

LEGAL RESEARCH, LEGAL WRITING, AND LEGAL ANALYSIS: PUTTING LAW SCHOOL INTO PRACTICE*

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At the end of orientation one August, an anxious first-year student pulled me aside and admitted, "I don't know anything about doing legal research." I had to smile as I assured him that legal research was one of the skills he would learn in my class. A few years later that student was offered a prestigious clerkship with the Florida Supreme Court.¹

When I began law school, I was no better off than this student. I thought my goal was to master — and memorize — every case, statute, and rule I would need to practice law. I would put all this knowledge into a magic briefcase. Then when a client came to see me with a problem, I would reach into my magic briefcase and pull out the obvious answer! I was wrong. First, no one could ever memorize enough law to make my magic briefcase work; one visit to the library shows how naive I was. Second, most legal questions do not have obvious answers. If the answers were obvious, clients would not be willing to pay much for a lawyer's services. Instead of memorizing cases that would solve easy problems, I learned that re-

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1. Like this student, many students make predictions about how they will perform in law school based on their past experiences. Although students come to law school expecting to start with a blank slate in courses like "Torts" or "Civil Procedure," those same students expect to make credible predictions of their ability in "Legal Research and Writing" (LRW) courses. English majors may assume LRW will be the easy course in the curriculum, while engineers may fear writing papers for the first time in years. But all students bring some strengths and some weaknesses to LRW. The English major likely is not intimidated by the library or by an empty computer screen, but may have difficulty exchanging creative writing techniques for the strict discipline and unique conventions required by the law. On the other hand, engineers may be uncomfortable writing documents, but may excel at the logical thinking required by the law.

searching, analyzing, and writing about the law occurs as a complex, interwoven process. That process — not magic — is the practice of law. In all your law school classes you will learn analysis. In classes devoted to legal research and writing, you will get to weave analysis into research and writing and learn to practice law.²

I. LEGAL RESEARCH AND WRITING IN THE FIRST YEAR

Law students often say that they learn more in their Legal Research and Writing class (LRW)³ than in any other first-year course.⁴ Many law students also find LRW the most enjoyable course of the first year. The reason is that LRW lets you put into practice the analytical skills you begin learning the first day of law school.⁵ In LRW, you get to think and act like a real lawyer. You analyze and research clients' problems. You write professional documents, including office memoranda, court briefs, and client letters, to explain solutions to those problems. You also present arguments before a court, persuading the court that your client's problem should be solved in a certain way. In learning to do the work of lawyers in LRW, you have your first opportunities to put into practice the legal analysis that you are learning in all your courses.⁶

2. This Essay is targeted for beginning law students. Other articles address those who are teachers, directors, and administrators of legal research and writing programs. See, e.g., RALPH L. BRILL ET AL., ABA, SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, SOURCEBOOK ON LEGAL WRITING PROGRAMS (1997); Maureen Arrigo-Ward, *How to Please Most of the People Most of the Time: Directing (or Teaching in) a First-Year Legal Writing Program*, 29 VAL. U. L. REV. 557 (1995); Jan M. Levine, *Response: "You Can't Please Everyone, So You'd Better Please Yourself": Directing (or Teaching in) a First-Year Legal Writing Program*, 29 VAL. U. L. REV. 611 (1995); Lucia Ann Silecchia, *Legal Skills Training in the First Year of Law School: Research? Writing? Analysis? Or More?*, 100 DICK. L. REV. 245 (1996).

3. Legal Research and Writing courses have a variety of names at different schools: Lawyering, Legal Skills, and Legal Writing are some of the more common course names.

4. See James E. Moliterno, *John B. Mitchell et al., Seattle University Skills Development Series*, 47 J. LEGAL EDUC. 280 (1997) (book review).

5. See BRILL, *supra* note 2, at 17 (noting that "analysis is inherent in writing"); Carol McCrehan Parker, *Writing Throughout the Curriculum: Why Law Schools Need It and How to Achieve It*, 76 NEB. L. REV. 561, 562 (1997) (arguing that communication is inseparable from analysis). For a concise summary of the types of reasoning students will encounter in legal analysis, see, for example, DIANA V. PRATT, *LEGAL WRITING: A SYSTEMATIC APPROACH* 88-97 (3d ed. 1999).

6. See Moliterno, *supra* note 4, at 280 (noting the ability of courses like legal writing to demonstrate for students how to apply what they have learned in doctrinal courses). In most first-year courses, professors cover many areas of law, and some areas necessarily receive little attention. In LRW assignments, by contrast, students typically

Realizing that you will learn more in LRW than how to look up cases and use proper punctuation will prepare you for a successful experience in this crucial class.⁷

A. Legal Analysis and Legal Research⁸

The key to success in researching legal issues is realizing that research is a process.⁹ You cannot memorize a million cases,¹⁰ and you are not looking for a needle in a haystack.¹¹ But you can master the overall process of research. Once you have mastered that process, you can complete almost any research assignment with confidence.

The first step in any research process is to ensure that you understand the issue you have been asked to research. In law, understanding the question can be as difficult as answering it. Ask

spend several weeks delving into one specific area of law in relation to a client's situation.

7. As one commentator noted:

Writing courses do not teach only writing and research, style and mechanics. We do have to teach those things, certainly, but in addition, the legal writing courses are the only courses in which legal analysis is systematically taught. We have to teach, in the writing courses, the structure of analysis: how to analyze cases, how to connect one case to the other, and how to apply them by deduction or analogy to a client's problem, a client's story.

Gail Anne Kintzer et al., *Rule Based Legal Writing Problems: A Pedagogical Approach*, 3 LEGAL WRITING 143, 144 n.4 (1997) (quoting Joseph Kimble, *On Legal-Writing Programs*, 2 PERSP. 1, 2 (1994)); see also Lisa Eichhorn, *Writing in the Legal Academy: A Dangerous Supplement?*, 40 ARIZ. L. REV. 105, 119 (1998) ("[T]oday's legal writing courses owe more to Llewellyn's *Elements of Law* than to Strunk and White's *Elements of Style*.").

If your law school does not include in the first-year curriculum a separate course on legal method, the LRW course may begin with instruction in the legal system, including "the structure of law-making bodies; the sources of law (constitutions, statutes, cases, etc.); the rules governing conflicts between those sources; and interpretive canons for judging the meaning and weight of those sources." BRILL, *supra* note 2, at 5.

LRW courses also teach students professional ethics and train students to become self-dependent in their ability to analyze, research, and write about novel legal issues. See *id.* at 8.

8. For a more thorough description of legal research, intended for first-year students, see Maureen Straub Kordesh, Essay, *Navigating the Dark Morass: A First-Year Student's Guide to the Library*, 19 CAMPBELL L. REV. 115 (1996).

9. See CHRISTINA L. KUNZ ET AL., *THE PROCESS OF LEGAL RESEARCH* 7-9 (4th ed. 1996); see also BRILL, *supra* note 2, at 21 (noting that teaching research as a process better demonstrates the "connections between the use of research sources and the reasoning skills essential to legal research").

10. See Kordesh, *supra* note 8, at 115.

11. See SUZANNE E. ROWE ET AL., *FLORIDA LEGAL RESEARCH: SOURCES, PROCESS, AND ANALYSIS* 81 (1998) (warning students not to take a "hit-and-miss" or "trial-and-error" approach to legal research).

the assigning attorney (or your instructor)¹² questions if you need help focusing on the relevant issue.

When you are clear on the question, use your common sense to develop a research plan.¹³ When you wrote reports in third grade, you probably started your research by looking in an encyclopedia.¹⁴ That is a good first step in legal research, too. A legal encyclopedia is an example of a “secondary source.” Secondary sources explain the law and contain references to cases and statutes. Another example of a secondary source is a law review article.¹⁵ But secondary sources are not “law,” so you cannot begin and end your legal research with an encyclopedia or article.

As a lawyer, you need to base your analysis on the law: judicial opinions,¹⁶ statutes and constitutions,¹⁷ and administrative law.¹⁸ These are called “primary sources.” Some primary sources are mandatory authority, meaning that courts in your jurisdiction have to follow them. An example is a decision of your state’s supreme court. Other primary sources are persuasive authority, so that courts in your jurisdiction may choose to follow them. An example of persuasive authority is a decision of a court in another state.¹⁹

Using your common sense again, you will realize that you want to use current law, not outdated or repealed law. Thus, your research plan must allow you to update the authority you locate. Updating means determining whether the cases, statutes, or regu-

12. Throughout this Essay, your LRW professor may be referred to using “supervising attorney,” “partner assigning the project,” or similar titles. Your LRW professor assumes these roles in making assignments to prepare you for the relationships you will encounter in practice.

13. See CHRISTOPHER G. WREN & JILL ROBINSON WREN, *THE LEGAL RESEARCH MANUAL* v (2d ed. 1986) (comparing research strategy to a “game plan”).

14. An initial step in research is to develop a list of search terms that are likely to appear in any discussion of your issue. You will use these terms to search the index of each source you use. The index will lead you to the relevant part of each book. See KUNZ ET AL., *supra* note 9, at 12–15.

15. See KUNZ ET AL., *supra* note 9, at 43–118 (discussing secondary sources).

16. Cases are published chronologically in series called “reporters.” See *id.* at 129–36. To find cases in reporters, begin with a “digest,” a multi-volume index in which case references are grouped by topic. Thus, all cases concerning “arson” would be grouped together. See *id.* at 142–52.

17. Researching statutes and constitutions is most helpful in publications that include annotations to other research material. See *id.* at 182–99, 225–27.

18. Administrative law includes the regulations and opinions published by administrative agencies. See *id.* at 274–75.

19. See Kordesh, *supra* note 8, at 118–20.

lations you plan to rely on in your analysis have been accepted, modified, or rejected by more recent law.²⁰

By using your common sense, you have developed an excellent research plan. It includes secondary sources, primary sources, and updating. Which of these sources you will use to begin your research and how you proceed with your research plan are flexible.²¹ Different students prefer different starting points. Some prefer to start with an encyclopedia or an article that gives a broad scope of the issues. Others like to begin by reading cases. As you gain experience researching legal issues, you will find that certain approaches work better for you in most situations.

Some issues are better suited for one type of research than another. For example, when the Internet was young, it would have been difficult to find reported cases on situations involving the Internet, but there were law review articles suggesting what the law should be. In this situation, the best place to start would be the law reviews. Similarly, some causes of action are uniquely governed by case law, rather than by statutes. In researching one of those causes of action, like negligence, a flexible researcher would know to begin researching with cases, using digests and reporters,²² rather than statute books.

Thus, one of the skills you must develop is planning a research strategy that is appropriate to the assignment. You should also be flexible as you begin to use your plan, and be willing to make changes as you learn more about the issue, the applicable law, and the research sources available. The first few sources you check may reveal no helpful authorities. An initial dead end does not make you a failure. It simply means you need to modify your research plan, refine your search, and continue your work.

So far, much of the research process has probably seemed familiar or at least expected. But legal research will be unlike any research you have previously done because legal research requires you to use legal analysis. This analysis will tell you which issues to research and how to use the sources you find through research to solve the client's problem. Without being able to do legal analysis,

20. See KUNZ ET AL., *supra* note 9, at 152–60, 165–69 (updating cases); 199–204 (updating statutes); 281–91 (updating regulations).

21. See LAUREL CURRIE OATES ET AL., *THE LEGAL WRITING HANDBOOK: RESEARCH, ANALYSIS, AND WRITING* 495–504 (2d ed. 1998) (providing examples of research strategies for various legal issues).

22. See *supra* note 16 (explaining digests and reporters).

you may be able to perform the mechanical functions of research, but you will not be able to understand the results of the research.²³ As your legal analysis improves, so too will your ability to focus on the key issues present in a fact pattern, find legal sources that address those issues, and decide which sources will determine the outcome.

Another unique aspect of legal research is that often there will be no clear answer to the question you are researching. Instead, you will find pieces to a puzzle. You will have to use legal analysis to fit the pieces together. Sometimes the completed puzzle will recommend to a senior attorney a way to solve a client's problem. Other times the completed puzzle will present a novel argument to the court deciding your client's claim.²⁴ Be patient as you complete the puzzle. You must be able to explain all the relevant parts of the puzzle and support your conclusion. Your supervising attorney or the judge deciding your client's claim will probably not duplicate your research, but will rely on your thoroughness. If you cannot explain each step of your analysis and your conclusion, you have not done adequate research or adequate analysis.

Too often students try to skew their research or analysis to reach the answer they think the supervising attorney or the client wants. Sometimes students commit the fatal error of excluding discussion of a relevant case because it does not support the conclusion they want to reach. What a senior attorney really needs, however, is a complete and accurate assessment of the relevant law and an honest prediction of how the client's facts are likely to come out under that law.²⁵ In law school, the end is not nearly as important as the means — your conclusion will gain you far fewer points than your analysis supporting that conclusion.²⁶ In practice, your super-

23. See Suzanne Ehrenberg, *Legal Writing Unplugged: Evaluating the Role of Computer Technology in Legal Writing Pedagogy*, 4 LEGAL WRITING 1, 7 (1998). Moreover, reference librarians are invaluable resources, but they are not a substitute for the analytical work that the researcher must do.

24. See RICHARD MICHAEL FISCHL & JEREMY PAUL, GETTING TO MAYBE 8 (1999) (drawing an analogy between legal analysis and an engineering student's building project).

25. One year a student told me he felt he would disappoint his supervisor by concluding that no claim existed. I asked him how the supervisor would feel if the student predicted certain success, spent weeks preparing a complaint, and then lost on a motion to dismiss for failure to state a claim. The student realized the larger implications, both for the firm and the client, of flimsy analysis or skewed predictions.

26. This focus on analysis is true for exams as well as for LRW papers. See FISCHL & PAUL, *supra* note 24.

vising attorney will trust you to explain your analysis and your conclusions. Whether that attorney agrees with your conclusion is less important than whether he understands the analysis that led you to that conclusion. In arguing before a judge, omitting a relevant case could violate rules governing lawyers' conduct. Begin learning in law school how to earn and enjoy the trust of other attorneys, judges, and your future clients by including all relevant authority and explaining your analysis fully.

Do not stop researching just because you find a few cases or statutes that seem to address your issue. To ensure that you find all the available pieces to the legal puzzle you are solving, you must complete your research plan. Your research is nearing an end only when you have checked each type of primary authority, you have reviewed several secondary sources, you have updated all the authority you rely on for your analysis, and you have begun to see the same authorities appear in all of these places.

On the other hand, do not assume that you should continue to research a problem with endless optimism that some authority exists. Several years ago a student came to me during the summer following his first year in law school. He had been asked to research whether delivering court papers by Federal Express, rather than U.S. Mail, satisfied certain litigation rules. He had searched all day and found nothing. I asked him to review his research process for me. It sounded thorough, and I concluded that there was likely no authority on this point. He continued to search for several days before reluctantly admitting defeat to his supervisor. She told him that she had not expected him to find anything; she had wanted him to spend only a few hours confirming her expectation.

As you become more confident of your research skills, you will overcome the fear of missing an important authority and the frustration of finding nothing on point. Moreover, researching new legal issues should help you see that one of the exciting aspects of practicing law is being able to solve novel problems, even when you are unfamiliar with that area of law.²⁷

27. See Peggy Roebuck Jarrett & Mary Whisner, "Here There Be Dragons": How to Do Research in an Area You Know Nothing About, 6 *PERSP.* 74 (1998).

B. Computer Assisted Legal Research (CALR)

Many schools begin teaching legal research using the books in the library. Computer sources are added throughout the year.²⁸ By the end of the first year of law school, you should be comfortable doing research using print or online sources. Both are valuable tools in the research process.²⁹ But if legal research is analogous to methodically piecing together a puzzle, using CALR simply means looking at the puzzle from a different angle. CALR does not let you click a mouse and watch the puzzle fall into place before you. You are still the researcher, and your analytical ability drives the research process. You still have to decide which sources to check and what authority is relevant.³⁰

The traditional sources of CALR are Westlaw and LEXIS.³¹ They were the first generation of CALR and continue to dominate most young lawyers' concept of CALR.³² The Internet is becoming a valuable tool for legal research,³³ in part because of its ability to make information available quickly. Some cases are available on the Web almost immediately after they are made public, while the traditional CALR sources like Westlaw and LEXIS may take a day or two, and print versions may not be available for weeks. Additionally, some libraries no longer maintain certain sources in print, and CALR is the only way to access information.³⁴ Be diligent in noting which institution or person is responsible for any database or site used in legal analysis. A database maintained by West Group or LEXIS Publishing, or a Web site maintained by a law school or governmental entity, is likely more current and more accurate than a Web site maintained by an individual.

Regardless of their potential for quick, low-cost research, com-

28. *But see* Marilyn R. Walter, *Retaking Control over Teaching Research*, 43 J. LEGAL EDUC. 569, 583 (1993) (arguing that print and computer research should be taught simultaneously).

29. *See* RUTH ANN MCKINNEY, *LEGAL RESEARCH: A PRACTICAL GUIDE AND SELF-INSTRUCTIONAL WORKBOOK* 11 (1996); *see also* KUNZ ET AL., *supra* note 9, at 27-42 (outlining print and computer options in research and reviewing factors one should consider in choosing between available media).

30. *See* Molly Warner Lien, *Technocentrism and the Soul of the Common Law Lawyer*, 48 AM. U. L. REV. 85 (1998).

31. *See id.* at 99 & n.58.

32. *See id.*

33. *See id.* at 99 n.60.

34. At Florida State, updating with Shepard's Citators takes place almost exclusively via the Shepard's Web site; the school no longer purchases print volumes except for some Florida and federal material.

puters have obvious drawbacks.³⁵ Networks become clogged, information trickles through at a snail's pace, and sometimes computers crash.³⁶ Reading text on a computer screen is inefficient both because you read slower and because screens do not provide the context of surrounding material as well as printed pages do.³⁷ An additional drawback for the novice researcher is that most documents appear the same on a computer screen.³⁸ The text of an editorial from your local newspaper may look on a computer screen very much like the text of a Supreme Court decision. As a legal researcher, you will have to decide which documents are merely persuasive authority and which are mandatory authority.³⁹ Finally, do not become too enamored of computer assisted legal research since some firms have limited access and others do not allow summer clerks or even beginning lawyers access to high-priced computer services.⁴⁰

C. Legal Analysis and Legal Writing

In addition to researching and analyzing your client's problem, you have to communicate your solution to the client, supervisor, or judge. Much of this communication occurs in writing. Associates in law firms write office memoranda, client letters, and court briefs and draft documents like wills and contracts. Lawyers working in the legislature write bills and analyze proposed legislation. Judges and their law clerks write court opinions. Becoming a successful lawyer means becoming a professional writer.⁴¹ Most of your instruction in legal writing will come from the first-year LRW

35. See, e.g., Ehrenberg, *supra* note 23; Lien, *supra* note 30.

36. Last fall I gave my students the opportunity to complete Shepard's exercises using both Shepard's books and Shepard's Web site. Although the print research was time consuming, all students completed it. Many were unable to complete the Web part of the assignment by the deadline, however, because the server was down for the 24 hours preceding the due date.

37. See Ehrenberg, *supra* note 23, at 7-8.

38. See Lien, *supra* note 30, at 101 ("[A]ll bits of information look alike when presented online.").

39. See Kordesh, *supra* note 8, at 118-20.

40. See Nazareth A. Pantaloni III & Louis J. Sirico, Jr., *Legal Research and the Summer Job . . . Advice from the Law School*, 7 PERSP. 110, 111 (1999); see also Ehrenberg, *supra* note 23, at 6-8 (exploring inefficiencies and cost of computer assisted legal research); Lien, *supra* note 30 (analyzing the negative impact of technology on legal reasoning).

41. See LINDA HOLDEMAN EDWARDS, *LEGAL WRITING: PROCESS, ANALYSIS, AND ORGANIZATION* 1-2 (2d ed. 1999).

course.⁴²

Most legal writing programs teach objective and persuasive writing in different semesters. The first semester will be devoted to objective writing, in which you analyze whether the client has a claim or predict how the client's claim might be decided by a judge. The initial assignment of the LRW course is usually a "closed universe" memorandum.⁴³ You may learn the client's facts by interviewing a client or by reviewing transcripts, depositions, exhibits, or fact summaries. Your teacher will give you either a list of authorities to use in analyzing the problem or a packet of those authorities. You will study the law provided in your closed universe, analyze the client's situation, and write a professional document that suggests a course of action or predicts how a judge might rule if the case were litigated.⁴⁴ The next assignment is often an "open" memorandum, in which you have to do your own research and determine independently which cases, statutes, and other authorities are relevant to the client's situation.

The second semester of LRW is typically devoted to advocacy. You will research, analyze, and write trial memoranda and appellate briefs to convince a court why your client should win. This semester often includes presenting oral arguments in simulated courtroom situations.⁴⁵

Throughout the year, your LRW assignments become more complex. The first memorandum of the fall semester may address

42. Teachers of doctrinal courses are increasingly being encouraged to add writing components to those courses. See Parker, *supra* note 5. Typically, the LRW class still provides the most feedback, the most personal interaction with the professor, and thus, the most valuable experience.

43. This assignment may be preceded by short, ungraded assignments designed to equip students to handle more complex analysis. See BRILL, *supra* note 2, at 13-14.

44. See Susan DeJarnatt et al., *The Death of the Closed Universe, Farewell to the Easter Bunny, and Other Cosmological Myths of LRW, or The Total Integration of Legal Research, Legal Writing, and Legal Analysis*, Presentation to the 1998 Legal Writing Institute Conference (unpublished manuscript on file with author) (arguing in favor of assignments in which research, analysis, and writing are integrated).

45. See JILL J. RAMSFIELD & FLORENCE SUPER DAVIS, THE LEGAL WRITING INSTITUTE 1996 SURVEY RESULTS, question 27 (1997) (noting most LRW programs require appellate argument and some additionally require pretrial motion argument, negotiations, or other oral presentations) (on file with author). Most students are nervous before their oral arguments, but almost all students consider the experience a highlight of the first year of law school. See Louis J. Sirico, Jr., *Teaching Oral Argument*, 7 PERSP. 17, 17 (1998). Oral argument is included in the curriculum not for training in the theatrics of court appearance, but because students learn so much about analysis from preparing to present their arguments to a court. See BRILL, *supra* note 2, at 30.

only one issue. The second memorandum might require analysis of a multi-part rule. The appellate brief will likely have at least two major issues, each with complicated subparts.

One major difference between the writing most students have done before law school and legal writing concerns the purpose of the document. In college, an essay exam might have received a high grade for regurgitating the professor's lecture or summarizing a book.⁴⁶ Legal writing has to go beyond repeating what the law is; legal writing must analyze possible solutions for a unique legal situation. In the legal context, writing requires thinking.⁴⁷ You cannot simply describe one case and jump to a conclusion. Instead you have to prove what the law is, based on all the relevant authority you found in researching. Then you have to explain how that law applies in your client's situation.

This analytical process seems simple in the abstract, but it can be very difficult in practice. Assume you found only four cases on your issue. They were probably written by different judges, at different times, to address different factual situations. They may contain four different explanations of the same law. You have to reconcile these cases to state a single rule of law.⁴⁸ In writing your document, you will have to explain the facts and reasoning of these cases and show how they work together (or explain their inconsistencies) to provide a coherent rule of law. Then you have to explain how these cases as a whole apply to your client's situation. As you work through this part of your paper, you will compare the facts of previous cases to your client's facts, looking for similarities and differences. You will apply general rules derived from those cases to your client's specific situation.

In legal writing, you always have to explain every step of this analysis, even when you are sure that the reader knows more about the law and facts than you do. In LRW, you will know that your professor is completely aware of the important cases; she discussed them with you during classes and in office conferences. Your LRW

46. See FISCHL & PAUL, *supra* note 24, at 6.

47. See Ted Gest, *Combating Legalese*, U.S. NEWS & WORLD REP., Mar. 20, 1995, at 78 ("Some of the most thoughtful learning takes place when you have to write – that's when you find out if you really understand something." (quoting Marilyn Walter, Director of Legal Writing at Brooklyn Law School)). Expressing your thoughts in writing is one of the surest tests of whether you understand the material. See, e.g., LANDMARK ESSAYS ON WRITING ACROSS THE CURRICULUM (Charles Bazerman & David Russell eds., 1994).

48. For an excellent exercise on synthesis, see EDWARDS, *supra* note 41, at 68–70.

professor created the client's facts. Given the professor's knowledge, you might think you can omit some of the analysis, especially when it seems obvious. But the point of LRW papers is not to remind your professor what she knows, but to demonstrate what you know.⁴⁹

Moreover, your LRW professor is preparing you to practice law in the real world, so you cannot take any shortcuts. Your supervisor will be a bright, experienced attorney, who may not remember this client's situation and who is too busy to read the authority you find in your research. Your supervisor will rely on your thorough explanations of cases, statutes, and other authority in your memorandum. If you are writing for a court, you cannot be sure that the judge will read the authorities you cite. The judge may rely on a law clerk who has only recently graduated from law school. Your document must educate these readers about what law exists and how it applies to your situation.

Pretend that your reader is blindfolded and trying to walk up a staircase in your house. Given your sight and familiarity with the house, you could bound up the staircase three steps at a time. But the reader needs to move deliberately, step by step. Because you know the way, you must lead your reader, step by step. While your reader will be happy to arrive at the top, the journey — your analysis — will be more important than standing on the top step — arriving at your conclusion.

D. The Writing Process

Just as legal research is a process, legal writing is a process.⁵⁰ Your writing will improve when you notice the process of how you write, rather than focusing just on the final written product.⁵¹

49. Similarly, essay exams are effective indicators of students' knowledge because these exams force students to explain their legal analysis completely. You will be more successful on exams if you write, not for the professor who has taught this doctrinal course for twenty-five years, but for a hypothetical attorney who has read no cases in this legal area.

50. See EDWARDS, *supra* note 41, at xxv-xxvii; HELENE S. SHAPO ET AL., *WRITING AND ANALYSIS IN THE LAW* 135-48 (4th ed. 1999).

51. See, e.g., Jo Anne Durako et al., *From Product to Process: Evolution of a Legal Writing Program*, 58 U. PITT. L. REV. 719 (1997); Elizabeth Fajans & Mary R. Falk, *Against the Tyranny of Paraphrase: Talking Back to Texts*, 78 CORNELL L. REV. 163, 175 (1993) (explaining the recursive process of writing within the context of the "New Rhetoric" paradigm); Mary Kate Kearney & Mary Beth Beazley, *Teaching Students How to "Think Like Lawyers": Integrating Socratic Method with the Writing Process*, 64 TEMP. L.

Methods of writing vary, especially in the early stages.⁵² Some students begin with a detailed outline. Some use a flow chart. Other students find those tools too stifling and begin with a bubble chart that allows them to note relationships between key ideas in a more free-form fashion. Students who cannot overcome the blank space of a sheet of paper or computer screen may benefit from a "free write," in which they write as much as they can on the issue in a short amount of time, ignoring for the moment organization or clarity.⁵³ You should experiment with all of these methods.

One of the most important stages in the process of legal writing is revising your document. As you write, some of your ideas will crystalize. Others will crumble. Concepts you thought you understood will be difficult to explain. If ideas are jumbled in your head, they are likely to come out jumbled on paper. As you write and then revise, you will learn what you know, and realize where you need to spend more time on your analysis. You may even discover new issues that you have to research. This process of thinking and writing and revising takes time. Writing a paper the night before it was due worked for all of us in college; it does not work in law school.

E. Specific Legal Writing Problems⁵⁴

The quality of your analysis of a legal issue will determine in large part how well your document is written; many of the problems students encounter in legal writing result not from poor writing skills but from weak analysis.⁵⁵ Even so, to become an accomplished legal writer, you must embrace new vocabulary, new conventions, and new organization.

In mastering legal analysis and legal writing, you are learning

REV. 885, 888 (1991).

52. Many students begin writing by procrastinating. I have heard many tales of bathrooms cleaned and laundry ironed before a student could turn to writing a memorandum for class. For assistance in overcoming writer's block, see Donna E. Artz, *Tips on Writing and Related Advice*, 5 PERSP. 113, 113 (1997).

53. See ELIZABETH FAJANS & MARY R. FALK, *SCHOLARLY WRITING FOR LAW STUDENTS* 47-63 (1995).

54. A number of excellent texts discuss specifically writing problems in the legal context. See, e.g., TERRI LECLERCQ, *GUIDE TO LEGAL WRITING STYLE* (2d ed. 2000); RICHARD C. WYDICK, *PLAIN ENGLISH FOR LAWYERS* (4th ed. 1998). Classic writing texts are helpful as well. See, e.g., WILLIAM STRUNK, JR. & E.B. WHITE, *THE ELEMENTS OF STYLE* (3d ed. 1979).

55. See Parker, *supra* note 5, at 568.

a new language.⁵⁶ Words have new, specific meanings. "Negligence" seems like a simple word, but in Torts class you will learn that it is an entire body of law. In learning the law's language, however, you should not adopt the "legalese" that peppers many of the older cases you will read. Avoid words like "aforementioned," "wherein," and "thereby," and use common words you hear every day.

While you are learning the language of law, you also will learn new techniques and styles of writing for a legal audience. Students often have trouble accepting conventions of legal writing,⁵⁷ some of which may not seem to have a better explanation than, "That's how it's done." Legal citations are an excellent example. According to one citation authority, the word "International" is abbreviated "Int'l" and not "Intl."⁵⁸ There is no real reason to use one instead of the other, except that lawyers use the first, not the second. Until you learn these conventions, you will feel like a novice, and experienced lawyers will recognize your work as that of someone new to the field.

Some conventions have explanations, but those explanations may not be immediately apparent to you as a novice law student. For example, lawyers reading legal memoranda generally want to understand the relevant law before they read about your analysis of the client's facts under that law.⁵⁹ If you analyze the facts before

56. See J. Christopher Rideout & Jill J. Ramsfield, *Legal Writing: A Revised View*, 69 WASH. L. REV. 35, 63 (1994).

57. See *id.* But see Kathryn M. Stanchi, *Resistance Is Futile: How Legal Writing Pedagogy Contributes to the Law's Marginalization of Outsider Voices*, 103 DICK. L. REV. 7, 9 (1998) (arguing that biases in legal language may hinder the learning of historically marginalized students).

58. See THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 285 (16th ed. 1996). Currently, the *Bluebook* is widely used, along with state rules, as the authority for legal citation form. It is a maze of rules emphasizing minutiae. Some students actually embrace the *Bluebook* as containing the only clear rules available in the first-year curriculum.

In March 2000, the Association of Legal Writing Directors published a new citation manual that many students will begin using instead of the *Bluebook*. See Ruth Singleton, *Law Schools: Writing Directors Link Status and New Manual to Teaching Quality*, NAT'L L.J., Sept. 6, 1999 at A11; see also A. Darby Dickerson, *It's Time for a New Citation System*, THE SCRIVENER, Summer 1998, at 2. In LRW, you will use the *Bluebook*, the *ALWD Citation Manual*, or some other citation book to learn when and how to cite to the authorities that support your legal analysis.

59. Legal writing texts use a variety of acronyms to explain this organization. Some texts use IRAC for Issue, Rule, Application, and Conclusion. See, e.g., CHARLES R. CALLEROS, *LEGAL METHOD AND WRITING* 72-74 (3d ed. 1998). Others use CREAC for Conclusion, Rules, Explanation of the Law, Application of the Law, and Conclusion. See,

explaining the relevant authority, the lawyer may not understand why certain facts are relevant or why you have dismissed a line of reasoning that may seem intuitive but has not been followed by courts. Lawyers also want to read the most important part of the analysis first. Novels save the best for last; legal documents reveal the best arguments at the outset.

Consider the organization of the following letter:

Chris

Sincerely,

I appreciate your sharing your concerns with me. I am investigating the matter and will be in touch with you soon.

Dear Pat:

August 16, 1999

Eugene, OR
Pat Sullivan
100 Main Street

All of the necessary information is included in the letter: the date, an inside address, a salutation, the body of the letter, and a closing. But the letter looks very odd because it is not in the expected order. In the same way, a legal memorandum that does not follow accepted organization will seem odd, and will likely indicate

e.g., DAVID S. ROMANTZ & KATHLEEN ELLIOTT VINSON, *LEGAL ANALYSIS: THE FUNDAMENTAL SKILL* 89–96 (1998). These acronyms are very useful tools for beginning legal writers, but other equally valid paradigms exist. *See, e.g.*, EDWARDS, *supra* note 41, at 85–119 (explaining rule explanation and rule application); RICHARD K. NEUMANN, JR., *LEGAL REASONING AND LEGAL WRITING* 89–100 (3d ed. 1998) (outlining the organization of a proof of law). These different labels all point to the same organizational paradigm: (a) explain the legal point to be discussed, (b) explain the relevant law, and (c) explain how your facts fit under the law. Despite their great usefulness for beginning law students, these acronyms and paradigms are only rough tools, and they may not be appropriate in more sophisticated writing.

For a discussion of whether these paradigms are helpful or hurtful, see Anita Schnee, *Logical Reasoning “Obviously,”* 3 *LEGAL WRITING* 105, 120 (1997) (citing the November 1995 issue of *The Second Draft*, a publication of the Legal Writing Institute, which was devoted to this debate).

that the writer is a novice.

A related problem is that as you struggle with new legal concepts and new organizational conventions, you may tend to forget the basic writing tools you learned in high school, college, or other graduate schools. While you should focus your energy on the legal analysis of a paper, you need to save some energy for editing the sentences you use to explain that analysis. Legal writing demands higher precision than you are probably used to providing.⁶⁰ Changes in word placement and punctuation can completely alter the rule of law. Notice the difference in meaning in the following sentences:

- Students may only eat in the student lounge.
- Students may eat only in the student lounge.
- Only students may eat in the student lounge.

The first sentence suggests that students cannot study in the lounge; they may only eat there. The second sentence limits the place that students may eat; they may not eat in classrooms. The third sentence prohibits faculty or staff from eating in the students' domain. Your legal training should encourage you to notice such subtle but important differences in word choice and placement.

Writing in the legal context must be edited to perfection.⁶¹ A partner in a Wall Street law firm told me about an editing experience she had as a young associate. Her firm sent documents from New York City to Washington, D.C. to be filed at the Securities and Exchange Commission. After the documents had been sent, someone discovered a misplaced comma that changed the meaning of a sentence. The young associate was put on a plane to Washington, where she intercepted the documents before they were filed. She changed the comma and flew home.⁶²

F. Stress and Professionalism

Despite the fact that many students enjoy LRW and learn so much from it, most agree that it can be a source of stress. First,

60. Occasionally a student will bring me a college paper that received high marks. Invariably I find grammatical, spelling, and punctuation errors, as well as problems with tone and style. In a college context, perhaps those mistakes did not compromise the quality of the document. In a legal document, such errors are unacceptable.

61. For suggestions on revising documents, see Artz, *supra* note 52, at 113-14.

62. See Thomas R. Haggard, *An Open Letter to First-Year Law Students Concerning the Practice and Profession of Law*, STUDENT LAW., Sept. 1998, at 24, 26 (advising students to agonize over mistakes in documents).

LRW is time consuming.⁶³ If your law school awards only one or two credits for LRW per semester, your work will far outweigh the credit you earn.⁶⁴ It helps in these situations to compare LRW to a science lab. In college, students receive four credits for a biology lecture, and only one credit for the required biology lab. Students know, and the administration knows, that the lab consumes a disproportionate amount of time. Everyone also recognizes that the lab is critical for learning biology because in the lab students do the real work of biologists. Similarly, in LRW you will learn not only to think like lawyers⁶⁵ but also to do the work of lawyers. This takes time. View LRW as a complement to all your other first-year courses and recognize that work required for LRW will strengthen your ability to do well in them.⁶⁶ Moreover, because LRW uses real life situations,⁶⁷ teaches hands-on research skills, and requires writing realistic documents, some students find LRW more conducive to learning legal analysis than courses offered through straight lecture or the Socratic method.⁶⁸

63. See Gest, *supra* note 47, at 79 (noting that the legal writing course tends to be "the most time-intensive and difficult course in the first year" (quoting Professor Jill J. Ramsfield of Georgetown University Law Center)).

64. According to a recent survey, the two-credit, two-semester course format seems to be the most widely used. See ASSOCIATION OF LEGAL WRITING DIRECTORS, LEGAL WRITING INSTITUTE, 1999 SURVEY RESULTS (1999) [hereinafter ALWD SURVEY] (on file with author). Only 11 of the 123 reporting schools award just one credit for LRW each semester of the first year. Forty-one schools award two credits each semester, and fourteen schools award three credits each semester. Six schools require additional credits in a LRW program that extends beyond the first year. Fifty-one schools award some combination of one, two, and three credits per semester in the first year. See *id.* at question 6; see also BRILL, *supra* note 2, at 56 (recommending that LRW should be awarded at least four credits, and preferably five or six). Most students argue that LRW deserves more credit hours than it is awarded because the course is so valuable to their development as lawyers.

65. See Kearney & Beazley, *supra* note 51. But see Roy T. Stuckey, *Education for the Practice of Law: The Times They Are A-Changin'*, 75 NEB. L. REV. 648, 668 (1996) (arguing that the case method of legal instruction is more likely to teach students to think like appellate judges than to think like practicing lawyers).

66. At the same time, do not devote undue time to LRW at the expense of other courses. Balancing competing demands is a requirement that will continue after law school. See Haggard, *supra* note 62, at 27.

67. Increasingly LRW courses go beyond using realistic hypothetical assignments to provide instruction also in client interviewing, client counseling, and negotiation. See BRILL, *supra* note 2, at 34.

68. See Robin A. Boyle & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALB. L. REV. 213 (1998); M.H. Sam Jacobson, *Using the Myers-Briggs Type Indicator to Assess Learning Style: Type or Stereotype?*, 33 WILLAMETTE L. REV. 261, 302 (1997) (discussing tests that assess how students process information); Paula Lustbader, *Teach in Context: Responding to Diverse Student Voices Helps All Students*

One of the greatest challenges facing legal writing students is accepting constructive criticism. You will work very hard on writing assignments and expect them to meet the standards of the professor. Most likely, your documents will be returned to you covered with comments and corrections. Try not to take criticism of your writing assignments as personal criticism; instead, focus on the documents as an expression of legal analysis. One of the best ways for you to improve your legal analysis is to have a professor pore over your writing, line by line and word by word, and tell you individually what is good and what to change.

Another source of stress is that, in addition to learning analysis, research, and writing skills, students must follow tedious rules in submitting papers. Your LRW professor may follow court rules for documents; these rules prescribe the maximum length of a document, the number of lines that can appear on each page of a document, the margins of each page, and the size font used.⁶⁹ Court rules, and LRW classes, also have strict rules about the timeliness of documents.⁷⁰ Few students are accustomed to the sensitivity to detail required by court rules or by LRW classes. Losing points for this minutiae can cause you great stress since your future jobs may be determined by your first-year grades. But learning to work within these constraints in law school is essential to becoming a successful lawyer.

Perhaps the biggest source of stress is the fact that most students receive their first law school grades in LRW. In most of your doctrinal classes, you will have one exam at the end of the semester on which your entire grade will be based.⁷¹ By contrast, many LRW classes include graded assignments throughout the semester. Even if your early work is not graded, receiving extensive feedback for revisions can create stress. Recognize that the early stress in LRW can relieve stress later on in the semester. Early mark-ups and grades tell you how you are doing and identify ways for you to

Learn, 48 J. LEGAL EDUC. 402, 411–16 (1998) (recommending nontraditional strategies for teaching law, including experiential learning exercises, writing exercises, and collaborative learning exercises).

69. *See, e.g.*, FED. R. APP. P. 32(a)(4) (“The text [of appellate briefs] must be double-spaced. . . . Margins must be at least one inch on all four sides.”).

70. *See, e.g.*, FED. R. APP. P. 31(a) (setting forth times for filing appellate documents).

71. *See Note, Making Docile Lawyers: An Essay on the Pacification of Law Students*, 111 HARV. L. REV. 2033–37 (1998) (explaining the impact on students of receiving their first grades in law school).

improve before it is too late to help your semester grade.

You can benefit from the situation by remembering that stress is a part of the lawyer's life. Clients, partners, supervisors, and judges will all place stressful demands on you. You must learn to balance their competing demands. Managing stress will be a critical component of your success in practice.

II. LAW REVIEW AND OTHER UPPER LEVEL RESEARCH AND WRITING EXPERIENCES

Even after working throughout the first year to master the research process and learning to write office memoranda, trial documents, and appellate briefs, you still need more practice and instruction in LRW.⁷² The reasons are obvious, but frequently overlooked. First, there are too many research tools available for you to learn everything about them in one year.⁷³ Second, legal writing develops legal analysis; this is true throughout law school and during the practice of law. Third, you may pick up bad habits in your first legal jobs and need additional instruction to correct these mistakes.

Law schools provide a variety of opportunities for legal writing and research beyond the first year. You should choose the options that genuinely interest you. In each, you will be required to write a major paper — at least twenty pages and often closer to forty pages — on a specific area of the law.⁷⁴ The research, analysis, and writing of this document should take at least one semester. If you do not find the topic compelling at the beginning of the semester, you will likely find it drudgery after working on it for several months. To maximize your experience, choose both a topic and a setting that you find interesting.

72. See BRILL, *supra* note 2, at 121–35; see also George D. Gopen, Essay, *The State of Legal Writing: Res Ipsa Loquitur*, 86 MICH. L. REV. 333, 356 (1987) (noting lack of writing opportunities beyond the first year and the corresponding absence of confirmation of what was taught in the first-year program).

73. See BRILL, *supra* note 2, at 27. As an example, not long ago students learned to update legal authority only by using books called Shepard's Citators. Now Shepard's are available in print, on CD-ROM, on the Web, and on LEXIS. Each version requires a slightly different research technique. A competing source for updating, called KeyCite, is available on Westlaw. The result of this proliferation is that a basic concept that could be taught in a week a decade ago now requires many weeks of instruction.

74. See RAMSFIELD & DAVIS, *supra* note 45, at question 48.

A. Law Journals

Being asked to join one of your school's law journals is an honor. Membership is based on first-year grades, a writing competition, or a combination of the two, so membership marks you as one of the school's better students. Employers will be impressed by your journal membership. If you devote your time and energy with enthusiasm, membership on a journal will make you a better lawyer and increase your worth on the job market.⁷⁵

Law journal members are involved in all aspects of publishing scholarly work. Senior members elected to the executive board select articles for publication from the many manuscripts submitted by professors, judges, practitioners, and students. The senior members edit the articles and direct junior members in "cite checking" (also called "subciting"). These junior members have the task of verifying the accuracy of every footnote in the article, both for content and citation style. The process of editing someone else's work can make you a more careful writer; cite checking someone else's footnotes can make you a more thorough researcher.

All journal members are expected to write a scholarly article, generally called a "note." Scholarly writing⁷⁶ is academic, intellectual writing, done to determine what the law should be, without the constraints of pleasing a client. You could write a successful note by focusing on a narrow legal issue that has not been explored.⁷⁷ In writing the article, you would identify an ambiguity or problem in the law, summarize the existing law on point, and make recommendations for addressing the ambiguity or solving the problem. Alternatively, you could write a "comment" that analyzes a recent case of

75. Not every student will be asked to join a law journal. You are not a failure if you do not join a law journal. See Note, *supra* note 71, at 2037-38. Moreover, not every student should want to be a member of a journal. If the requirements for membership are not appealing, you should give careful thought to whether an impressive line on your resume is worth the effort you must contribute to the journal. If you try to slouch through your membership, meeting the bare requirements, you may be wasting your time and preventing a more motivated student from receiving a wonderful educational opportunity. As with most law school experiences, being on a law journal is no more than what you make of it. See Robert Batey, *Legal Research and Writing from First Year to Law Review*, 12 STETSON L. REV. 736, 738-39 & n.18 (1983).

76. See FAJANS & FALK, *supra* note 53.

77. Your piece will be published only if it contains some unique idea. To ensure no one has already raised your argument, a preemption search is critical. If, on the other hand, nothing has been written on your topic, it may be difficult to establish a foundation for your arguments. See *id.* at 15-36 (explaining the process of choosing and developing a scholarly topic).

great significance or a summary of "recent developments" in a certain area of law. Student written articles contribute to the scholarly literature not only through their recommendations, but also in the research they compile. Many practitioners use articles as research tools since the students have exhaustively researched the issue and gathered in footnotes the sources relevant to that issue.

If you are possibly interested in a teaching career, publishing scholarly work is critical. Law school publications help. Even if you are not selected for membership on a law journal at your school, you may still write an article and submit it for publication, either to your school's journal or to a journal at another law school.

B. Upper Level Writing Courses, Seminars, Practicums, and Moot Court

Optimally, you should take a course requiring legal research and writing in each semester of law school. At a minimum, you should take at least one course in the second and third years of law school devoted strictly to legal writing. These courses teach legal drafting, advanced advocacy, scholarly writing, and judicial opinion writing, as well as general writing skills.⁷⁸ If your school does not offer enough upper level writing courses to meet this need, talk to the dean and ask for more. Until the administration recognizes both the need for and the interest in these courses, they may not be added to the curriculum.

Seminars can provide opportunities for in-depth research, analysis, and writing. Typically a small number of students enroll in a seminar, and the grade in the course is based on a lengthy paper. As with law review articles, a critical aspect in a successful seminar paper is finding an interesting topic. Almost as important is finding a professor who invests time in seminar students. A professor can help you find a topic, suggest research materials, review an outline, mark up a draft and hold a conference with you to discuss the draft, and provide feedback on the final paper. You will learn less if you receive only a few comments on a hastily written draft, followed by a grade on an unmarked final paper.

Another possibility for gaining research and writing instruction is a "practicum." A practicum may also give you opportunities to hone lawyering skills such as interviewing clients and negotiating

78. See ALWD SURVEY, *supra* note 64, at question 61.

documents. A practicum may be a stand-alone course or a one-credit addition to a doctrinal course.⁷⁹ Some schools offer practical skills training in relation to a substantive area of law; for example, in a taxation practicum you would learn the specialized research done by tax lawyers and write documents on tax issues.⁸⁰

Moot court offers an additional forum for researching and writing, specifically in the appellate context.⁸¹ Students research and write an appellate brief, and learn to present arguments before a panel of judges. Success on moot court is determined by excellent writing, rigorous analysis, and oral advocacy, all of which contribute to success in the practice of law.

III. BEYOND LAW SCHOOL: BAR EXAMS AND PROFESSIONAL WRITING

Your final hurdle to becoming a lawyer will be passing the bar exam. The bar exam should test how well you put into practice all that you learned in law school. Almost every state administers essay questions in addition to the "Multistate Bar Examination," which is comprised of multiple choice questions.⁸² Increasingly, states are supplementing this traditional format by adding a "Multistate Performance Test," which focuses on problem solving and requires writing a realistic document.⁸³

79. See, e.g., Barbara J. Busharis & Suzanne E. Rowe, *The Gordian Knot: Uniting Skills and Substance in Employment Discrimination and Federal Taxation Courses*, 33 J. MARSHALL L. REV. (forthcoming 2000) (manuscript at 4, on file with author); Christine A. Corcos et al., *Teaching a Megacourse: Adventures in Environmental Policy, Team Teaching, and Group Grading*, 47 J. LEGAL EDUC. 224 (1997); John Sonsteng et al., *Learning by Doing: Preparing Law Students for the Practice of Law*, 21 WM. MITCHELL L. REV. 111 (1995).

80. See Busharis & Rowe, *supra* note 79.

81. See Darby Dickerson, *In re Moot Court*, 29 STETSON L. REV. 1217 (2000) (within this Symposium).

82. See Maureen Straub Kordesh, *Reinterpreting Section 302(f) in Light of the Multistate Performance Exam*, 30 U. MEM. L. REV. (forthcoming 2000) (on file with author); ABA SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR & NAT'L CONF. OF BAR EXAMINERS, COMPREHENSIVE GUIDE TO BAR ADMISSION REQUIREMENTS 1999, at 16 [hereinafter BAR REQUIREMENTS]. *But see generally* Stuckey, *supra* note 65, at 665-66 (arguing that the bar examination negatively influences legal education by focusing on doctrinal law rather than problem solving).

83. See BAR REQUIREMENTS, *supra* note 82, at 20; Arthur Karger, *The Continuing Role of the NCBE in the Bar Admission Process*, B. EXAMINER, May 1996, at 14, 20; Kordesh, *supra* note 82. Most states also require the Multistate Professional Responsibility Examination, which is administered separately from the state's bar exam. See BAR REQUIREMENTS, *supra* note 82, at 20.

Once you become a member of the bar, you will be required to research, analyze, and write, whether your legal job is with a firm, a government agency, a public service organization, a corporation, or a judge. Try to find mentors who will discuss with you the analysis of your assignments, show you new research techniques, and critique your writing.⁸⁴ Be willing to adapt your writing style to that desired by your employer. Do not assume, however, that an abbreviated form of analysis is best or a legalistic style of writing is perfect just because one employer prefers it.⁸⁵ While you must adopt the preferences of employers, remember that one day you will have the authority to make decisions on analysis and writing yourself. If at that point you remember what you learned in LRW, you can advance the standards of our profession.

IV. CONCLUSION

Most of us go to law school not to become students or scholars but to learn to practice law. In LRW, you will put your legal education into practice for the first time by researching, analyzing, and writing about client problems. You will refine these skills throughout law school and your career. There is no magic to it, just an interwoven process of research, analysis, and writing that enables you to be called a lawyer.

84. See Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 38 (1992) (noting difficulty of finding mentors in busy law offices); see also Stuckey, *supra* note 65, at 659.

85. See Lisa Eichhorn, *The Legal Writing Relay: Preparing Supervising Attorneys to Pick up the Pedagogical Baton*, 5 LEGAL WRITING 143 (1999) (explaining how legal writing professors need to train supervising attorneys in providing effective feedback).

