

Teaching in Turbulent Times: Legal Writing's Role in Eliminating Bias and Paving the Way Toward a More Just Judicial System



LWI One-Day Virtual Workshop

hosted by:

University of North Dakota School of Law

Friday | December 11, 2020

AGENDA*

9:00 a.m. – 9:50 a.m.

Topic: Why Legal Writing Professors Should Teach the Singular “They” Pronoun & How To Do So

Presenters: Amanda Elyse, Elon University School of Law; Kirsten Davis, Stetson University College of Law; Rachel Oliver, The Diamond Law Firm, St. Petersburg, FL

Description: The panel will address why legal writing professors should teach the use of singular “they/them/theirs” pronouns and the primary reasons for it. Panelists will discuss how legal writing professors can teach singular “they” pronouns through memo problems that include a character who is non-binary, a context that gives students a chance to practice the pronouns as correct grammar and as identity-affirming language. The panel will also offer a practitioner’s perspective on the topic.

10:00 a.m. – 10:25 a.m.

Topic: Using Reframed Judgments to Teach Legal Skills

Presenter: Kimberly Holst, Arizona State University Sandra Day O’Connor School of Law

Description: Helping students recognize bias and understand the importance of amplifying marginalized voices in the law is a critical legal skill. However, it can get dispiriting to view opinions by applying a negative lens. Introducing reframed judgments (like those in the Feminist Judgments project) can help reinforce these concepts in a fresh way. Reframed judgments also provide students with a way to see the application of these skills in practice.

10:30 a.m. – 10:55 a.m.

Topic: Using Our Expertise: From Teaching to Scholarship for a More Just Judicial System

Presenter: Mary Bowman, Arizona State University Sandra Day O’Connor School of Law

Description: The presentation will address how developing legal writing problems for students can lead to a scholarly agenda for justice-driven judicial reforms. The presentation will provide specific examples of scholarly projects that grew out of issues first encountered while developing legal writing problems for students and will include concrete steps for moving from teaching to scholarship for justice.

* The times listed on the agenda are Central Standard Time.

11:00 a.m. – 11:30 a.m. – Virtual Coffee Break Social

11:30 a.m. – 12:15 p.m. – Lunch Break

12:15 p.m. – 1:05 p.m.

Topic: Why Don't We Do Problems Related to Car Stops or "Heat of Passion:" Creating Trauma-Informed Writing Assignments

Presenters: Susan King & Iva Ferrell, Delaware Law School

Description: The presentation will begin with an introduction to trauma-informed teaching and how its principles inform our classrooms and teaching practices, including crafting research and writing projects for students. The presentation will also offer guidance on selecting and drafting problems that help achieve the pedagogical goals regarding learning objectives, such as effective research, case reading, client advocacy, or written analysis, without compromising student safety and well-being.

1:15 p.m. – 2:05 p.m.

Topic: Legal Rhetoric and the Way of Nonviolence

Presenter: Tonya Kowalska, Washburn University School of Law

Description: *"In this world, hate never yet dispelled hate. Only love dispels hate. This is the law, ancient and inexhaustible."* -- Buddha Shakyamuni. The presentation proposes that lawyers can encourage a more socially just legal system by incorporating nonviolent principles in their communication, even within adversarial proceedings. The way of nonviolence recognizes that even the most misguided behavior is driven by human beings' basic desire to seek happiness and avoid suffering. This understanding helps us to develop compassion for others, including our enemies. Nonviolent rhetorical methods preserve human dignity when naming, storytelling, framing issues, honing arguments, selecting authority, and more.