
**THE LEGAL WRITING INSTITUTE
THE BEGINNING: EXTRAORDINARY
VISION, EXTRAORDINARY
ACCOMPLISHMENT**

*Based on Interviews with Laurel Currie
Oates and J. Christopher Rideout, and
Documents from the Archives of the
Legal Writing Institute*

*Mary S. Lawrence*¹

DEDICATION

*For Marjorie D. Rombauer, Legal Writing Icon, Mentor, and
Friend. With gratitude, love, and deepest respect.*

I. FOREWORD: A PERSONAL NOTE

In 2004, members of the Legal Writing Institute celebrated its twentieth anniversary. Today, we rightly and justifiably consider ourselves legal writing professionals, integral members of legal academia. We are no longer regarded, as we were over twenty years ago, as temporary, disposable law school employees. We owe this dramatic professional transformation in large measure to the Legal Writing Institute and to the vision of its founders, Chris Rideout and Laurel Oates. The Institute helped make us who we now are. In a sense, it gave us our profession.

¹© 2005, Professor Emerita, University of Oregon. Writing this history has been a privilege and a joy. It brought back many happy memories; it gave me the opportunity to spend extensive time with Laurel, Chris, and Marjorie. My gratitude to Seattle University School of Law cannot be overstated: for printing the monograph, but, much more vital to the project, for Lori Lamb's time. Without her dedication, this history could not have been completed. She transcribed the audiotapes, typed the manuscript through numerous drafts, and arranged for the printing. With this project, she continued the exemplary service she has always given to the Legal Writing Institute.

I acknowledge with thanks the contributions of my dear friends and colleagues who responded to questions and sent us data: Jill Ramsfield, Anne Enquist, Joe Kimble, Chris Kunz, and Ralph Brill. Their reminiscences were invaluable.

I was fortunate to begin my legal writing career under a dean who saw a future for legal writing as an essential part of the law school curriculum. I was even luckier to attend the 1984 legal writing conference at the University of Puget Sound School of Law. It was at that conference that the concept of the Institute was conceived. Out of that 1984 conference came the first newsletter, which later became the *Second Draft; Legal Writing: The Journal of the Legal Writing Institute*; the Idea Bank; a mentoring program; plans for national conferences; and the very idea of the Institute itself.

But the effects of the early meetings at Puget Sound went far beyond the formation of an organization. Those first conferences were extraordinary: intimate, exciting, heartwarming, and exhilarating. Whenever I think of them, I smile. We had a sense of pure joy in being with people who shared common goals and in learning from each other. Together we felt persuaded that legal writing held great promise; we were inspired to keep working in the field. From feeling isolated and unconnected to like-minded professionals, we created a sense of community—a community built on respect, trust, and genuine affection, free of self-promotion and competitiveness. We made friendships at those early conferences, friendships that continue decades later.

For me, legal writing as a profession is unique in academic disciplines. It is not hierarchical; its members support each others' careers. It is not parochial; its members strive to improve legal writing instruction nationally. Legal writing is more a community, a family. We owe these unique characteristics to many people but especially to the wisdom of Marjorie Rombauer, pioneer in legal writing at the University of Washington, who inspired us all on behalf of the profession through her program, her publications, and her work in the Association of American Law Schools. This unique sense of commonality also sprang from the vision of the founders of the Legal Writing Institute, Chris Rideout and Laurel Oates. This history is my tribute to their extraordinary accomplishments.

Without Chris and Laurel, there would be no Legal Writing Institute. Chris used part of a grant from the National Endowment for the Humanities (NEH) as seed money for the 1984 conference at the University of Puget Sound. He and Laurel pledged their salaries to cover any shortfall. Together, they did all the exhausting work of organizing the 1984 conference. Their dedication to a vision of legal writing as a profession made the Institute possible.

Today, the Institute has many members who are, I imagine, unaware of how it began and unaware to whom we, all of us, owe gratitude and admiration. The occasion of the twentieth anniversary, together with the transition of the Institute's home from Seattle University to Mercer University School of Law, made this an appropriate time to memorialize the Institute's beginning years.

II. GETTING STARTED

August 15 and 16, 1984, were auspicious days for legal writing as a profession. On those two days, the University of Puget Sound School of Law held a conference, "Teaching Legal Writing." From that conference grew the Legal Writing Institute.

A grant from the National Endowment for the Humanities (NEH) for Writing-across-the-curriculum provided seed money for the conference. The conference was held at the University of Puget Sound because Chris Rideout, then an English professor there, was one of the NEH grant recipients. To the great fortune of legal writing as a discipline, Chris Rideout and Laurel Oates of the University of Puget Sound School of Law collaborated to organize the 1984 legal writing conference.

CR:² I had some money left over from a National Endowment for the Humanities (NEH) Grant—Writing-across-the-curriculum Grant that I was a part of in 1979. I joined people from five other Northwest schools so there were six of us: University of Puget Sound, University of Oregon, University of Washington, Lewis and Clark College, the Evergreen State College in Olympia, and Pacific Lutheran University. We got the grant in 1981. So it was a three-year project.

In the first two years, I think it was, I ran a faculty development workshop through the English Department at the University of Puget Sound, and in the last year, I decided to run a faculty development workshop through the law school. These were workshops in how to teach writing, especially for people who were not in English departments.

Anyway, I got near the end of the grant, and as I recall, I had about \$3,000 left. So, I went to Laurel and I said, "I've got \$3,000

²Mary Lawrence (ML), Marjorie Rombauer (MR), Laurel Oates (LO), and Chris Rideout (CR).

left of NEH money. Let's have a conference—a legal writing conference.”

LO: When we approached our dean, Fredric C. Tausend, about doing a conference, he said, “Sure.” He asked us where we were going to get the money. We told him that we had some grant money. He said, “Is this enough?” And we said, “No.” He said, “That’s fine. We’ll advance you some money, but if you don’t break even, it comes out of your paychecks.” So Chris and I essentially agreed that if the conference did not break even, we would pay the difference.

CR: That’s right. But we thought it was worth taking the risk.

LO: It was one of those things where it was difficult even to come up with a list of who should be invited because it was hard to tell who in the country was teaching legal writing. When we sent out the invitations, we weren’t sure that anyone would respond. When over eighty people came, we were thrilled.

CR: Yes. So, we just got the addresses of all the law schools, and sent a mailing to them. We put together a brochure. Laurel and I just made it up ourselves. We called some people that we knew. Anyway, we got some presenters, put together a brochure, and mailed it to legal writing directors, and then to the address of each law school.³ Initially, the only person we heard from was Helene Shapo, who told us about *Scribes*.⁴

Our dean, Fredric C. Tausend, was very supportive. The law school covered the cost of work-study people to work at registration and for things like paper and phone calls. We made between 200 and 300 long-distance calls for each of the early conferences, so paying for phone calls was a substantial contribution.

³ App. A (also available at <http://www.lwionline.org/about/history/brochure1984.pdf>).

⁴ *Scribes* began in 1953. It publishes a quarterly newsletter called “The Scrivener.” The earliest newsletter was published in 1973. *Scribes Journal of Legal Writing* published its first volume in 1990. By 2003, *Scribes* had published eight volumes. (The Table of Contents for each volume can be found at www.scribes.org/publications.html.)

III. THE FIRST CONFERENCE

One hundred and eight representatives from fifty-six law schools in the United States and Canada attended the 1984 conference.⁵

ML: The 1984 conference was a huge success. I remember being both amazed and impressed by the number of people who came.

LO: Yes. Given the fact that most of the people who came to the conference did not have travel budgets, it was a significant number of people. If I am remembering correctly, more than half of the people who attended the conference paid their own way. The same was true of the second conference. Even in 1986, most people who were teaching legal writing did not receive any type of travel budget from their schools.

ML: Laurel, I recall that even in 1984 you had good geographic representation. People didn't just come from the Northwest.

LO: Right. I think that the people who were from the Northwest were those of us from the University of Puget Sound, Lynn Squires and Marjorie from the University of Washington, and you from the University of Oregon. Some people came from Lewis and Clark and Willamette. There was, however, a relatively large group from the Chicago area and a number of people from the East Coast and California. People had to make a real effort just to make it to those early conferences at the University of Puget Sound.⁶

MR: Many people recognized the names of the presenters and that helped too.

LO: Right. Because of Chris's contacts within the rhetoric and the composition fields, we were able to have people like Joe Williams and George Gopen as presenters.

CR: We got people to make presentations on fairly basic things: how to design a writing assignment, how to evaluate writing, etc. It seemed at that time that people really needed help with the basics. There just weren't many resources to go to. What I had felt when I went into legal writing (because I had gone into it in

⁵ Laurel Currie Oates & J. Chris Rideout, *Legal Writing Institute Established*, 1 Newsltr. Leg. Writing Inst. 1 (Jan. 1985) (available in the Legal Writing Institute Archives).

⁶ For a list of schools represented at the 1984 Legal Writing Institute conference, see Appendix B (also found in the Legal Writing Institute Archives).

1981), was that there were a lot of resources available for college composition programs that legal writing folks didn't know about. So I felt that the conference would be a great way to disseminate that information, and you know, for the next ten years or so, I would always try to find someone to speak at the conferences who had something to offer from the college composition world.⁷

ML: We had judges as well as academics. Judge Re was at the 1990 conference in Ann Arbor, Michigan. Judge Lynn Hughes spoke on plain English at the next conference in 1992. Justice Rosalie Wahl gave a keynote address in 1996.⁸

MR: The conferences helped us develop a legal writing pedagogy particularly because they included professionals from other fields as well as from diverse law schools.

LO: Yes. We were a diverse group. Public schools, private schools, schools that had different kinds of programs. The common denominator was a desire to do better. Almost everyone who came to the 1984 and 1986 conferences came because they wanted to improve their program and because they wanted to become better teachers. People came because they wanted to do a better job teaching legal research, because they wanted to do a better job teaching their students to write, and because they wanted to find ways to motivate their students. I still remember some of those conversations about developing problems, about teaching methods, and about critiquing papers. Although now these seem like "old" topics, at that time we were probably the only group that was talking about these issues in depth, and it was very exciting. I remember being exhausted at the end of each conference but being really motivated to go back and teach. I know it made me a better teacher.

The 1984 conference was held not at the University of Puget Sound School of Law, which was in downtown Tacoma, but on the campus of the University itself, in a typical Northwest setting with lots of trees and grass. Very idyllic.

CR: The University of Puget Sound campus was a perfect place for a conference because it's small. It was, as you know, really pleasant to be on the University of Puget Sound campus in the

⁷ App. A.

⁸ *Supra* nn. 27–28 and accompanying text.

summer. The climate was temperate, and people just really seemed to get to know each other.

ML: I made many friends at the early conferences—friends I still cherish today.

CR: In those days, there was a conference on freshman and sophomore English at the University of Wyoming every summer that was kind of a big deal. Lots of people went. You stayed in the dorms, which made it fairly inexpensive. There were myriad presentations, and then there were barbeques afterwards, or we would go to a rodeo. So you really got to know people. I had attended. So I said to Laurel, “I’ve got a model for this thing—the Wyoming conference.” We could stay in the dorms, we’ll have picnics, and cruises or barbeques, or whatever, and it will be an opportunity for people to get to know each other. So that was kind of the model that we had for the 1984 conference.

ML: The conference was very grassroots, very collegial.

CR: Right, exactly. We felt that would generate goodwill and a sense of belonging. When we planned those conferences (as you know, Laurel and I did the early conferences by ourselves), we were always careful to include activities that would bring people together: a picnic, a boat cruise, a barbeque. We always felt that was a big part of it.

ML: Well, living in the dorms helped too, I think.

CR: Yes, right.

ML: We all ate together. I do remember Jill Ramsfield playing the piano in that lounge.

CR: It had that grand piano in there, yes.

ML: It was just a very, very good gathering place.

CR: That’s right. We specifically requested that Jill play the piano. We always had a reception the evening before the conference started so people could get a drink, mingle, and get to know each other, and we always asked Jill to play the piano. That’s right, that’s an important detail.

ML: The 1984 conference was the most collegial and friendly conference I had ever attended.

LO: I was never a fan of the traditional academic conference. For example, at about the same time that we held our first conference, I went to Conference on College Composition and Communication (CCCC) where everyone stood up and read papers. I said to myself, “No, no, no. We’re not going to have a conference where people come to read.” So we urged our presenters to make their presentations very interactive. Although our participants wanted

to hear other people's ideas, they also wanted a chance to talk about their own ideas.

Because most of the sessions at the early conferences were small, that system worked. People went to a session, they listened, and then they talked to each other. I think that's what people saw as making our conference unique among academic conferences. The sessions were lively, everyone participated, and then we went out in the evenings and played volleyball.

It was very non-hierarchical and very inclusive. We said that anybody who wanted to come could come. We had, of course, those people who worked in the trenches teaching legal writing, but we also had at least one or two deans. For example, at our second conference, we had librarians, we had people who were directors, we had people who were adjuncts, and we had people who were teachers on short-term contracts. One of the decisions that we made very early on was that we would never put a person's title on his or her name tag.

ML: That's a splendid idea. But, you know, I confess that I didn't notice. I do notice, though, that at some other meetings, people look at my name tag for title and school before they decide to talk to me. I find that annoying, amusing, too.

LO: Yes. Also, during those first conferences, we took everybody's picture and put them up on the picture board. Again, we never identified or segregated people according to their status.

ML: I believe that one of the major values of the Legal Writing Institute was that it was so inclusive. I think that since those early conferences, that's been one of the major strengths of the legal writing profession. That inclusiveness and reaching out to new people has characterized the profession. It has been a pretty important characteristic of legal writing. For me, being inclusive is what distinguishes us from other academic disciplines.

LO: I agree. I think those of us who teach legal writing are a unique group. It makes sense, though. If your primary motivation is status or money, you would not choose to teach legal writing. For the most part, all of us who teach legal writing teach it because we love teaching. In addition, some of us were rebelling against the hierarchies that we saw in our own schools. We didn't want to re-create that within our own Institute. Thus, our primary goal has been to enhance the teaching of legal writing across the country.

ML: You kept the cost of the conferences low enough so that a lot of people could attend.

LO: One of the reasons that we held so many of the early conferences at the University of Puget Sound was because it was a cheap place to have a conference. The University charged us almost nothing and people could stay in the dorms. I do think, however, that the food was one of the highlights of those early conferences. We had an inexpensive but great catering company, and we would save the leftovers. Late at night, people would come down to the lounge and spend hours eating and talking. It was during those late nights that some strong bonds developed. Because the conferences were relatively small and we all lived together, by the end of the conference, everyone knew everyone else, and what kind of program they had.

IV. FORMING THE LEGAL WRITING INSTITUTE

At the close of the 1984 conference, participants wanted to find ways to maintain the relationships begun at the conference. They wanted to continue the exchange of information and ideas about writing programs and teaching.⁹

MR: Legal writing faculty had a depressing sense of isolation.

ML: There was a real concern about this sense of isolation. People felt the conference was the one chance they had to feel like real professionals with other real professionals.

LO: I think that's what motivated Chris and me to put on the first conference. We wanted to meet other people who were teaching legal writing. Although our own faculty was interested in teaching, teaching legal writing is very different from teaching contracts or torts or constitutional law.

ML: Lack of job security and lack of status exacerbated that sense of isolation.

LO: Although we talked about status issues during those early conferences, our focus was on teaching. Most of the conference presentations dealt with teaching. It wasn't until the profession grew a bit that status issues became kind of a second agenda. After a while, we learned that one of the ways in which you can improve a program is to improve the status of the people who teach in that program. In particular, we were interested in getting the caps lifted. If we were going to improve the teaching of legal writ-

⁹ Oates & Rideout, *supra* n. 5.

ing, people need to be able to teach at the same school for an indefinite period.

MR: Many of the informal discussions at the 1984 conference and at almost every subsequent conference centered on status.

ML: Jill Ramsfield and Teresa Phelps drafted a proposal on status that Jill presented at that first conference in 1984. It was the forerunner of the profession's attempts to change the ABA standards.

***Statement on Security in Employment for
Legal Writing Professionals 1984***

At last summer's conference, "Teaching Legal Writing," one of the conference participants, Thomas John Allen of UCLA, raised the issue of job security for legal writing instructors.

The issue quickly became the focus of many informal discussions among participants. During these discussions, instructors from many schools complained that because most law schools have a policy of limiting the number of years instructors can serve, each new group of instructors must develop its own program and materials for teaching legal writing. As a result, many legal writing programs are poorly thought-out and organized, effective materials are not developed, and few instructors develop the expertise or teaching skills needed to effectively teach legal writing. The instructors agreed that those who suffer the most from the "revolving door" policy are the students and, ultimately, the profession.

Although recognizing that the idea of tenured legal writing instructors is a new and sometimes unwelcome one, Jill Ramsfield from the University of Puget Sound School of Law suggested that the conference provided a good forum for discussing the issue and suggested that a proposal be drafted and presented to the participants at the conference.

At the closing meeting of the conference, Jill Ramsfield read the following proposal to conference participants.

**Statement on Security in Employment for
Legal Writing Professionals**

The participants in the Conference on Teaching Legal Writing find that a major impediment to the effective teaching of legal writing in North American law schools is the lack of security in employment for legal writing professionals, both teachers and administrators. The prevailing practice is to appoint these professionals for a limited term, often as short as one year. This “revolving door” policy has the following adverse effects:

- (1) *What these professionals learn from their experience often cannot be used either by them or by their schools. Their expertise is lost, and incoming teachers often find themselves “reinventing the wheel.”*
- (2) *Much-needed research and scholarship on legal writing and its teaching become virtually impossible.*
- (3) *Relationships with other law faculty, which could facilitate the integration of legal writing into the law school curriculum, are cut short.*
- (4) *Any recognition by the law schools and the bar that good writing is crucial to the study and practice of law loses credibility in the absence of support for the professional status of legal writing teachers and administrators.*
- (5) *Qualified people are strongly discouraged from entering or remaining in the field of legal writing, where they have no future. Those who work in legal writing programs, in general, cannot hope to make careers there; rather, they must be willing to defer or interrupt careers elsewhere.*

The conference participants therefore urge that law schools extend to legal writing teachers and administrators the security in employment equal to that available to other law faculty.¹⁰

ML: Conference participants were then asked to vote on the proposal. The options were as follows:

- Yes. I endorse the proposal.
- Yes. I would like the proposal to be published in the proceedings from this conference.

¹⁰ *Id.* at 3–5.

- Yes. I would like the proposal to be sent to my dean.
- No. I do not endorse the proposal.

All the conference participants except one endorsed the proposal and asked that it be published in the proceedings. Participants had mixed feelings about sending the results to their deans. The one participant who did not endorse the proposal thought that it was a good one but premature.¹¹

MR: That first conference was a success far beyond attracting the surprising number of people who attended.

The 1984 conference was the genesis of the Legal Writing Institute. It was the model for the subsequent conferences, and laid the ground work for the newsletter, the journal, and for the surveys.

LO: I think we were at the right place at the right time, and if we had tried to have the 1984 conference five or six years earlier, it might not have worked. In the mid 1980s, law schools began to develop their legal writing programs, and the AALS Section became more active.

MR: Yes. The AALS had its first legal writing conference in 1980 in Louisville, Kentucky.

LO: As a result, there was a potential community, and the Institute was one way of cementing the contacts that people were making.

ML: The people who attended the 1984 conference and the 1980 AALS in Louisville were eager for professional development.

LO: Yes. After the 1984 conference, we sent out questionnaires to those who had attended. We got thirty-eight responses. All thirty-eight said they wanted to establish an Institute. In response to the query about what activities the Institute should sponsor, we got the following feedback:

¹¹ *Id.* at 1.

ESTABLISH LEGAL WRITING INSTITUTE? ¹²		
	<i>Yes</i>	<i>No</i>
	38	0
<u><i>Activity</i></u>	<u><i>Sponsor</i></u>	<u><i>Do Not Sponsor</i></u>
Newsletter	33	3
Journal	30	3
Conference	38	0
Research	23	6

Twenty-six favored a yearly conference. Nine preferred a conference every second year.

ML: I have read letters written to you, Laurel, and to Chris after the 1984 conference. People were just ecstatic about it. They said things like, “We need a newsletter.” “We must have more conferences like this.” You decided to make it an Institute rather than just having conferences without any underlying organization?

CR: Well, we wanted to include people. I think that Laurel and I felt that if we just put on a series of conferences that at some point, the conferences would become overly associated with us, and people wouldn’t feel like they were a part of it. So we wanted to make it something that people felt they belonged to. That’s why we decided to have an Institute.

LO: The 1984 conference was a great success. People learned a lot, had a chance to meet others who taught legal writing, and had a good time. Before e-mail and listservs, it was hard to develop contacts. We were also lucky in that the following year, 1985, the AALS held its second Legal Research and Writing Conference in Chicago. It was at that conference that a lot of people began to say, “We need to do this on a regular basis. It isn’t enough to meet once every five or six years.” So it was at a lunch at the AALS Conference in Chicago that we decided to form an organization. That was the beginning of the Legal Writing Institute.

ML: Marjorie and I were both at that conference. We were coming to the lunch meeting when you formed the Legal Writing Institute. We got lost, and never did get to the meeting.

MR: We were in Chicago.

LO: Yes. It was the meeting of people with long legs who walked quickly. I do remember getting there, sitting down at the

¹² *Id.*

table, and someone saying, “Where are Mary and Marjorie?” I actually think it was Joe Kimble who went out on the street to look for you, and couldn’t find you. I don’t think you ever made it to that meeting.

ML: That’s right. We followed you, because you’re all tall, we could see you ahead of us. We followed you for a while, and then in the crosswalk we got stopped, and we lost sight of you. We had no idea where we were. So we missed the meeting, but we didn’t miss it because we were *uninterested* in forming the Legal Writing Institute.

LO: There were about fourteen people who came to that lunch from a variety of different law schools and a variety of different geographic regions. That’s where we decided that we really wanted it to be a national institute.

CR: We incorporated as a 501(c)(3) organization. Laurel and I wrote the bylaws and incorporated the Institute in the State of Washington. We filed the bylaws with the State. You’ll see that the original Articles of Incorporation has the signature of three officers. Under state law, you must have the signatures of three officers, and we really didn’t have any officers yet. So I signed it, Laurel signed it, and we kind of appointed our dean, who then was Jim Bond, to sign it. We thought that it would be good to get him to support the idea; that the Law School would contribute to telephone bills, work-study money, and things like that. So, those are the three initials on the Articles of Incorporation. As you know, the Bylaws were changed in the mid 1990s, but that’s how it started.¹³

ML: It was your intention from the beginning to make it national?

CR: Yes, absolutely. And I think you know at the time I had a joint appointment and taught in an English department as well as at a law school. And I was very aware of the national organizations that were available to college English teachers, and I thought that legal writing people needed something like that. I didn’t think it necessarily needed to be as official or hierarchical as something like the National Council of Teachers of English or the Modern Language Association, but I felt we needed a national organization for an identity. I felt this was a group that needed an identity, and an Institute would give us that.

¹³ Leg. Writing Inst., *Bylaws of the Legal Writing Institute* (Jan. 12, 1987) (available at www.lwionline.org/about/history/bylaws.doc).

LO: Yes. We incorporated as a non-profit organization. The certificate is in my office, and it is dated April 3, 1986.

The first meeting of the Legal Writing Institute was held on Saturday, March 23, 1985, in Chicago. Fifteen persons were selected to be members of the first Board of Directors of the Legal Writing Institute at that first meeting.¹⁴

- *James Bond, Wake Forest University School of Law*
- *Susan Brody, John Marshall School of Law*
- *Lynne Capehart, University of Florida College of Law*
- *Daisy Floyd, University of Georgia School of Law*
- *Ellen Mosen James, City University of New York Law School at Queens*
- *Noel Lyon, Queens University Faculty of Law*
- *Christine Metteer, Southwestern University School of Law*
- *Michele Minnis, University of New Mexico School of Law*
- *Laurel Currie Oates, University of Puget Sound School of Law*
- *Teresa Phelps, Notre Dame Law School*
- *Chris Rideout, University of Puget Sound School of Law*
- *Renee Hausman Shea, Law School Admissions Council*
- *Chris Simoni, Willamette University College of Law*
- *Jim Stratman, Carnegie-Mellon University*
- *Christine Woolever, Northeastern University School of Law*

ML: Each board member was also appointed to one of the standing committees: By-laws and Finance; Newsletter; Journal; or Conference.¹⁵

MR: Your survey from the 1984 conference demonstrated that people really wanted more conferences (38 to 0) and that the majority (33 to 3) wanted a newsletter. When did the newsletter start?

ML: I remember that at least one informal newsletter was published after the 1984 conference and before the March 1985 meeting in Chicago. It is dated January 1985. In the newsletter, Laurel and Chris reported on the 1984 conference. The article an-

¹⁴ *Board of Directors Selected for Legal Writing Institute*, 1 Newsltr. Leg. Writing Inst. 1 (May 1985) (available from the Legal Writing Institute Archives) (Pagination has been added to assist the readers. The early newsletters were not paginated because the newsletters were typed on a typewriter, copied, and stapled and mailed to the members.).

¹⁵ *Id.*

nounced that The University of Puget Sound School of Law had agreed to establish the Legal Writing Institute.

CR: During its first year, the newly formed Institute planned to publish two newsletters, and the first issue of the journal with support from the National Endowment for the Humanities (NEH). We knew that after the first year, NEH financial support would no longer be available.

ML: The Legal Writing Institute really had its origins in your NEH grant—in Writing-across-the-Curriculum.

CR: I've always felt that some very good things came out of the NEH grant. The Evergreen State College started a writing instruction outreach program that became a teaching outreach program. It is to this day very prominent in the State of Washington. The Legal Writing Institute was an unanticipated, and, I believe, really important product of that NEH grant.

LO: Originally, our goal was to use the newsletter to continue the conversations that had started at the conference. We wanted the newsletter to be a place where people could share ideas about teaching. At first, the newsletter was just mimeographed or photocopied, but it served its purpose. Because we didn't have e-mail, communication was difficult, and the newsletter was a way to keep the community together between conferences. Now the newsletter is more sophisticated, and it's online.

ML: Personally, I think the newsletter was critically important in helping people keep in contact. Once they were back at their own institutions, they felt a sense of isolation, as if they were the only persons in the world teaching legal writing. Also the Notes and Comments¹⁶ Section let people know "who was doing what where." That Section started in October 1985.

CR: When we first started talking about forming an Institute, we felt that its primary activity would be the conference, but we felt that the two other things that we could do were a newsletter and a journal. The newsletter seemed like the easier of the two to start. Laurel is the one who took the primary responsibility for that and she started the newsletter. We published our first issue of the newsletter in 1985. And Laurel is the one who kept that going for a number of years until finally someone else volunteered to do it.

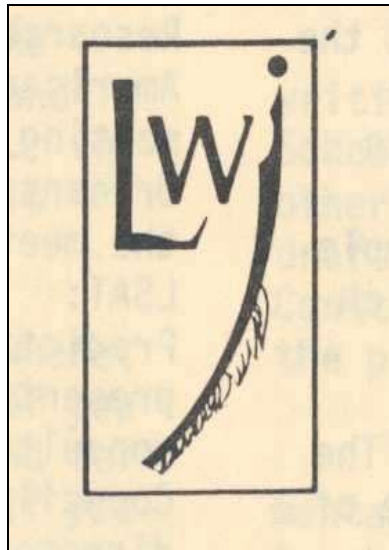
¹⁶ 3 Second Draft (newsltr. of the Leg. Writing Inst.) 1 (Oct. 1985).

ML: The earliest newsletters came out with the heading:



Then in May 1985, just two months after the founding of the Institute at the Chicago meeting, the Legal Writing Institute asked readers for suggestions for a name and logo for the newsletter. The new logo and name were inaugurated in the October 1985 issue.

The Second Draft
Newsletter of The Legal Writing Institute



In January 1985, the Legal Writing Institute published its first newsletter. In that issue, and in the issue that followed in May, we asked our readers to suggest a name and logo for the newsletter. We received several suggestions and from those suggestions we selected the name and logo that you see above.

The name, The Second Draft, was suggested by J. Denny Haythorn, Director of the Law Library and Professor of Law at Whittier College School of Law. In suggesting the name, Professor Haythorn wrote that the name “indicates a draft of our work, not the first or the last, but merely our progress toward our goal. . . .” We agreed with Professor Haythorn, and, because we thought the name reflected what we wanted this newsletter to be, a place where we could share work in progress, we adopted his suggestion.

The first logo was designed by Susan Brody of The John Marshall School of Law.¹⁷

What about the Institute logo and its color, the one we are all now familiar with. How did that come about?

CR: We owe those to Chris Wren. As you know, Chris Wren was one of the early attendees, and at the time, Chris and his wife Jill were associated with Ambrose Publishing. They had a graphic designer. And Ambrose agreed to volunteer their graphic designer’s time to design a logo for the Legal Writing Institute.

ML: Oh, I didn’t know that.

CR: They sent us some test logos. There was some debate about whether each line should be the same size or whether they should be in ascending order. We also had some debate about the color. I think in there is a color chip that the graphic designer suggested because she said that color is a very important part of identity. But, at that time, we just used the University of Puget Sound’s print shop. The Print Shop couldn’t quite match the designer’s colors, so the official color of the Legal Writing Institute became the color chip that the UPS Print Shop had (the color that came the closest to the designer’s color chip).

MR: Laurel and Chris initiated and carried out an incredible number of projects within an even more astonishing short time after the 1984 conference. Within less than a year, we had an Institute with a board of directors and standing committees, a news-

¹⁷ *Id.*

letter, a journal, and plans for a second conference in 1986. I am in awe of what you accomplished.

ML: I'm curious and I think Marjorie is too—I don't know how you did all this. At about the same time as the Legal Writing Institute was born, Laurel, your daughter was born.

LO: Yes.

ML: And you were running a program.

LO: Yes.

ML: Starting an institute while teaching classes and learning about composition theory.

LO: Actually, there are days now I sit back and say, "How come I can't do that today, or how did I do that?" All I can say is that being young and loving what you're doing and being enthusiastic about it clearly gives you a lot of energy. But again, it was never doing it completely on my own. I mean, I think one of the major things that has helped us at the University of Puget Sound is that there has been a group of us who have kind of come up through it together, and we share the same values. We are willing to bail each other out when we need to be bailed out. The support that existed was especially necessary in those early years. Plus, it was just very exciting to do it. I do look back and I think, "I wonder how I could have done this," but I can also remember many a night when I left school thinking teaching and having young children is probably the best thing. I would go in the morning, and I would stay there until three or 3:30 p.m. and then I would go home and be with my kids during dinner, and I would come back and teach in the early evening. There were more days than one when I didn't get home until midnight. Then it just started all over again the next day.

ML: You have to like what you're doing.

LO: Yes, I think that's the key. You can do any job as long as you like what you're doing.

ML: In the 1980s, law schools' interest in the teaching of legal writing increased.

CR: For example, I counted eleven presentations on legal writing at the Conference on College Composition and Communication (CCCC), held in Minneapolis on March 21–23, 1985. That figure does not include other presentations that, to my knowledge, also mentioned legal writing or legal writing programs. Increasingly, I would say, legal writing was becoming a visible area for research and teaching, as its presence on the program for a conference as large and diverse as CCCC's indicates.

ML: Another example: the AALS held that first conference in Kentucky in 1980 and followed up with the second AALS legal writing conference in Chicago only five years later. That was a coup for the AALS Section. And in 1984, the American Bar Association Section on Legal Education and Admissions to the Bar asked ABA-approved law schools to describe their legal writing programs. One hundred and three schools responded. The results of the survey were published in 1985.¹⁸

LO: As I said, we were at the right place at the right time. It was absolutely fortuitous that I got to know Chris through the NEH Writing-across-the-Curriculum project for undergraduate programs. But for the fact that Chris had been involved in the writing process and composition theory, we might not have had an Institute.

MR: Nevertheless, you being at the right place at the right time, as you say, does not diminish what you accomplished.

V. THE LWI JOURNAL

In January 1985, the newsletter outlined proposals for a journal.

Journal. The Journal, tentatively titled the Journal of Legal Analysis and Legal Writing, will be published once a year. The first half of each journal will be devoted to scholarly articles; the second half of the journal will feature more practical articles describing how ideas and materials can be used in the classroom.

The first issue of the journal is scheduled to be published in early April. The theme of the issue will be "Teaching Legal Writing," and included in the issue will be articles by Joseph Williams on writing and socialization and on style and coherence in writing, an article describing a theoretical basis for teaching legal writing, and a series of short articles on teaching legal research, evaluating student writing, teaching style and syntax, teaching lawyers to teach writing, and using collaborative learning to teach legal writing.¹⁹

LO: The *Journal* was not published that quickly though. That proposed publication date seems unrealistically ambitious now.

¹⁸ *Id.* at 2.

¹⁹ 1 Newsltr. Leg. Writing Inst. (Jan. 1985).

CR: We got off to a good start with the newsletters, thanks to Laurel. The *Journal* was harder because you had to have articles to publish. My model for the *Journal* was not a law review, and not even a mainstream academic journal, but rather a journal like something called *Pretext*. I always felt that *Pretext* ran very high-quality articles. It seemed to come out when the editor felt he had enough articles to put together an issue, and so—it seemed to me—that that might be the best model for us at least initially. We formed a committee after the 1988 conference to try to solicit articles. The problem was trying to find articles. I had always invited one or two composition people to those first few conferences, including Joe Williams, who I think came to the first three. In one of his presentations, he applied some of his cognitive developmental work to legal writing.

ML: I remember that one.

CR: Yes.

ML: That was a terrific talk.

CR: It was a great talk. Joe agreed to let us publish it. So we had one article. I think Jim Stratman also had something.

ML: Yes, he did. I remember.

CR: Yes. And so then we had to find some other articles, and it took a while to put together enough for volume one, but we finally got it together. I think it came out in 1991. I was very happy about that, but the day after it came out the question was, “What are we going to publish in volume two?” And it just became very difficult to get articles. The other thing that happened was that people were starting to get onto tenure tracks in legal writing, and there was pressure for the journal to be a vehicle to publish our own people. That was hard for me because I felt that if we were going to have respect in the academic world, we had to avoid being perceived as just promoting ourselves.

ML: That’s correct. And faculty tenure committees often have a bias toward traditional academic journals.

CR: And that became a tension that existed in the journal. In February 1995, when the *Journal* board had a retreat in Chicago, it became very clear during that retreat that the majority of the people felt that we just had to publish regularly. We also decided, I think it was at that retreat, to publish conference proceedings—to use the conference as the source of material for the *Journal*. It clearly meant that the *Journal* would go in the direction of pedagogical pieces that weren’t necessarily research or theory oriented,

but even then we had difficulty finding material for the off-year issue.

And we still do to this day. And we're still trying to walk the line. It's not that the doors were thrown wide open. The *Journal* has always rejected quite a few pieces, but it's still a difficulty, you know. The *Journal* became something other than the kind of academic journal I thought it needed to be to garner us the kind of respect we wanted in academia. Still, I'm very proud of it. I think establishing the *Journal* has been a great contribution to our profession.

VI. THE SECOND CONFERENCE AND BEYOND

The University of Puget Sound hosted its second legal writing conference in July 1986. The theme of the conference was "Legal Writing: The Next Step."

MR: You must have started planning for the 1986 conference almost immediately after the first one.

LO: I remember doing a de-briefing at the end of the first conference and thinking about what we should do differently the next time. Although we came up with some things that we wanted to do differently, on the whole, we were surprised that the 1984 conference went as well as it did. As a result, when it came time to do the second conference in 1986, we decided to model it after the first one. We decided to use the same location, we picked a similar format, and we tried to create an environment in which people could sit down, talk to each other, and share ideas.

ML: In terms of the Legal Writing Institute conferences, you started off with a surprising number of participants at that first conference, and the number has grown almost every year, hasn't it?

LO: Yes, we haven't had any one year when there was a major dramatic increase, but attendance has grown every single year. We started out with around 100, and then we had 150 and we've been over 275–300 for probably the last ten years, and the 2002 conference at Knoxville, Tennessee, I think was our highest. I think we had close to 425 at that last conference. And so, when you start talking about active members, we have a fairly high percentage of our active members who come to the conferences.

MR: How many listed members do we have now?

LO: I think we have close to 1,500 members. Of that number I would think probably half are active members who either attend a

conference or who participate in a committee, or participate on a fairly regular basis on the listserv, or in some way do more than just have their names on our membership list. So, it's a fairly substantial number. I think we probably have at least one active member from about 85–90% of the law schools in the country, so it's a very well-represented group. Even some of the unaccredited law schools have people who are reasonably active in the group. Again, it really depends on the program. Programs with people who are long-term tend to have a much larger group of active members than programs taught by adjuncts, by fellows, or short-term teachers. It's a fairly substantial number although there are considerably more than 1,500 people teaching legal writing nationwide.

ML: How does this growth affect collegiality—the sense of community we achieved in the 1980s?

LO: The question is whether membership will continue to grow, and how do we, as a Legal Writing Institute, accommodate that many people and still keep some of the positive characteristics of when it was smaller. At the end of the last conference, I hadn't even talked to everybody who was there, let alone did I know the names of everyone. What we don't want to have happen is that people come to a conference and feel isolated. We have gone from 108 attendees at the first conference in 1984 to 473 attendees in 2004.

MR: When did you decide to move the Legal Writing Institute conferences from Tacoma in alternate years? Was that an experiment, or?

LO: When we started the Institute, we didn't have a long-term plan for the Institute. We did know, though, that we wanted the Institute to be national. Thus, instead of running the Institute from Tacoma, we asked individuals from a number of different schools to serve on the board. Later, board members were elected, as is the practice today.²⁰ Similarly, early on we decided that the best approach would be to have Legal Writing Institute conferences only in even numbered years. In addition, we decided that it would be a good idea to alternate between Seattle and other locations around the country. Our plan was that we would have national Legal Writing Institute conferences in even-numbered years

²⁰ For a list of all past directors of the Legal Writing Institute, see *Legal Writing Institute Board of Directors*, at www.lwionline.org/about/history/bod.doc.

and that in the odd-numbered years there would be regional conferences.

**Dates and Locations of Legal
Writing Institute Conferences**

1984	TACOMA, WASHINGTON
1986	TACOMA, WASHINGTON
1988	TACOMA, WASHINGTON
1990	ANN ARBOR, MICHIGAN
1992	TACOMA, WASHINGTON
1994	CHICAGO, ILLINOIS
1996	SEATTLE, WASHINGTON
1998	ANN ARBOR, MICHIGAN
2000	SEATTLE, WASHINGTON
2002	KNOXVILLE, TENNESSEE
2004	SEATTLE, WASHINGTON

ML: How did you decide where the conferences would be held?

LO: We first asked for people who were willing to take on the task whose institutions could house the conference. We then tried to move the conferences to different parts of the country. For example, we held the 2002 conference in Knoxville, Tennessee, because we had never had a conference in the southern half of the country.

CR: The board decided that every other conference would be somewhere else, and the first one was at the University of Michigan in 1990. I remember I was the chair then, and Diana Pratt was hosting the conference in Ann Arbor, Michigan. I just called her constantly and said, “No matter what you do, you can’t lose money.” You have to overestimate on everything, and at least break even. But I said if you make money that’s okay too, because this is the Institute’s only source of income to pay for the *Journal*, the surveys, newsletters, and so on. We were always very miserly with the Institute’s money. Our only source of income was the surplus from the conference. Anne Enquist was treasurer. Actually, she served as treasurer for twelve years, 1986–1998.²¹ But by then

²¹ As the Legal Writing Institute Treasurer, Anne Enquist filed annual financial reports and prepared the Institute’s taxes from 1986–1998. At the end of her tenure as treasurer, these records were passed on to the subsequent treasurers—Steve Johansen followed by Davalene Cooper and Carol Parker.

Anne Enquist reports:

we had had three conferences—1984, 1986, and 1988. They were all at the University of Puget Sound. Laurel and I had put all three together. So it was a great relief for us to have someone else do a conference. We had made money on each. So we had money in reserve. We weren't making big bucks in those days, but we clearly had a cushion. And Diana made money as well.

ML: Putting on a conference is a tremendous amount of work. Diana worked very hard on that conference, and so did her husband.

CR: She did a great job.

ML: Her husband worked at the conference and so did her son.

CR: Her son helped register everybody—that's right.

ML: And she used the dorms for that conference. I thought that was a successful conference.

CR: It was very successful, and not just because it didn't lose money. It was at that conference in 1990 that the Board of Directors decided to have a program committee. That was the point at which the responsibility for putting together the program went to a committee rather than just Laurel and me, which was good for us. It was so much work.

ML: Having a program committee must have relieved you and Laurel of a good deal of the burden you'd been carrying.

CR: We always had a legal writing work-study student, and increasingly it turned out that about half of the student's time was spent working on Institute work, and the University never complained. The University always let us use that student. Then the legal writing program hired Lori Lamb in July 1988. And by the late 1980s or early 1990s, that was a big part of Lori's job. As you know, it was very grassroots. We had lots of volunteers who helped, especially with the conference, and that was wonderful. And I think Laurel and I always wanted to keep it kind of grassroots. But as attendance at the conferences grew and the member-

Any profit from the conferences went toward paying for future conferences; LWI expenses, such as stationery; the journal; newsletters; mailing costs; and the surveys.

The *Journal* was distributed free to Legal Writing Institute members and all law libraries.

Any profit from conferences was invested in certificates of deposit. Typically we bought one CD that came due before the conference (in case we needed the cash then) and another that was longer term.

For ready cash, we estimated our expenses for the upcoming two years and held that amount plus a small cushion in our checking account.

ship list expanded, Lori became indispensable. Today, many people, when they think of the “Legal Writing Institute,” they think of Lori Lamb.

MR: Since the first conferences, what kind of support (financial or other) has the Legal Writing Institute received?

LO: We have had diverse support for the conferences. We have been able to keep the registration fees relatively low and also make a profit. Who have been the key supporters for the Institute? Well, the University of Puget Sound, and Seattle University obviously. Also the publishers have helped us.

The publishers now attend the conferences. They set up displays. Sometimes they give demonstrations. On occasion, they sponsor a lunch or dinner. We take the publishers’ book bags, their pens, right? And their coffee cups? I think it’s in some way a sign of the respect that the publishers have for us as a profession. Publishing is the place where the market is and indirectly where decisions are being considered about how programs should be run and what kinds of materials might be used in programs.

ML: At the time of the first conferences, that was a time when there weren’t that many texts available. There wasn’t that much material available.

LO: You are right. When I first started teaching, there were only a couple of books available. Marjorie’s book, *Legal Problem Solving*²² came out in 1973 and Lynn Squires and Marjorie’s *Nutshell*²³ came out in 1982, and there were a few research books, but that was about all. As a result, the conferences gave us an opportunity to share materials and think about developing additional materials. It wasn’t too much later that a number of people began writing legal writing books. So the publishers were helpful to us as a discipline. They were out there to ask, “What kind of resources do you guys need?” and they were hoping to publish some of those resources. They encouraged the development of the teaching of legal writing and research.

ML: The Legal Writing Institute conferences made an innovative and very practical contribution to the development of resources through the Problem Bank and Idea Bank. The Idea Bank is now online.²⁴

²² Marjorie Dick Rombauer, *Legal Problem Solving: Analysis, Research and Writing* (West 1973).

²³ Lynn B. Squires, Marjorie Dick Rombauer & Lynn Bahrych, *Legal Writing in a Nutshell* (West 1982).

²⁴ Leg. Writing Inst., *Idea Bank*, <http://www.lwionline.org/> (password protected). For

One of the Institute's great contributions to the profession has been the survey.

VII. THE LWI SURVEY

In 1990, Jill Ramsfield conducted the Legal Writing Institute's first national survey of legal writing. It was published in the first issue of Legal Writing: The Journal of The Legal Writing Institute (Fall 1991).

The report on the first survey was titled "Legal Writing in the Twenty-First Century: The First Images."²⁵ In the article, the first survey is likened to the Hubble telescope, then new.

Jill Ramsfield did subsequent surveys in 1992, 1994, and 1996. The later surveys, like the Hubble, produced "sharper images." Hence, the title of Jill Ramsfield's 1996 article, "Legal Writing in the Twenty-First Century: A Sharper Image."²⁶

LO: In 1990, Jill Ramsfield at Georgetown came up with the idea of doing a national survey that would show the status of legal writing professionals across the country. It was designed essentially to give us information first about ourselves, but then also to give the larger legal community information about who was teaching legal writing, and under what conditions legal writing was taught. Jill did the first four surveys for the Legal Writing Institute. It was a horrendous job because essentially Jill developed a questionnaire and sent it out to people and maybe 25 to 30% of them sent it back. So she would telephone and get people to give her the information, and then after that she did a wonderful statistical analysis. Basically, she did the entire project by hand.

Since then, we have computers and consequently the later surveys have become more and more sophisticated, primarily under the direction of Lou Sirico, Jo Anne Durako, and Kristin

the genesis of the Idea Bank, see the *Special Alert from the Legal Writing Institute: Call to Action*, announcing the creation of the LWI Resource Center. Memo. from Leg. Writing Inst. to All Leg. Writing Colleagues, *Special Alert from the Legal Writing Institute: Call to Action* (Sept. 20, 1998) (available in the Legal Writing Institute Archives) (discussing George Gopen's address in which he discusses several new efforts, including the creation of a resource center). Legal memorandum assignments contributed by members would be reproduced and made available to all conference participants.

²⁵ Jill Ramsfield, *Legal Writing in the Twenty-First Century: The First Images*, 1 Leg. Writing 123 (1991).

²⁶ Jill Ramsfield, *Legal Writing in the Twenty-First Century: A Sharper Image*, 2 Leg. Writing 1 (1996).

Gerdy, to the point now where the survey is online. The results are tabulated; the surveys have charts and graphics.

ML: When I asked Jill about the surveys, she pointed out that she did them by hand. For the 1990 survey,

I just made up a bunch of questions. I know that, later in the process, I asked for feedback and suggestions for questions, but I just made up 100 of them from the beginning. I think we have copies of all the original surveys if you want to see them. I had listened to the complaints, concerns, and questions of our colleagues. I had also talked to (uninformed) deans and faculty. I decided to just start in on the basics of geographical locations and demographics. Then I just called on my own knowledge of the field to invent questions about what was taught in the class, how many drafts, who taught research, etc. As for status, I observed all the models being used and tried to ask questions about all of them. This was the hardest part because I didn't want people to have to answer all 100 questions, just the questions about their model. I also wanted to allow for hybrids. So we used different colors of paper!! We also worked hard on the types of questions and choices of answers. I had a computer-savvy student and a faculty colleague help me make the survey look good, but it was not until 1994 that we got help from the main Georgetown campus in compiling the data. We did it by hand for the first two.

I was also determined to get a statistically significant response. I knew deans and faculty would scoff at anything less. So we just got on the phone and harassed people. They were wonderful about responding because we shared the same interests. Thus, all my surveys had about an 80% response rate, not bad for paper copies.

Jill is very modest about these early surveys, and, of course, they don't look as professional as the recent ones. But they were done by hand. I think they were a magnificent achievement. They had a positive effect on the profession. And they won the attention of administrators, ABA committees, and judges.

MR: How did legal writing teachers use the early surveys?

ML: I know that Jill's surveys had an influence beyond legal writing programs. In 1996, Justice Rosalie E. Wahl of the Minnesota Supreme Court attended the Institute conference at the invitation of Chris Kunz. Justice Wahl referred to Jill's 1990 survey in her speech at the Institute conference in Seattle.²⁷ That speech is

²⁷ Justice Rosalie E. Wahl was the first woman to serve on the Minnesota Supreme

worth reading today. It's reprinted in the 1997 *Legal Writing: The Journal of the Legal Writing Institute*.²⁸ Justice Wahl quoted extensively from Jill's article on the surveys, confirming for us the importance of the surveys.

LO: What the survey did is to give us a database of information that individuals could use in talking to their own faculty and their own deans about legal writing. It allowed, I think initially, for people to talk about salary issues and discrepancies of pay among people who were teaching legal writing within their own schools, and then across the country. Second of all, it started showing people about the various levels of status—people who previously had short-term contracts were getting long-term contracts, people moving into tenure positions.

I do think that the survey may be the one single piece of information that has been most influential in persuading faculties and deans to change the status of their legal writing faculties. For example, our school is currently (in 2003) reviewing the status of the legal writing faculty, and the primary data that our faculty is looking at are the data from that survey. Based on that survey they are saying, "We're falling behind." Therefore, the faculty seem to be willing to consider making changes. I think, first of all, salary. Second, I think it helped get rid of the caps on legal writing positions. Third, I think it is helping people move from quasi-short-term/long-term contracts into some kind of official long-term contracts with voting rights or some type of tenure whether it be tenure restricted to legal writing or general tenure.

So, the surveys as they have developed have changed dramatically the number of topics that Jill used to ask people about. She would simply sit down and figure out which questions to ask. The good news is that it has shown that status and salary have just improved dramatically. The difference between the first survey data and the current survey data is actually pretty remarkable.

MR: Does the Legal Writing Institute sponsor the surveys?

Court. Appointed to the court in 1977, she was elected to serve in 1978, and successively re-elected in 1984 and 1990. Justice Wahl chaired the Section of Legal Education and Admissions to the Bar of the American Bar Association in 1987–1988. She proposed the formation of a study to examine the continuum between legal education and practice. The study was headed by Robert MacCrate. It resulted in the influential MacCrate Report published in July 1992. The report sought to define the skills and values needed to practice law. Justice Wahl chaired the subcommittee that drafted a statement on lawyering skills. In 2003, William Mitchell College of Law dedicated its Legal Practice Center, naming it for Justice Wahl.

²⁸ Justice Rosalie E. Wahl, *All the World's a [Page]*, 3 *Leg. Writing* 67 (1997).

LO: It is now a joint project between the Legal Writing Institute and the Association of Legal Writing Directors²⁹ (ALWD). Both organizations pay half the costs of producing it. It's expensive. It started with the Legal Writing Institute and now it's a joint project between the two groups.

VIII. CONTINUED GROWTH, CONTINUED SUCCESS

LEGAL WRITING INSTITUTE

MISSION STATEMENT

*"The Legal Writing Institute is a non-profit corporation founded (1) to promote an exchange of information and ideas about legal writing and (2) to provide a forum for research and scholarship about legal writing and legal analysis. . . ."*³⁰

MR: The Legal Writing Institute has been hugely successful. And even though very much larger, it hasn't swerved from its original mission.

LO: That's right. Its main emphasis is still on teaching, especially at the conferences. The Legal Writing Institute has always had as its primary purpose to enhance the teaching of legal writing. So we had always had a primary focus on pedagogy, and scholarship about the teaching of legal writing. There were questions in the early and mid-1990s about what kind of political role the Legal Writing Institute should take. In the early to mid-1990s, the Legal Writing Institute's members started talking about whether it should be primarily an educational group or whether it should also take on a political role. Again, this is not something that we all sat down and voted on. It just kind of evolved, but it became clear that probably the Legal Writing Institute could be truer to itself if it did not become a political group. As a result, the second group, ALWD, was formed, and it also has, of course, evolved. But ALWD has by far a more political nature than the Legal Writing Institute. Still, there is a huge overlap between the people who are active in both organizations. So sometimes it is hard to tell whether somebody is actually acting on behalf of the

²⁹ The Association of Legal Writing Directors was founded by Jan Levine, who was its first president.

³⁰ J. Christopher Rideout drafted the Legal Writing Institute's first Mission Statement. As the Legal Writing Institute's membership grew, its primary mission did not change.

Legal Writing Institute or ALWD. For example, when we've spoken at ABA meetings on the status of legal writing faculty, I think most of us have identified ourselves as belonging to both groups. The distinction between the two groups, I think, is that the Legal Writing Institute is open to everyone who is in any way touched by or involved in the teaching of legal writing and has as its primary purpose the pedagogy of teaching legal writing, whereas ALWD is limited to directors or people of stature in the legal writing community.

ML: The emphasis on teaching must also mean that the focus of the Legal Writing Institute programs has changed somewhat from the way it used to be when we first started.

LO: Right.

ML: And that now when we have people who have been teaching longer, the program has to change to address different levels of experience.

LO: Yes, it does. I think, in some ways that's how we have dealt with the numbers. The problem is that we don't want different "tracks" of people. We still want groups to be interacting with each other. For the last three or four conferences, we've had a new teacher's track, so that at each time slot there was something designed for people who are in their first or second year of teaching—for example, designing assignments, conducting effective classes, conducting conferences, or critiquing, all of those kind of issues.

In many ways, that allows our most experienced members of the Legal Writing Institute to interact with our newest people because we have tried to keep those groups relatively small and not to talk at them, but to provide a lot of workshops. For example, for the session that Dan Barnett and Anne Enquist put together on critiquing student papers, there was an initial introduction of information and resources. But then the new teachers divided into relatively small groups with each group having a mentor so they could deal with practicing how you do it, and dealing with people's questions, and again the sharing that has been so important a part of the Legal Writing Institute. The new people have great insights that those of us who have been around for maybe too long have forgotten. It's fun to listen.

ML: Mentoring has been an important contribution of the Legal Writing Institute. It started informally. I remember getting lots of phone calls. Marjorie did too. New people can now send e-mail. And now mentoring is more formally organized; that grew out of the buddy system we had at the 1990 Ann Arbor conference.

LO: I think one of the very positive things that the Legal Writing Institute has done in the last four or five years is to establish a new member outreach committee. Now, when we identify somebody as a new member of the legal writing community, the new member committee sends new people a letter and a list of resources. When they come to the conferences, they have a mentor who will be their buddy throughout the conference and make sure that they get introduced to a variety of people. So I think we have taken some steps to stay inclusive. The larger the Legal Writing Institute gets, however, the more isolated people can feel. We're thrilled that it's large, but we also need now to figure out what to do about that.

MR: How have the conference programs changed to accommodate legal writing professionals, people dedicated to legal writing careers, at different stages in their careers?

LO: To accommodate the people who are at different places of their careers, we now offer a larger variety of sessions. For example, while at the first few conferences, the focus was on teaching and not on scholarship, now we have a number of sessions that deal with scholarship. We have forums for people to share their scholarship, forums on how to do scholarship, and how to get scholarship published. In addition, we continue to try to branch out and to learn from the other disciplines, which I think is something both the newer and the more experienced people benefit from. So, you know, we have presentations by people from rhetoric sometimes. We've had people, sometimes, who have more specialized knowledge in areas of learning theory. People like Jim Stratman with his research on reading, and people who are not teachers of legal writing. We try to take the best of what other professions offer, and then use that information to improve the teaching of legal writing.

ML: Many of the presenters at the first two conferences were from other disciplines—for example, George Gopen, Jim Stratman, Lynn Squires, Joe Williams, and Stephen Witte. It's good to continue that tradition. Your own program and the Legal Writing Institute itself illustrate the benefits of cross-disciplinary exchange. The Legal Writing Institute grew out of Writing-across-the-Curriculum.

LO: Without Chris and Anne, those of us at the law school would never have learned about some of the things that were going on in the composition area. And as a result we would not have created the program that we did. We learned from each other. Our

curriculum, for example, is based on spiraling. I got that concept from Mary.

ML: And that theory, in turn, I had adapted from Jerome Bruner.

LO: Yes. I think that our program benefited from the fact that Chris and Anne were trained in composition theory and not law. In addition, I think that our program benefited from the fact that Anne and I had degrees in education. So again, it was really three disciplines interacting with each other: composition, basic educational psychology and practice, and then the law itself.

MR: It was a good combination. You must have had strong institutional support from your dean.

LO: We have to credit Fred Tausend for being willing to accept people from other disciplines into the law school environment and recognizing the needs of the legal writing program. Having a practitioner as dean was very important; plus, we had a very active board of visitors at that point. They sent formal recommendations to our faculty. There was some lobbying that the skills courses be given a fair amount of attention. So having Chris and Anne there as writing specialists, particularly in the early years at the University of Puget Sound, was extremely important. Some of our students did not enter law school with all the skills they needed. Chris and Anne were there to help those students. It was really important to have Chris and Anne there when the legal writing faculty rotated in and out every two years. Our program is proof that having writing advisors helps not only the students, but has a positive impact on the writing program itself.

ML: Writing advisors have their own organization now. Anne helped found it with Betsy Fajans and Mary Ray in 1988: The Association of Writing Specialists.

MR: What are the most challenging aspects of putting together an Institute conference program?

LO: It is a challenge to try to come up with a program that is interactive. It means that where we used to, at the most, have two concurrent sessions, now at the last several conferences, we have at least six things going on at the same time. Even when you divide 400 people into six groups, you still have large numbers.

We're beginning to reach a facility limit, too, for locations for the conference where you can have (maybe in the future) groups of forty. Ideally we would like each of these sessions to have maybe no more than forty people in them, to provide an opportunity for people to interact. Most United States law schools have problems

when you start asking for ten rooms that are available at the same time and that are conducive to the kinds of presentations and workshops we want to do.

There are challenges to putting on an Institute conference, but the truth of the matter is the new people keep coming back, the people of mid-range keep coming back, and the experienced people keep coming back. So they must be coming back for a reason. Part of that, I think, is clearly the presentations. I think that we had over 100 individuals at the last two conferences make presentations. So there is huge group of people who are getting an opportunity either on their own or as part of a panel to share what they are doing. We instituted a “one presentation per person” rule so that those of us who have been around a long time would not dominate the program.

ML: The need for this rule just shows how much legal writing has grown since 1984. Then we wouldn’t have dreamed we’d need a rule like that. It is also proof, Laurel, that the Institute is still inclusive.

LO: Right. People are attending not only to listen, but are given an opportunity to share what they are doing. People keep coming back to make connections, socialize, and renew associations and friendships.

MR: It’s fellowship.

LO: Fellowship.

MR: And, being with people who appreciate what you are doing and just keeping up with who’s new and who’s still there.

LO: Right.

MR: It’s a really tight-knit community even though it’s widespread in this country.

LO: It is very widespread. I do think the group is probably closer than it ever has been in part because of the listserv.

ML: Ralph Brill set up the first legal writing listserv in 1993. This was prior to the 1994 Legal Writing Institute conference in Chicago. It was, Ralph says, “To enable attendees to participate in topics presented at the Conference.” After the conference, the listserv was continued for all the people who attended the conference and then to further subscribers.

LO: Not everybody participates in the listserv, but a large number of people do participate by writing and even larger numbers read it. Part of it, they go to conferences and they keep saying, “I’ve been waiting for e-mails” or “I’ve been reading his e-mails,” and “You know, she e-mailed me this or whatever—I want

to meet this person.” So in some ways the contacts are now being established before conferences. Particularly for the new people. Then they can put faces with names.

But as I said, an aspect of this is troubling to me because I worry that when I look around sometimes at conferences, I think that person is standing over in the corner by himself or herself and not having anyone to engage with. That’s the problem when you get a larger group. But, for the most part I think when a person appears to be isolated at a conference, somebody will approach that person and start up a conversation.

I think it’s clear that many of us attend to socialize. I am interested in what my colleagues are doing, but I also, just like other professionals, want to catch up on the news, right?

ML: One advantage in these conferences is that many people can use them to demonstrate professional growth to their institution. Not just those considered for tenure. We have so many more people who have the opportunity to be presenters. That really helps people who have to go before a personnel committee to renew their contracts. That’s one aspect of inclusiveness that has always worked well.

LO: And I think that we figured that out pretty early on; we are kind of at two levels. One was that people were more likely to be able to come to conferences if they were presenters or workshop leaders or moderators; then their schools would pay for them to attend. Second of all, people who wanted to stay in the profession for a long time were going to have to show professional development. The Legal Writing Institute conferences are the perfect place for people to be able to do that, and having been on the program committee a number of times, I know that we conscientiously go through the topics that people are preparing and kind of the bibliographies that they put together. We also attempt particularly to find people who are in their second, third, or fourth years of teaching who have never presented before.

MR: Yes. That’s a good policy.

LO: And if there’s a choice between a senior person and a person who’s been around two, three, four years, we have, on a majority of occasions, elected to give the slot to the person who’s newer. Simply because, one, we may not have heard his or her voice before. Second, it should help them professionally to be able to put on his or her application for reapplication for reappointment or for tenure that he or she made a presentation at a national conference.

ML: Yes. Deans and committees accord more respect to national meetings.

LO: And the fact that it's a large conference—

ML: Yes, lots of people. That's very helpful.

LO: Yes. Professors and most deans are impressed. There are relatively few professional groups in the legal profession that consistently draw such large numbers. I don't think the contracts professors, you know, do they draw up to 400 people to a contracts conference?

MR: Only at the AALS meetings, and I would guess they never get that high in any of the AALS sections.

LO: And again, I think it's been relatively recently that any significant number of legal writing faculty have been funded to go to AALS meetings. It's only been very recently, maybe in the last five years, that our dean would pay expenses for my own legal writing faculty to attend. My recollection is that in the early years, there were relatively few people who taught legal writing full-time who would show up. It was one reason we didn't have board meetings there for a while because not enough people were able to attend. There were more people who were essentially teaching legal writing with a doctrinal course or who were librarians.

MR: Librarians were in the AALS at the beginning; there were a substantial number of librarians in the writing section. Then, gradually, they dropped off as the focus was more and more on legal writing and legal thinking. The librarians formed their own AALS Section.

ML: Eventually, academic support people, who had been part of the writing section, formed their own section too.

LO: The number of people at the Legal Writing Section meeting in January is substantially larger now than it was ten/fifteen years ago. More people get money from their schools to be able to go to the AALS conferences. Interest and support for legal writing has increased.

ML: Right. In recent years for our AALS Section meetings, the room has been absolutely packed, and you couldn't find a place to sit.

LO: It is not unusual now to have 200 people at those Section meetings. They're not necessarily all people who have the primary teaching responsibility of teaching legal research and writing. The programs probably draw people outside legal writing depending on the topic. "Better Thinking, Better Writing" was the topic of the 2003 AALS Section meeting, which should have an appeal to peo-

ple besides those who just teach legal writing. Such topics broaden awareness of legal academics about legal writing programs.

ML: In recent years, the Legal Writing Institute has had a formal presence at the AALS annual meetings with Institute receptions for two awards it sponsors: the Golden Pen Award and the Thomas Blackwell Award. The latter is sponsored jointly by the Legal Writing Institute and ALWD. It honors the life and memory of Thomas Blackwell, whose tragic death in 2002 was a great loss to the legal writing community.³¹ The Blackwell Award recipients to date have been Richard Neumann (Hofstra), Pamela Lysaght (Detroit Mercy), and Ralph Brill (Chicago-Kent).

LO: The Blackwell award reception has been packed. Tom's family and members of the Appalachian faculty—Tom was legal writing director there—have attended.

ML: The Golden Pen Award had a very different inception. It grew out of the Plain English Movement. Joe Kimble was its foremost advocate at Legal Writing Institute conferences. He was instrumental in setting up the award. Recipients of the Golden Pen Award have been Arthur Levitt, SEC Chairman; Donald LeDuc, Dean, Thomas M. Cooley School of Law; Linda Greenhouse, United States Supreme Court reporter for *The New York Times*; Judge Robert E. Keeton, Founder of the Style Subcommittee on Federal Court Rules; and Professor Richard Wydick of Berkeley, author of *Plain English for Lawyers*.³²

LO: Members of the Legal Writing Institute devoted a good deal of discussion. . .

ML: Sometimes heated.

LO: Right, to whether to adopt a Plain English resolution that Joe promoted.

ML: I remember Judge Lynn N. Hughes of the U.S. District Court for Houston, Texas, argued in favor of the resolution at the 1992 conference.³³ And one entire issue of the *Second Draft* newsletter was devoted to Plain English.³⁴

³¹ Thomas F. Blackwell (1961–2002) died shockingly and tragically while director of legal writing at Appalachian School of Law, where he was killed by a former student. The entire legal writing community mourns his loss. Moving tributes to Blackwell can be read in Pamela Lysaght, Molly Warner Lien & Clinton W. Shinn, *In Memory of Thomas F. Blackwell*, 8 *Leg. Writing* 1 (2002).

³² Richard C. Wydick, *Plain English for Lawyers* (5th ed., Carolina Academic Press 2005).

³³ Judge Lynn N. Hughes, *Do We Need Charters for Plain English?* 8 *Second Draft* 1 (Nov. 1992).

³⁴ 7 *Second Draft* 1 (Oct. 1991).

LO: I think we voted on the resolution in 1992.

ML: Yes. It passed nearly unanimously.

PLAIN LANGUAGE RESOLUTION ADOPTED

At the 1992 conference of the Legal Writing Institute, which has 900 members world-wide, the participants adopted the following resolution:

1. *The way lawyers write has been a source of complaint about lawyers for more than four centuries.*
2. *The language used by lawyers should agree with the common speech, unless there are reasons for a difference.*
3. *Legalese is unnecessary and no more precise than plain language.*
4. *Plain language is an important part of good legal writing.*
5. *Plain language means language that is clear and readily understandable to the intended readers.*
6. *To encourage the use of plain language, the Legal Writing Institute should try to identify members who would be willing to work with their bar associations to establish plain language committees like those in Michigan and Texas.³⁵*

LO: That was a bit of a departure for the Legal Writing Institute. Conference programs only very rarely focused on political issues. Programs generally centered on teaching, especially in the early years.

MR: To what extent have you found that you're recycling some of the conference topics that you have used in the past, and do you do that intentionally? Or does it just happen?

ML: You mean at the conferences?

LO: At the conferences. I think that part of it is intentional. I think you want to have those basic core topics for the new people that will always be there at every conference. So my guess is that probably at every conference that we've ever had, there's been a session on designing assignments and one on having student conferences. So there are certain perennial topics. I think that is actually a very good thing.

MR: Especially for the newcomers.

³⁵ 8 Second Draft 1 (Nov. 1992).

LO: Other topics are quite varied, depending on what interests people in any particular year. So there's some repetition. For a while, we had a large number of technology presentations because people were experimenting with technology. We went through a stage where we had a large number of presentations on learning theories and different diagnostic tools to determine learning styles. In the last several years, we've had emphasis on teaching diverse students (disabled students, ESL students), teaching professional responsibility. A lot more about bias, both in legal analysis and writing.

LO: An attendee can now look at a program and say, "I have six choices. Yes, I heard that topic last time, but, this is where I am right now, and I'm going to choose a different topic."

MR: It is clearly a challenge for those people who are scheduling the conference program.

LO: Now we have the capability, if we choose to do so, to put the conference presentations on digital tape and upload the tapes to the Internet. The advantage of doing that is it makes presentations more widely available. My basic concern about doing this, however, is that people may choose not to come to the conference, which means they only get a fraction of what the Legal Writing Institute offers. You may get the information, but you miss out on the discussions after the presentations.

MR: You lose the collegiality.

LO: The planning committee has to make a decision about how to proceed. We'll probably start slowly; maybe tape all the sessions for brand new people—the people who come on board after our conference.

ML: That could provide a teacher training packet for directors who can't bring all their teachers to a conference.

LO: Exactly.

ML: And for people who can't attend. Sometimes the new teachers can't get there.

LO: That's exactly right. That seems to be the way to start it.

MR: Yes. The next step might be something patterned after our CLE Best-of-the-Year.

LO: Exactly.

MR: Best-of-the-Year and then a small packet of what seems to be the cutting edge.

LO: Exactly. Maybe down the road twenty years from now—maybe we will only have virtual conferences. But the good thing is that many people will still want to go to Seattle in the summer.

ML: I noticed on the program brochure for the Legal Writing Institute conference from 1986 that the conference was called “The Next Step.” What do you see as the next step twenty years after 1986 when you thought up “The Next Step” title?

LO: I do think the next twenty years are going to be a time of remarkable change for the legal profession. Part of that is due simply to the technology that is available to us as lawyers, and the technology that we will be expected to use. I think another change is in the nature of law firms themselves and that the mentoring that historically was done by law firms may not take place in the future. Plus, I think, to some extent, that there is a far more diverse group of people who need and want access to legal services. Thus, as a profession, we face huge challenges. Those of us who teach legal writing need to keep reminding ourselves that we’re not training students to do what we did ten years ago. Instead, we need to look toward the future.

MR: So the Legal Writing Institute has been evolving in many ways.

LO: To some extent, it has been the vision all along that the Institute needed a place to start, but it wasn’t necessarily the place where it was going to stay. We started with a national board of directors. Because it was pretty simple, initially all the functions came out of the University of Puget Sound very quickly. We decided the conference shouldn’t be every four or five years, but every two. We decided we needed to have a newsletter, and now the newsletter rotates amongst schools. Each time we rotate, there is probably a little competition, maybe some improvement. The next editors have to produce a newsletter at least as good as that of the previous editors—or better. I think that’s great. Then there’s the *Journal*. Essentially we realized that one person could not do a journal, and it has now started rotating. The *Journal* really doesn’t have a physical location at all. It’s just produced volume by volume.

During the first six or seven years, the presidency was at the University of Puget Sound. The secretary and treasurer were at the University of Puget Sound. We quickly decided we were tired. So the presidencies also started rotating. The conferences were held in other locations.

ML: Now the home base will move too.

IX. MOVING ON . . .**LEGAL WRITING INSTITUTE
HAS A NEW HOME**

I am pleased to announce that the Legal Writing Institute has found a new home. Over the course of the next few months, we will transfer our base of operations from Seattle University to Mercer University School of Law in Macon, Georgia, where Linda Edwards will take on the responsibility for overseeing the Institute's operations. While we are very excited that Mercer will be our new home, the selection process was quite challenging. Several schools submitted outstanding proposals, and it was difficult to choose among them. It is a tribute to the strength of our discipline that so many schools were willing and able to take on this challenge.³⁶

LO: To some extent, the move is much easier to do now because so much of the data can be transferred easily electronically. We do have some boxes of records, etc. that we'll have to send to the new home base in Georgia, but for the most part, we're talking about who maintains the mailing list, who maintains the membership, who maintains the website, and who maintains the listserv, and pretty much with a click of the button we can send all of our data to the new home of the Legal Writing Institute, and then Mercer University School of Law can take over.

ML: But a switch to a new home base is more than just a mechanical transfer of information. It can also be a break in continuity.

LO: The major problem I actually foresee in the transfer is losing our institutional memory. Lori Lamb has been with us for so long now. Lori recognizes names and knows where people are. I mean there is a wealth of information that's in her head. It's going to take a while for the next person to be able to acquire that knowledge. When somebody calls with a question, Lori knows immediately who can answer that question. She is amazing.

I'm not sure that if we asked people who have been in the Legal Writing Institute fewer than ten years where the home of the Legal Writing Institute was in 2002 that most people would know. The *Journal* comes from one mailing address. The newsletter

³⁶ Steve Johansen, *The President's Column*, 17 Second Draft 3 (July 2003).

comes from another mailing address, the listserv is a private server. The website—I don't think there is anything on it that identifies it as from a particular institution. I mean, I'm not sure that the Legal Writing Institute has a physical location in most people's minds anymore. I think that is good.

ML: I think it's admirable that you can say you opened up the operation of the Legal Writing Institute to lots of the new people. That we don't think of the Legal Writing Institute as a location. The Institute is people, not a place. That's one thing about legal writing—it's a community as well as a discipline.

MR: That's one of its strengths.

ML: Many people realize, you know, that you, Chris, Anne, and Lori put this together. It was a major accomplishment that made a difference to all of us. It still makes a difference and will in the future. That should not be forgotten.

MR: Amen.

ML: I don't think we should forget what people have done just because life goes on. Things change, but let's not forget, for example, what Marjorie has done. What you and Chris have done. I have always felt that the Northwest was in a sense the cradle of legal writing as a profession, with Marjorie's program at the University of Washington and the Legal Writing Institute at the University of Puget Sound. It's been a fortunate congruence of people and their interests. So let's not forget the contributions people like Marjorie, like Ralph Brill made. Who you and Chris are.

LO: But I think in part the success of the Legal Writing Institute is that it is not identified with one a single person.

ML: You and Chris certainly were not self-promoting. But we all knew how much effort you put into it. And at the beginning, we all had strong feelings about the camaraderie at the University of Puget Sound conferences. I, for one, made many of my best friends there.

LO: In some ways, it's kind of fun now when the chairpeople don't have a clue who I am. So, you know, I'm just another person.

ML: And that makes me sad.

LO: I have to keep remembering there's a history, and things that are gains can also be lost. We need to make sure we don't lose our sense of continuity.

MR: The sense of fellowship.

LO: I guess one of my greatest fears is that for those of us who teach legal writing in legal writing programs, the Legal Writing Institute may become less like we have been in the past, and be-

come more like the rest of the academic world. That's a system based on hierarchy. It's a system that often doesn't put the student first, and I really feel strongly about that. When I go to work every day, I try to put the students first. We need to make sure in striving to become professional, we don't become what we were protesting against.

MR: In legal writing we've been friends, not competitors.

LO: I almost always think of the Legal Writing Institute in terms of my daughter because she was born about the same time the Legal Writing Institute was conceived. The first conference was in 1984. Just as my daughter has grown up, so has the Legal Writing Institute. Letting the Legal Writing Institute go find its home someplace else is a kind of natural progression. I am sure that at Mercer the Legal Writing Institute will prosper.