

Ninth Applied Legal Storytelling Conference Program

City University, London, July 26-28, 2023



Wednesday, July 26, 14:30-16:30

TLG11—*Ethical Considerations in Storytelling Panel*, Kim Holst, Moderator

Seduced by Story? Have We Created a Monster?

Ruth Anne Robbins, Rutgers Law School

Steve Johansen, Lewis & Clark Law School

Peter Brooks's 2022 book, *Seduced by Story*, raises questions about the overreliance on storytelling as a tool for persuasion. Brooks posits that narrative has problematically come to dominate discourse in many areas including law. Drawing on recent neuroscience, including the science of story cognition and of false-memory creation, we explore whether certain widely accepted storytelling techniques are more ethically problematic than we previously conceded.

Bearing Witness--Lawyers as Truth-tellers When the Public Story is a Lie

Charlie Martel, Lewis & Clark Law School

Should lawyers tell the world client stories? When? Why? How? Professor Charlie Martel will discuss his *Harvard Human Rights Journal* essay about his volunteer lawyering for refugees in Greece. Professor Martel chose to bear witness to the truth of refugee humanity to fight against false, anti-refugee narratives.

Incorporating Principles of Constituent Storytelling in Legal Advocacy

Kim Holst, Arizona State University, Sandra Day O'Connor College of Law

Storytelling has become a foundational element of legal writing doctrine and teaching. While many articles and texts have examined the impact that storytelling has on advocacy, it's important that we also examine the harms that can arise when a story is mishandled. This presentation will draw on scholarship in constituent storytelling in journalism and social-change work to identify considerations and possible best practices for telling the stories of others.

Storytelling Ethics, Round 2: An Applied Legal Storytelling Statement on Professionalism

Helena Whalen-Bridge, National University of Singapore

Derek Kiernan-Johnson, Colorado Law

Rachel Croskery-Roberts, University of California-Irvine

Steve Johansen, Lewis & Clark Law School

At the last AppLS Conference, we presented a draft Statement on Professionalism for Applied Legal Storytelling to guide the ethical use of storytelling techniques by lawyers and law students. We received your helpful critique and feedback. Since then, we have taken our show on the road and sought further feedback and suggestions. We revised the guidelines based on this combined feedback and added illustrations and questions to support ethical reflection and use of the guidelines for teaching purposes. Join us in this session, where we share the new and improved guidelines before we submit to consideration to ALWD, LWI, and CLEA.

TG14—Professional Identity Formation Panel

Becoming You: Are We What We Advocate?

Emily Janoski-Haehlen, University of Akron Law School

James McGrath, Western Michigan University Thomas Cooley Law School

Todd Stafford, University of Colorado Law School

Gabrielle Stafford, University of Colorado Law School

This program will explore advocacy and the formation of professional identity through the stories of law students, lawyers, and law schools. The formation of professional identity is a story that we construct for and tell ourselves and that we share with the profession and the outside world. And, inevitably, this story will shape how we see ourselves and present ourselves professionally—it's something of a role that we play, that perhaps begins to change who we really are (whatever that means). In that same vein, it is also true that law schools tell stories to the American Bar Association about what they are and what they're trying to accomplish. And this likely also shapes their own understanding of what they are and are doing, as well as what they will become. In other words, these stories in both contexts are productive of something—a professional or a law school of a certain kind. Finally, as advocates, the stories we tell on others' behalf (that is, on behalf of our clients) is also productive: the telling impacts and alters the mind, the beliefs, the values of the advocate herself. Essentially, all three groups are talking about the way stories of particular kinds and for particular purposes are productive beyond their immediate or instrumental objectives. And what we advocate for does have an impact our strongly held beliefs and values.

Wednesday, July 26, 14:45-17:30

TLG11—Keynote: Legal Storytelling in the English/Welsh Jurisdiction

Marcus Soanes, Principal Lecturer, City University

Robert McPeake, City University, Lecturer Emeritus, City University

Wednesday, July 26, 17:30-19:00

Sebastian Hall: Poster Presentations and Opening Reception

The Storytelling Project: Fostering Empathy and Building Skillsets across Law School Community

Alexandra D'Italia, Southwestern Law School

Professor Alexandra D'Italia, founder of Southwestern Law School's Storytelling Project, explains the project's growth from pandemic response to project recognized for its presentations, workshops, and storytelling events. In addition to discussing the project's efforts to close the empathy gap created by the pandemic, she'll discuss how she partnered with departments and student organizations to bring the project to light.

Storytelling, Civility, Civil Discourse and the 21st Century Attorney

Angela Downes, UNT Dallas College of Law

Kay Elliott, Texas A&M University School of Law

How does the modern attorney prepare for the global marketplace and while effectively advocating for their clients? Learning the skills of storytelling, civility, and civil discourse and incorporating the tenets associated with civil discourse--empathy, listening, humility, civility, persuasion and peacekeeping – helps students to grow their skill set and enhance their practice.

The Trouble Around Expanding to China

Carolina Fabara, Chinese University of Political Science and Law

Doing business in a foreign country is not an easy task, and the dynamic Chinese market contributes to an even more challenging environment. Despite its impressive economic development, China is still a transitional economy, as it is arguably still moving from a position where few market supporting institutions existed in a centrally planned economy. Thus, it may still be problematic to apply management approaches from advanced Western countries in China.

Teaching Persuasion through Storytelling in Popular Culture and Legal Advocacy

Amanda Harmon Cooley, South Texas College of Law Houston

This presentation will demonstrate an effective pedagogical approach to teaching legal persuasion through storytelling by connecting a popular culture example from the television series *Mad Men* with a prominent appellate brief filed in the United States Supreme Court by one of the best advocates in the country.

Music Education Methods for Developing Law Student Foundations in Narrative Storytelling

Joshua Aaron Jones, California Western School of Law

Music appreciation can strengthen law students' narrative storytelling skills. In this presentation, Jones provides an overview of three music concepts for application in the legal writing classroom: rhythm, phrasing, and renditions. When law students become aware of and understand these concepts, they can better plan narratives for both objective and persuasive writing. Participants need not have a music background to benefit from this presentation.

"How-to-Succeed-in-Law-School" Books: Self-Help Literature and the American Dream of a Legal Education

Lenora Ledwon, St. Thomas University, Benjamin L. Crump College of Law

Law students come to us with preconceived notions about legal education, often acquired from "How-To-Succeed-In-Law-School" books. Using insights from *Law & Literature*, we can empower our students by unpacking the messages in such popular self-help guides and by making thoughtful suggestions for pre-law school readings that approach self-help as including the interrelations between connectedness and competence.

Keeping the Capital Client's Story Alive Through Dynamic Storytelling

Sylvia Lett, University of Arizona, James E. Rogers College of Law

It is difficult to “unring” the bell of an evidentiary hearing, but Lett will demonstrate how — due to the extraordinary efforts of a capital client’s attorney — a real capital case is now in the midst of settlement negotiations. Part of keeping the “heat” on the state’s lawyers has been the outside methods that have been utilized by the defense to keep the client’s story alive. Drawing on her years as an Assistant Federal Public Defender in the Capital Habeas Unit at the Arizona Federal Public Defender’s office, Lett will demonstrate a variety of ways to tell a capital client’s story.

Using the Great Gatsby to Teach Narrative Theory

Amy R. Stein, Hofstra University Maurice A. Deane School of Law

This presentation describes a simulation I created for my legal writing students using *The Great Gatsby*. Students draft a complaint on behalf of Tom Buchanan, who is seeking compensation from Jay Gatsby for alienation of Daisy Buchanan’s affection. The exercise helps students understand the importance of empathetic storytelling, and the impact that they, as lawyers, have on their client’s lives.

Thursday, July 27, 8:15-9:15 (Coffee and continental breakfast in Whiskin/Rhind connection)

Whiskin FG05 *Spotlight Presentation: Building Disciplines: Professors representing clinic and legal*

writing/communication/rhetoric converse about the acceptance (or not) of disciplinary scholarship

Patience Crowder, University of Nevada Las Vegas
Sherri Keene, Georgetown University Law Center
Brian Larson, Texas A&M University, School of Law

Ruth Anne Robbins, Rutgers Law School (welcome only)
Melissa Weresh, Drake University Law School
Lindsey Webb, Denver Sturm College of Law

Law professors in both the clinical and legal writing spheres have each experienced challenges with building the discipline of legal practice and legal communication. The challenges come both internally and externally. What steps have the groups of professors taken to gain scholarly legitimacy? What has worked? What can we learn from these experiences? What can other professors in other fields offer in terms of advice or support?

Thursday, July 27, 9:30-10:00

FG05-Reevaluating Regional Law Reform Strategies After Dobbs

Jamie Abrams, American University Washington College of Law

This presentation will study the triad of 2016 social media campaigns known as “#AskDr.Kasich,” “#askbevinaboutmyvag,” and “#PeriodsforPence.” While these legislative campaigns, each located in the regional mid-South, were motivated by restrictive state abortion bills, they uniquely positioned menstruation and women’s reproductive health as the center of their activism – not abortion. They tapped into meaningful disruptions in the geographies, religiosities, and masculinities of abortion politics. In so doing, they transformed the rhetorical battle of dignity and disgust in discussing and regulating women’s reproductive decision-making into a political catalyst for solidarity and activism. They leveraged, as a political fault line, the contradiction of these governors’ perceived disgust relating to basic reproductive health, relative to their patriarchal assuredness in regulating and controlling women’s bodies. This case study reveals how narratives of menstruation and women’s health were used as political tools of disruption and solidarity in ways that inform the vital work of regional law reform efforts in a post-Dobbs America.

FG06-Seeing and Unseeing in Tennessee

Lucy Jewel, University of Tennessee School of Law

My paper will use three recent controversies within the state of Tennessee to illustrate how visual rhetoric, which carries so much persuasive power, has become a flashpoint in contemporary culture wars about race, history, and memory. Grand jury deliberations inside jury rooms festooned with Confederate memorabilia; laws regulating the removal of Confederate statues from public land; and legislation limiting discussion of so-called “divisive concepts” all relate to visual rhetoric: what we see, what we must see, and what we don’t see. I will discuss these trends which, at the same time, restrict visual narrative but also mandate visual narrative, legally forcing citizens to see only one story.

F201-Imaging people who use drugs: How parliamentary actors picture and tell stories about the subjects of drug law reform

Sean Mulcahy, La Trobe University

Kate Seear, La Trobe University

Parliamentary human rights scrutiny processes require any proposed law to be subject to scrutiny by a parliamentary committee to determine its impact on human rights. Our research examines these processes in the context of drugs legislation. This presentation examines the use of storytelling by parliamentary actors when figuring people who use drugs, based on interviews with those involved in these processes.

F203- Can Student-Lawyers Write an Effective Story to an Unfamiliar, Imagined Audience?

Cindy Thomas Archer, University of California-Irvine Law School

Effective storytelling begets effective rhetoric, but both rely on an understanding and appreciation for audience. Most student-lawyers have little or no experience with their imagined audience. This presentation will offer some of the findings from reviewing literature from other disciplines, e.g., journalism, literature, as well as applied storytelling about how to effectively teach audience through experiential pedagogy. I will offer two exercises I use in my class to familiarize my students with their audience.

Thursday, July 27, 10:20-10:50

FG05-Constable Humpty Dumpty and the Dubious Theory of Police Reform, An Abolition Story

Kim D. Ricardo, University of Illinois-Chicago School of Law

This presentation urges attendees to interrogate the conventional narratives of justice, safety, law and order and to consider whether the institutions that pretend to safeguard those values are actually achieving those ends. It will also challenge attendees to use their creative powers to imagine what a world without police and prisons might look like.

FG06-Drafting Statutes as Stories

Richard Neumann, Hofstra University Maurice A. Deane School of Law

Many statutes would be more effective if drafted as stock stories, rather than conventional logical formulae, because legislation regulates what people do in recurring sequences of events. The presentation will compare the U.S. Electoral Count Act with a stock story redraft and will explain a current U.K. statutory drafting style that resembles storytelling and a similar Swedish drafting tradition.

F201-Telling Conflicting Defense Stories in Singapore Criminal Cases: How Legal Procedure Impacts Party Narratives

Helena Whalen-Bridge, National University of Singapore, Faculty of Law

Legal systems use procedural rules to determine how to conduct proceedings, which in turn impact what narratives are allowed and what shape they take. This session will first engage in an interactive exercise with participants in which breakout groups use different procedures to create a legal narrative from the same evidence, and then compare the results. The session will then share the results of research into application of this idea in criminal matters.

F203-Using Defamiliarization Techniques as a Tool in Persuasive Writing

Amy Bitterman, Rutgers University School of Law-Newark

This presentation will discuss how the literary techniques of “defamiliarization” can be used in brief writing as a means of shaking loose conscious or, in some cases unconscious, biases in the law, or as a means of addressing adverse precedent. The presentation will use examples from the arts to illustrate different defamiliarization techniques, and will then examine how these techniques can be used to overcome unfavorable precedent and/or judicial or societal biases by looking at examples from several high-profile cases, such as *Bowers v. Hardwick*, *Romer v. Evans*, and *Atwater v. City of Lago Vista*. The presentation argues that, given the heavy reliance of our legal system on immediate precedent as a basis for decision-making, it is worth considering techniques that artists have used to “shake up” similarly deep-rooted perspectives.

Thursday, July 27, 10:50-11:20

FG05-The Choirboy and the Tyrant: Managing Judges’ “Character Visualizations” in Written Appellate Advocacy

Andrew Carter, Arizona State University, Sandra Day O’Connor College of Law

When processing the 'story' of a case, appellate judges, like all competent readers, produce mental imagery of the characters; that is, appellate judges visualize, in their mind’s eye, the parties and witnesses that populate the story. But in appellate practice, judges’ 'character visualizations' are often unguided, and therefore, unreliable. Does it matter? And if it does, what might lawyers do about it?

FG06-Storytelling at the Statehouse: An Inside Account

Kenneth Chestek, University of Wyoming College of Law

Most storytelling scholarship focuses on dispute resolution. Little has been written, however, about how stories influence the creation of law. This session will draw upon my recent experience as a member of the Wyoming House of Representatives to examine how stories affect lawmakers as they draft statutes or seek to persuade each other to vote for particular bills.

F201-Storytelling and the Amoral Technician

Ezra Ross, UC-Irvine School of Law

Placing storytelling at the center of discussions about lawyering is not a morally inconsequential act. To the contrary, doing so can raise serious problems of professional ethics and questions about how lawyers should conceive of their role in the justice system.

F203-Turning Windmills into Giants and Back: Using Don Quixote to Tell the Story of the Article 81 Guardianship Laws

Susan Greene, Hofstra University Maurice A. Dean School of Law

Several years ago, my father was diagnosed with Alzheimer's and I became his guardian, pursuant to New York's Article 81. I turned this experience into a very personal law review article, mixing together my own deep ambivalence about my role, a critique of Article 81 and its unfortunate limitations, as well as an opportunity to share the story of my father. And my father's story of himself, through the eyes of Don Quixote. In my presentation, I will suggest that we can tackle difficult topics with compassion and some good storytelling.

Thursday, July 27, 11:30-12:15

FG05-Legal Storytelling as Praxis in Academic and Community Partnerships

Thalia González, University of California College of Law, San Francisco

To animate a new discourse in the field, this presentation draws on examples of legal storytelling praxis within an academic-community partnership (Education Law Center and the UC Law, San Francisco). Within this partnership, legal stories are co-created with Education Law Center clients and serve as the architecture for a diverse portfolio of work from academic essays and articles to podcasts to Know-Your-Rights materials to legislative advocacy to presentations. As a praxis, legal storytelling elevates the need for new collaborative, transformative, intersectional, and inclusive frameworks in civil rights education lawyering.

FG06-Storytelling for Narrative Change in Policy Advocacy

Rachel Wallace, University of California, Berkeley School of Law

Stephanie Campos-Bui, University of California, Berkeley School of Law

Influencing narratives is a key component of policy advocacy. Many public interest lawyers and advocates who work in policy spaces often find themselves coming up against challenging narratives that lawmakers, and even the general public, hold. This session will explore various storytelling techniques that can be used to combat narratives in a number of policy and legal fields.

F201-Developing Cultural Self-Awareness through Origin Storytelling

Reena Parambath, Drexel University, Thomas R. Kline School of Law

Tracye Edwards, Drexel University, Thomas R. Kline School of Law

This presentation will engage the audience by introducing origin storytelling activities that can be used to cultivate a law student's cultural self-awareness in classrooms, clinics, and externship field sites. Participants will gain appreciation for strategies that support students in the ongoing learning process of self-exploration and self-critique involved in the demonstration of cultural humility.

F203-If Law Stories Were Love Stories: Were Love Stories: Indigenous Storytelling and Sovereignty, State, Silence, and Settler Violence in the Life and Death of Colten Boushie

Dr. Tracey Lindberg, University of Victoria, Faculty of Law

Indigenous / First Nation legal storytelling as the basis for law and the applicable legal principles are included in this narrative telling of a shooting of a Napesis (Cree boy) on his peoples' territory. Unreported in Canadian legal case reporters, Neheiyiwak / Cree / Indigenous laws are engaged and unpacked in this story.

Thursday, July 27, 13:30-14:00

FG05-Just Citation: Telling Stories Through Ethical Citation Practices

Amanda Levendowski, Georgetown University Law Center

Contemporary citation practices tell stories about our methods and values. Unfortunately, these stories often conflict with justice. Building on critical legal research and citation justice scholarship, this presentation explores a series of overlooked and underused citation methods that prioritize safety of marginalized people and promote accessibility for disabled, low-income, and all other readers, all of which are easily implementable. Attendees will gain a new perspective on citation and leave equipped with powerful, practical tools to pursue just citation practices in their scholarship, classroom or both.

FG06-Reconstructing Realities: Role of Translators in Legal Storytelling

Bhumika Billa, University of Cambridge

This paper extends Bennett and Feldman’s work on ‘reconstruction of realities in courtrooms’ to a qualitative empirical case study of Indian legal practice. I investigate the structural role that the translation of reality into stories, and the translation of those stories into legal language, play in making law a force of power, rather than a force of good. The paper is based on ~25 qualitative interviews of lawyers and judges, and the way they understand, control, and shape legal narratives.

F201-When the Science Is the Story: Using Storytelling Techniques to Communicate Math and Science in Law

Robin Juni, The George Washington University

Lawyers regularly joke about their supposed inability to address mathematical and scientific issues. However, these issues can be critical to a dispute, and lawyers must effectively communicate about them. This presentation will explain research supporting use of storytelling techniques to communicate mathematical and scientific concepts and provide examples of how to best to effectuate that communication.

F203-Using Artificial Intelligence to Craft Compelling Human Stories

Kim Holst, Arizona State University, Sandra Day O'Connor College of Law; Tracy Norton, Louisiana State University, Paul M. Hebert Law Center

This presentation will examine how to use AI for storytelling. It will also explore what AI understands about human emotions and the implications of that when using AI—especially when telling stories.

Thursday, July 27, 14:00-14:30

FG05-Personification of Legal Story Telling-A study of True-Crime Docuseries on Netflix

Pratiksha Ashok, UC Louvain

True Crime Docuseries are the personification of legal storytelling, narrating crimes using masterful techniques in a binge-worthy manner. The presentation uses anecdotes from the 49 true crime docuseries examined to explore the narrative deployed. These docuseries lay out the facts so viewers can comprehend these heinous actions, honour the victims, and provide avenues for seeking help.

FG06-Contracting for the Company's Culture

Susan Chesler, Arizona State University, Sandra Day O'Connor College of Law

Companies are not immune from the culture wars that divide the United States and other countries. Increasingly, companies have become participants in a wide range of social and political controversies. In this interactive presentation, I will address how companies can use contract drafting to tell the stories of the company culture that is so important to their success.

F201-Centering Client Experiences through Client Voice: Re- Envisioning Storytelling in Legal Scholarship, Clinical Pedagogy and Representation

Kara Finck, University of Pennsylvania Carey Law School

Sarah Paoletti, University of Pennsylvania Carey Law School

Based on the panelists experience in immigration law and child advocacy, the session will highlight the benefits of incorporating the storytelling of clients into scholarly writing, representation and clinical pedagogy. Panelists will describe specific examples of centering client storytelling and the processes for developing that work in a variety of mediums including legal scholarship, podcasts, advocacy pieces, and clinical teaching utilizing incorporating trauma informed practice.

F203-Dystopia or utopia, freedom through disruptive innovation or enslavement in traps of fraud and greed – Telling the Legal Narratives of Artificial Intelligence, Cyberspace and the Metaverse

Michael D. Murray, J. David Rosenberg College of Law, University of Kentucky

Artificial intelligence will change the legal world, and I will explore how a legal storyteller should prepare to tell the narratives of AI, cyberspace, and the Metaverse. I will discuss the competing views of current issues regarding the ownership, copyrightability, and fair use of generative AI, and examine competing narratives in the cyber world and growing metaverse regarding AI-assisted innovation vs. enslavement by surveillance and algorithmic control, and whether AI will empower or overwhelm human self-actualization.

Thursday, July 27, 14:40-15:25

FG05-Narrative Archaeology for Corporate Lawyers

Praveen Kosuri, University of Pennsylvania Carey Law School

Jonathan Smith, Washington University School of Law

This presentation explores corporate lawyering as an act of narrative archaeology. In it, we demonstrate that the ability to extract narrative from technical documents like financial statements and corporate charters is a core skill for corporate lawyers. We will demonstrate this through close readings of financial statements and corporate charters of a single, publicly traded corporation.

FG06: Open

F201-The Chicken AND the Egg: Using Reflection Essays to Develop Storytelling Skills

Dawn Barker Anderson, University of Iowa College of Law

June Tai, University of Iowa College of Law

It can be difficult to motivate students to spend time and effort to develop the critical skill of reflection. We propose that reframing reflection as a storytelling process can improve accessibility and motivation. By encouraging students to notice the events they experience and describe them carefully and vibrantly, students simultaneously learn the skills of reflection, fact development, and case theory.

F203- Race & the Bar Exam - A Socratic Story-telling Perspective on Constitutional Law

Scott Johns, University of Denver Sturm College of Law

It's in the midst of the stories that we tell in which our hearts change. And I argue that heart change leads to positive legal change. In this presentation, I share an encounter with the classic Socrates, who returns to our jurisdictions in conversations with policy makers, justices, law faculty, and bar examiners to explore whether the bar exam might be constitutionally suspect as a sort of constitutional tort because our hearts know, deep down, that bar exams don't live up to the hype and promises of which we proclaim and yet perpetuate race-based exclusions. So, let's hear the stories that we tell to find out what lurks in our hearts, deep down, about the bar exam.

Thursday, July 27, 15:45-16:15

FG05-Can You Hear Me? Using Stories from The Child Sexual Abuse Epidemic in Jamaica to Advocate for Intentionally Including Bias, Cross-Cultural, and Cultural Competency into Jamaica's Program of Legal Education

Sha-Shana Crichton, Howard University School of Law

Using stories about CSA in Jamaica from the media and cases as an anchor, this presentation suggests that Law School in Jamaica and law schools worldwide should provide intentional instruction on bias, cross-cultural competency, and cultural competency because failing to do can cause hearing, listening, and empathy to suffer and undermine the expectation of educating effective, ethical, and responsible lawyers.

FG06-How I Turned a Boring Old Contract Interpretation Class Session into a Hero's Journey

Michael Murphy, Duke University School of Law

This presentation is about a class period in a transactional law clinic in which I teach the skills of contract interpretation. It will tell the story of the transformation of this class period from a very boring PowerPoint-based snoozefest into a more interesting experience: a simplified version of the hero's journey, with the students playing the role of the heroes-to-be.

F201-Judicial Auto-Narration in The Hague

Antoine De Spiegeleir, European University Institute

International courts "speak" to their audiences through various communications. These communications inform us about the rules of international law, of course, but they do many more things. In my presentation, I focus on how these communications contribute to constructing the identity of international courts by weaving stories and projecting self-images. I take the International Court of Justice as a case in point, and I argue it is high time we grappled with international adjudication's (auto-)narrative

dimension.

F203-Not a Hero, Not a Villain: Crafting Effective Sentencing Advocacy Presented by the Antihero Story

Tonya Krause-Phelan, WMU Cooley Law School

In this TED Talk-style presentation, criminal law professor and defense lawyer Tonya Krause-Phelan demonstrates how powerful it can be to tell the defendant's life story at sentencing in the context of an antihero story arc.

Thursday, July 27, 16:15-16:45

FG05-Paternal Rights of Rapists: Stories Legislators Tell

Karen Czapanskiy, University of Maryland Carey School of Law

Even progressive legislators are reluctant to deny legal fatherhood to men who raped or otherwise coerced the intercourse that led to the pregnancy. The question for this presentation is why: what stories do these legislators tell themselves about these paternity claims that persuade them to ignore the rights of women to autonomy and freedom from continuing harm.

FG06-Visual Storytelling and Constitutive Rhetoric in French Wine Labeling

Derek Kiernan-Johnson, University of Colorado Boulder

Despite regulatory flexibility, French wine labels for the U.S. market omit what one might suppose is the most important information for consumers: what grapes are in the bottle. Often the producer's name appears only in small print in the background. Why? Tools of visual storytelling and constitutive rhetoric help explain this paradox, with lessons for the broader AppLS community.

F201-Adversarialism and Narrativisation in County and Family Courts

Dr. Tatiana Grieshofer, Birmingham City University

The paper focuses on communicative practices in family proceedings and small claims cases with the aim of identifying procedural and discursive barriers obstructing court users from accessing procedural justice and, essentially, preventing them from sharing their stories and having their voices heard.

F203-Increasing the Persuasive Weight of the Counter-narrative

Danielle R. Cover, University of Wyoming College of Law

This presentation provides a brief overview of the influence of dominant cultural narratives on legal decision-making in cases driven by policy arguments. It also offers strategies and exercises writers can use when advocating for the adoption of a cultural counter-narrative, one that challenges the dominant stories, with the intent of increasing its persuasive influence.

Friday, July 28, 9:00-9:30

FG05-Autoethnography in Legal Scholarship

Maybell Romero, Tulane University Law School

Storytelling and first-person narrative have fallen by the wayside in the last couple of decades in "traditional" legal scholarship, including that about sexual assault. Prof. Romero will speak to the benefits and challenges of incorporating autoethnography in legal academic writing, including when handling sensitive topics.

FG06-The Borders of Identity: Narrative in Asylum

Melissa Weresh, Drake University Law School

This presentation takes an applied legal storytelling lens to the asylum context. It seeks to examine the narrative of asylum generally and to question how stock structures associated with women, gender-based violence, and cultures of violence influence the plight of women who seek asylum in the United States.

F201- The Role of Narrative in Law and Policy

Susan Tanner, Louisiana State University, Paul M. Hebert Law Center

This presentation provides a case study of the role of narrative (fiction and non-fiction) in a shared understanding of the ethics and efficacy of police procedures. It examines the role of drama in focusing attention and changing attitudes toward interrogation practices, especially with respect to juveniles and attempts to explain why we put so much stock in evidence that the empirical data suggest is faulty.

F203-Do On-Screen Representations of Female Arab Lawyers Belie their Progress in the Legal Market?

Hilary Bell, Hamid Bin Khalifa University

Women in the Arab world have never had better access to education and professional careers. Despite this, gender stereotypes are hampering women's progression towards gender equality. In my presentation I would discuss how the representation of female lawyers in Arabic films is contributing to the issue specifically considering the representation of female lawyers in Lebanese and Egyptian cinema over the last 75 years.

Friday, July 28, 9:30-10:00

FG05: Open

FG06-Narrative Negatives / Negative Narratives

Maria Termini, Brooklyn Law School

Joy Kanwar, Brooklyn Law School

This presentation examines how legal narratives can be shaped by different types of negative information. The negative spaces, the untold stories, contain information that is hidden by its very absence. In contrast, negation – i.e., the use of words such as “not” – emphasizes negative information by highlighting the absence or lack of something.

F201-Storytelling in the Fast-Changing Landscape of Inclusive Language

Alexandra D'Italia, Southwestern Law School

Attendees will learn about the most recent trends concerning identity and language. Subsequently, attendees will have the opportunity to consider what “rules of the road” we might use when telling a story so as not to other the audience. By session’s end, we will have created a list to be shared with attendees for future discussion and development.

F203-Creative Storytelling When Seeking Capital Clemency

Mridula Raman, UC Berkeley School of Law

Capital defense attorney Mridula Raman will discuss the innovative ways in which lawyers share their clients’ stories when seeking capital clemency. She will speak about questions that arise in clemency storytelling, as well as the lessons we can learn from clemency that might apply to the legal storytelling many of us do in more traditional fora.

Friday, July 28, 10:20-10:50

FG05-Personal Narrative as Counter-Story

Eun Hee Han, Georgetown University Law Center

Tiffany Jeffers, Georgetown University Law Center

Writers are told to “write what you know.” In law, what is considered 'known' tends to reflect perspectives and experiences of dominant groups, framed in classical philosophy, logic, and high-level vocabulary that mark an elite education and status. Further, what is 'known' is impersonal; what is personal is considered irrelevant. In this presentation, we will argue for the importance and diversity of personal narrative as a way to interrupt tropes generated by dominant groups. We will also discuss ideas for how to incorporate personal narratives into the field of law.

FG06-Real People Behind the National Security Law Cases

Heidi Gilchrist, Brooklyn Law School

Prof. Gilchrist will examine the stories and journeys of individuals, mostly young Muslim men, who were wronged in the aftermath of 9/11. The talk will detail the importance of telling their stories and how they can be used to vindicate rights and prevent future harms. The talk will also explore teaching national security law through their stories.

F201-“I’m not racist!” Implications of Racial Anxiety in Words Used in Oral Arguments

Chris Chambers Goodman, Pepperdine Caruso School of Law

This presentation focuses on how racial anxiety and commitment to color-blindness may be impacting the words U.S. Supreme Court Justices use during oral arguments in discrimination cases. It will analyze how the absence of race in Supreme Court discourse can impact court decisions, as there were surprisingly few references to identified racial terms, even when the case turned on race.

F203-Challenging Shareholder Wealth Maximization Through a Family Feud Story Presented

Alicia Plerhopes, Georgetown University Law Center

How does one teach and challenge corporate law's claim that shareholder wealth maximization is the sole and proper purpose of a corporation? Through narrative. The subject of corporate law can be dry. This presentation will discuss how the professor brings stakeholder capitalism to life through the compelling story of a family feud over Market Basket, a beloved U.S. grocery chain.

Friday, July 28, 10:50-11:20

FG05-What in the Storyworld? Exploring "High Crime Area" as Setting in Fourth Amendment Analysis

Sherri Lee Keene, Georgetown University Law Center

A "high crime area" designation and a suspect's flight are sufficient to justify a suspect's stop by police. This presentation will consider (1) how the high crime setting functions in judicial writing, transporting the reader into a predictable storyworld that taps into racial stereotypes, and (2) the implications of its use in combination with loaded descriptions of a suspect's actions.

FG06-Examining the Storytelling of Pro Se Litigants

Beth Schwartz, City Bar Justice Center, Federal Pro Se Legal Assistance Project

Nonlawyers typically think and communicate differently than lawyers. Nonlawyers' stories are personal, and often persuasive, but are often disconnected from the applicable law. Using examples from cases litigated by pro se parties, I plan to examine the challenges of turning "non-legal" stories into "legal" stories.

F201-The Honest But Unfortunate Debtor: Victims and Villains in Bankruptcy

Summer Chandler, Louisiana State University, Paul M. Hebert Law Center

Susan Tanner, Louisiana State University, Paul M. Hebert Law Center

In bankruptcy, the debtor is often featured as either the victim or the villain in the story of the debtor's financial woes. When a debtor is accused of being unworthy of relief, interested parties present conflicting narratives. Ultimately, the bankruptcy judge weaves the narrative that determines the debtor's fate. We examine these narratives and the factors that influence them.

F203-The Worst Trickster Story Ever Told: Native America, Plenary Power, and the U.S. Constitution

Keith Richotte, Jr., University of North Carolina at Chapel Hill

The best way to understand how the United States presently justifies its authority over Native peoples and nations is as a misbegotten trickster story. Through the lens of Native storytelling, it becomes possible to expose the fragility of current legal reasoning and to imagine alternatives. This presentation will explore how we take this next step in decolonizing the law.

Friday, July 28, 11:30-12:15

FG05-Hashtag Culture: The Up and Downsides of Modern Taglines in Legal Advocacy

Nantiya Ruan, University of Denver Sturm College of Law

Patience Crowder, University of Denver Sturm College of Law

Lisa Graybill, National Immigration Law Center

Lindsay Webb, University of Denver Sturm College of Law

Public interest lawyers and clinical and legal writing professors discuss the narrative impact and advocacy advantages of four

hashtags relevant to legal advocacy campaigns, while addressing potential pitfalls and hidden or ignored dimensions. Advocates in immigrant rights, community economic development, criminal justice reform, and workers' rights share insights into popular taglines and critique the simplification made necessary by hashtag culture.

FG06-Rhetoric Untold: Stories of Law and Rhetoric in the West

Vasileios Adamidis, Nottingham Law School

Brian N. Larson, Texas A&M University, School of Law

Kristen K. Tiscione, Georgetown University Law Center

What's the story with the ancient Western rhetorical tradition? Is the so-called "classical" era of Greece and Rome relevant to today's legal education and practice? To what extent does contemporary law reflect its influence? Should it be rejected on the basis that it originated in societies that were undemocratic, slaveholding, and sexist? Authors share their perspectives and invite yours.

F201-Knowledge, Narrative, and Liberatory Interventions to Embedded Carceral Stories

Yvette Butler, University of Mississippi School of Law

Ngozi Okidegbe, Boston University School of Law

Lisa Washington, Brooklyn Law School

Where does knowledge come from, how is it produced, and how can we use it to serve just ends? This session explores storytelling from the perspective of liberatory theories that challenge dominant narratives of the carceral system. This includes seeking out diverse knowledge sources, taking those sources seriously, and upending a vicious cycle of epistemic oppression within the law.

F203-What is the real story?

Amanda Thurston, University of Hertfordshire

Chamu Kuppaswamy, University of Hertfordshire

Storytelling for clients is really important as they want to feel believed, but recollections are subjective. We know there are two sides to every story and ignoring discrepancies can lead to inaccurate advice. How do we teach students to do this sensitively? How do they explain to clients that often courts do not decide what is the "truth" unless the case requires it?

Friday, July 28, 13:30-14:00

FG05-Legal conception?: Telling the story of a reasonable expectation of reproductive privacy in the digital age

Sarah VanWye, Howard University of Law

In the wake of Dobbs, what recourse will pregnant people have when their digital lives are searched for purposes of criminal prosecution? What stories will pregnant people need to tell to protect their digital lives and what stories do we tell ourselves about our reasonable expectation of privacy in the modern digital age?

FG06-Narrativity and Inference-Drawing

Stefan Krieger, Hofstra University, Maurice A. Deane School of Law

Theodor S. Liebmann, Hofstra University, Maurice A. Deane School of Law

In this presentation, we will unpack the process courts use in assessing the reasonableness of inferences parties attempt to draw in cases. Our hypothesis is that judicial rulings on the reasonableness of inferences are based not so much on deductive rule-based logic as they are on persuasive storytelling for a particular audience. Our findings will assist lawyers in arguing circumstantial evidence to judges and juries.

F201-Unshackled: Righting the Wrongs of the Past--Stories of Redemption and Second Chances for Youthful Offenders

Julie E. McConnell, University of Richmond School of Law

Adolescents have a tremendous capacity for change and their culpability in criminal matters differs from that of adults. My students and I use storytelling to help decision-makers recognize that our clients are more than the worst thing they ever did. Our ability to change the narrative about our clients has helped more than 25 individuals gain early release from lengthy prison sentences they received as children. I will share our powerful techniques to promote evidence-based responses to crime that recognize the complex effects of traumatic environments, structural racism, poverty, and lack of brain development on delinquent and criminal behavior.

F203: Open

Friday, July 28, 14:00-14:30

FG05-Legal Archaeology and the Study of Test Case

Dr. Emma Nottingham, University of Winchester

'Legal archaeology' is one methodology by which micro-level case study can be conducted. Moving beyond the law reports and digging into facts that were integral to case construction and progression, a richer case narrative can be developed. This also enables macro-level observations to be made such as deeper understandings of strategic litigation, public interest litigation and test cases.

FG06-Telling the "Story" of a Rule in Persuasive Legal Writing: The When, The Why, and The How.

Michael R. Smith, University of Wyoming College of Law

Using dramatic examples, this presentation will explain when, why, and how a legal advocate should, as a rhetorical strategy, present the story (i.e., history) of a legal rule in a persuasive document. In many situations, the explanation of a rule's "life" will enhance a writer's argument by providing context, clarity, and emphasis regarding the rule's meaning and purpose.

F201-Killing Mockingbirds: Telling Powerful Stories in the Criminal Justice Context

Dehlia Umunna, Harvard Law School

Stories are an integral part of the criminal legal system. People, including juries, love stories, and those who tell compelling stories, often have the power to change and control the narrative. This interactive session will feature a demonstration and role-play as we develop areas for persuasive storytelling that moves the fact finder. This presentation will emphasize the intersection of facts, law,

and emotion (human element) to move the fact finder to effect social change in the criminal law context.

F203- Storytelling and Legal Education: The History of Hawaii Through Water Rights

Williamson Bun Chin Chang, University of Hawaii

The United States claims sovereignty over Hawaii by reason of 'Annexation.' This is the story, or more truthfully, a complete fabrication. This presentation will show how power and misrepresentation can combine to conquer a sovereign nation, the Kingdom of Hawaii.

Friday, July 28, 14:40-15:10

FG05-The Power of Narrative in Game-Based Learning in Legal Education

Sarah Gerwig-Moore, Mercer University School of Law

This presentation will explore how game-based learning can (1) meaningfully promote student interaction with and integration of materials using storytelling techniques and narrative structure, (2) remotely, yet meaningfully, connect students with one another, and (3) address, combat, and overcome test anxiety and other stress-based barrier to learning and academic success. We know the power of narrative in legal advocacy, but storytelling techniques in creative pedagogy – including game-based learning – could be truly transformational in legal education.

FG06-Using Storytelling to Prevent Impasse in Mediations

Ann Davis Shields, Washington University

Reality checking parties' "stories" is a useful mediation tool. But reality checking can be perceived as adversarial. This presentation will explore how mediators can engage parties (during separate caucus sessions) in storytelling exercises that guide parties to reality test their story and evaluate how that story might differ from what a judge or jury might take from the facts.

F201-The Law's Two Bodies: Sovereign Citizens and Courts of Story

Telia Mary U. Williams, Northern Illinois University

This paper presentation examines the role of the so-called 'sovereign citizen' (the obstreperous and usually vexatious, and occasionally, violent litigant) in the American courts, and how such can help to de-stabilize rigid modes of courtroom discourse that minimize or eliminate the power of people's stories.

F203-Best Lawyer in a Supporting Role: Unsung Lawyers from (In)Famous American Criminal Trials

Julie Oseid, University of St. Thomas School of Law

This presentation will elevate the quiet, behind-the-scenes lawyer, using stories from infamous American criminal trials. The notorious lawyers are well-known, but other lawyers also changed the trial's outcome and American law. These lawyers performed their roles in ordinary ways with extraordinary results. Their impact has been understated, so this presentation will tell "the rest of the story."

Friday, July 28, 15:30-16:00

FG05-Telling the Stories That the Court Wants to Hear: Questioning Litigants' Access to Justice in Family Court

Caroline Rogus, George Washington University.

I will explore the contradictory premises of the family court system, which both limits a litigant's narrative and yet demands certain disclosures, and address the importance of narrative from the perspective of not only the litigant, but also those who are impacted by the litigant's case: the decisionmaker, court officials and, eventually, those who read family court opinions.

FG06-#MeToo, Traditional Rhetoric, and Legal Storytelling

JoAnne Sweeny, University of Louisville, Louis D. Brandeis School of Law

#MeToo movement changed the discourse regarding sexual assault and harassment primarily through the power of women's stories of their own experiences. Using both traditional rhetorical and more advanced storytelling frameworks such as "storyworlds," this presentation will analyze which techniques helped #MeToo's stories be more persuasive, which led to the backlash that followed, and what techniques will help it move forward.

F201-Trauma-Sensitive Storytelling

Kristen Stanley, Cornell Law School

How can we honor clients' traumatic experiences while also serving as effective legal advocates? This presentation will discuss the tension between effective legal advocacy and trauma-sensitive storytelling and provide trauma-sensitive legal storytelling techniques inspired by neurobiology, clinical psychological techniques, literary devices, and the lived experiences of clients and advocates.

F203-The Stories We (Don't) Tell: Using Case Briefing to Explore Bias and Oppression in the Law

Ashley B. Armstrong, UConn School of Law

Traditional case briefing focuses on the text of the opinion—how courts frame and resolve legal issues. This presentation explores how to use case briefing to investigate bias and oppression in the law. By looking at historical context and/or re-imagined judicial opinions, teaching case briefing this way asks students to consider the stories that judges don't tell.

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