *See* Ruan, *supra* note 16, at 207 (discussing particular issues in using collaborative problems to teach advocacy, including explaining how the student work on the opposite side of the partner's position is still beneficial). Ruan's paper describes a model that is very similar to SU's Collaborative, although the Denver students work on advocacy projects rather

students should have completed at least two major writing assignments before beginning these projects so that they are adequately prepared for the difficulty of the collaborative assignments.

LRW faculty must also identify their specific pedagogical needs and vet proposed projects carefully to ensure that the project will actually serve as a useful vehicle for student learning. This has been the most difficult aspect of the SU Collaborative, as sometimes the suggested projects do not really provide the students with a good vehicle to enhance the legal research or reasoning skills that we teach. For example, there usually needs to be a sufficient body of existing law on the proposed subject so that the students can research, synthesize, explain, and apply that law to the partner's particular problem, but some of the issues suggested by the partners are so cutting-edge that there is not yet enough legal authority on the issue. In that situation, the suggested project is not likely to work. On the other hand, sometimes the issues they propose involve analysis of too much information for the students to realistically manage, in which case the LRW faculty can sometimes come up with a more manageable "slice" of the issue for the students to consider.[36] I have found it helpful to work with a colleague or two in vetting potential problems, to help think through how to take the suggestions from the partners and find one that will work well, including how to craft a piece of the issue proposed.

Partners will be better able to suggest manageable projects if LRW faculty can clearly communicate the specific pedagogical needs and other expectations, and in turn discuss the needs and objectives of the partner.[37] In this regard, in-person meetings are helpful at the beginning of the Collaborative and at the beginning of work on each specific project. When we solicit suggestions for projects every year, we also send out a written reminder of what we consider to be important factors that go into making a successful project.[38]

It is also helpful to generate and identify potential collaboration topics as early as possible so that the whole curriculum can be appropriately balanced. Within the overall LRW curriculum, each assignment generally is designed to add something new to the material students learn; therefore it is important for

than objective analysis and writing, and more of SU's LRW faculty participate in the Collaborative than in the Denver project.

36. *See id.* at 212-13 (discussing the need to "tweak" the legal issue so that the students are analyzing one part of the issue the partner wants addressed rather than the whole thing to make the problem more manageable for first-year students). LRW faculty may have different goals for what a "manageable slice" of an issue looks like; for example, some SU faculty have had students gather factual materials while others have focused purely on legal research and analysis.

37. *See id.* at 205-06.

38. See Appendix B for a slightly modified version of the form we have used at SU. This form could be adapted by other professors to reflect their differing pedagogical needs and expectations. It could also be used as a checklist for faculty as they are thinking through implementing these projects.

each professor to identify what the particular goals for an assignment will be and seek collaborative problems accordingly. For example, given the timing of the SU Collaborative within the SU curriculum, the problems often involve issues of federal law because we typically teach federal research during that period. Sometimes, however, the partner proposes a terrific issue involving state law. When that happens, we need to plan ahead to teach federal research earlier in the year so that the students can work on the state law collaboration issue while still covering federal law research.

These collaborative problems also require a higher degree of professor command of the classroom than do teaching traditional canned problems, for a couple of reasons. For example, LRW faculty need to use caution in presenting the subject matter, from the very beginning, to make clear to the students that they do not have to agree with the viewpoint of the partner in order to do well on the assignment. "Instead of indoctrinating the students, faculty can 'invite' students to explore the issues that arise from social justice problems. This approach follows the Socratic concept that persuasion is more of an invitation than a command."[39] It is often helpful to talk to students about how the partner organization needs their best objective analysis, not blind agreement with the partner's goals—which will hold true for actual clients later in their careers. LRW faculty should also be aware of sometimes heightened dynamics in student discussions and should take steps if necessary to continue to ensure that the classroom remains a safe space for discussion.[40]

Additionally, because of the complexity of most collaborative assignments, LRW faculty may not be able to exert the same level of control over the students' work and will therefore need to be flexible. Because students may come up with additional sources or analytical wrinkles that the professor does not expect, LRW faculty have a great opportunity to model how lawyers handle "not knowing the answer" by working through an issue collaboratively. But it also requires a certain level of confidence and a mindset shift from the traditional LRW teaching of showing students how to work through a more controlled problem. These collaborations may be better suited for more experienced rather than for brand-new LRW faculty.[41]

In my own experience, the benefits of these pro bono collaborations far outweigh their challenges. Most significant has been the increased student engagement that comes from these projects, which in turn has resulted in

39. Edwards & Vance, *supra* note 7, at 75-76.

40. For example, one colleague who taught a problem involving a college's potential Title IX liability when a student was sexually assaulted on campus by another student spent a whole class period having the students talk through their personal views and emotions regarding the difficult issues raised. Another colleague brought in a guest speaker to talk about transgender issues before assigning her students to work on legal analysis related to a state's exclusion of gender reassignment surgery from the state's Medicaid program. In both cases, taking time to lay the groundwork for the assignment proved helpful in increasing student comfort as they worked through the problems.

41. *See* Edwards & Vance, *supra* note 7, at 82.

increased learning. I have seen students immerse themselves in these projects with a passion that I did not see for the rest of the year, and as a result, they made tremendous gains in learning much of the material I had been trying to teach them all along. The students have amazed me with the creativity of their research and analysis, with their theoretical reasoning and practical suggestions as well as their improved analysis and writing.

"[E]ducationally effective institutions intentionally use policies and practices that induce students to expend more effort on productive activities."[42] When implemented carefully, collaborations like the ones described in this article can be incredibly productive for our students, faculty, schools, and communities.

42. Patrick T. O'Day & George D. Kuh, Assessing What Matters in Law School: The Law School Survey of Student Engagement, 81 Ind. L. J. 401, 406 (2006).

Appendix A: Partial List of LRW Collaborative Projects at SU

Topic	Outcomes/Use of Student Research
Researching various factual and legal topics related to asylum application of two women who were victims of human trafficking and female genital mutilation	Seattle University Immigration Clinic students used LRW students' research in preparing asylum applications that were ultimately granted.
Evaluating potential Eighth Amendment challenge to practice of shackling pregnant inmates during labor	Legal Voice used research by LRW students in successful litigation; Washington then passed statute restricting the use of restraints on pregnant inmates.
Analyzing the admissibility of a plaintiff's immigration status in a tort claim involving future lost wages	Student research was used in support of an amicus brief by National Employment Law Project in a case then pending before the Washington Supreme Court; court ruled in favor of NELP's position.
Assessing a city's potential negligence liability if it implements a pre-booking drug diversion program for small-scale drug offenders	Student research was used to assist the ACLU of Washington in working with the local city considering this project.
Providing legal and policy analysis regarding the Identity Theft Enhancement Act as applied to undocumented workers	Student research provided to National Employment Law Project in support of lobbying and drafting efforts at the state legislative level; a related issue was pending before the United States Supreme Court.
Assessing whether author of student note was correct in recommending filing claims for intentional discrimination based on a failure to provide interpreters to LEP individuals	Research provided to Northwest Justice Project to identify fact patterns that could be sufficient under prevailing law; some students also suggested other potential solutions and strategies.
Analyzing whether a Washington court has the power to issue a protection order for a period of more than one year	LRW students provided a short memo and a short brief to Seattle U's Domestic Violence Clinic, to be used in support of clinic cases.

Appendix B: Sample Communication to Partner Regarding Project Needs

Thank you for participating in the Legal Writing Collaborative. It is time again for you to propose potential issues for 1L students to research and write about. As you think about potential issues, please consider the following factors related to the effectiveness of these projects:

- Issues of General Concern Rather than Specific to One Case: Projects ideally will be issues that have come up more than once but which you have not yet had time to delve into the details.
- Timing: Since students will probably work on the projects in March and April, projects with a shorter deadline probably will not work well.
- Difficulty Level: The projects need to be accessible to 1L students (not too difficult), while still challenging. (The projects are meant to be the most difficult legal writing project the students will work on all year). As a general guideline, we want students to be able to explain their analysis in memos of 10-15 pages, rather than being able to dispose of the issue in five pages or requiring 35 pages, for example.
- Research: As the students will do all their own research, the amount of authority the students will need to find and analyze should be manageable. The best projects generally have some relevant case law on the topic, but not hundreds of cases. The issue also cannot have already been conclusively answered by a law review article or other secondary source.
- Type of Analysis: As we typically work with students on applying legal analysis to a set of facts, ideal projects will have a factual component to them rather than raising pure issues of law.
- Recommendations: Students will be writing objective memoranda on the project topics rather than briefs or other persuasive documents. Therefore students need to be able to, and need to *feel* able to, take a position on the issue contrary to what the partner organization might be hoping for.
- Confidentiality: If confidentiality concerns prohibit you from using specific facts from one client's situation, consider coming up with an aggregated fact pattern so that the students can work from a specific situation if the issue involves application of law to facts. Partner organizations should be willing to have the students' work product used as student writing samples.

Finally, here is a list of some of the projects that have worked well in the past:

- Evaluating potential challenges to continued felon disenfranchisement based on failure to pay fines and fees;
- Analyzing the law related to cases involving asylum seekers from Ethiopia who allegedly provided material support for a Tier III terrorist organization;

- Providing statistical and policy analysis regarding the Identity Theft Enhancement Act as applied to undocumented workers; and
- Analyzing whether an expelled student has the right to receive some form of publicly-funded alternative education during a period of expulsion.

It is helpful to the legal writing faculty if you can propose a few options when possible. If you are unsure whether a potential project fits within these guidelines, please err on the side of including it in your list, and we can discuss any concerns with you as we go through the process of selecting problems. If you would like to talk to someone about a potential project, please feel free to contact Prof. Mary Bowman at bowmanm1@seattleu.edu. In any event, please try to submit your suggestions by November 1st. Thanks, and we are looking forward to working with you this year.