From the Editors... With this issue, Judy Tracy joins Jane and Joan as an editor. Judy, who has been a visiting professor in the Legal Reasoning, Research and Writing Program at Boston College Law School for the past several years, is joining the permanent faculty. Jane and Joan welcome her creativity and her eagle eye to The Second Draft.

This issue of The Second Draft publishes essays by members of the Institute on the uses of technology in connection with our courses. The essays address a wide range of technologies, from no tech (Joe Nalven, who just says no to Power Point—although he does project a computer screen to teach research), to very low tech (e.g., Jo Anne Durako's index cards and Ruth Anne Robbins' pen and paper charts), through medium tech (e.g., Cliff Zimmerman's in-class editing exercise and Marc Wojcik's retyping requirement), to high tech (e.g., Carrie Teitcher's course web page and Pearl Goldman's "paperless" course), and many others in-between. We thank everyone who shared expertise and ideas. Most of us would probably agree with Jo Anne that whether high tech or low, the technology must suit the goal.

The Fall 1999 issue of The Second Draft will provide a forum for sharing our ideas and experiences on commenting on students' written work. What are the advantages and disadvantages of particular methods? What works best with a large number of students vs. a smaller group? What works best in terms of teaching different kinds of skills - e.g., fine tuning substantive analysis as opposed to demonstrating effective structure and presentation? We are looking for essays describing the techniques or combinations you use (such as an independent narrative critique, marginal notes, tape-recorded comments); whether you follow and disclose to the students a checklist of specific criteria for evaluation (such as structure, presentation, clarity, analysis), and whether these are weighted; if and how you use samples/models; whether you have used other techniques, such as peer review, self-critique (such as narrative, responses to particular questions, or color-coding/annotating), or group or class editing or critiquing. If you would like to contribute, please send your essay (of approximately 750 words) to Joan Blum at Boston College Law School by October 1, 1999. You may send your essay by regular mail in hard copy and on disk, or you may send it within the text of an email message to <blum@bc.edu>.

...Jane Gionfriddo & Joan Blum
Boston College Law School

The President's Column

Toward a Capless Society

Mary Beth Beazley
The Ohio State University College of Law

Those of us who keep up with the legal writing internet lists have been gratified this year to hear that one by one, the schools that have capped legal writing instructors' contracts are deciding to remove those caps. I hope that by the time you read this, the American Bar Association has approved rule changes that would give legal writing instructors the same job security protection as clinicians. The ABA Communications Skills Committee (chaired by the ubiquitous Jan Levine) has proposed rule changes that would bring legal writing into Standards 405(c) and 405(d), which currently mandate only that clinicians have "a form of job security similar to tenure." The ABA Standards Review Committee has provisionally accepted that proposal, and has invited comment on it. Kudos to the Communications Skills Committee for keeping this issue before the ABA. Jan and his committee — and their predecessors, who laid the groundwork — have much to be proud of.

To those of you who have won the battle to have caps removed — congratulations! You have done much, not only to advance the cause of teachers of legal writing, but also to advance the education of your students and the legal profession. To those of you who are still working in capped programs, keep trying! The caps will eventually be removed. They must be. The concept that there are no people who want to teach legal writing long-term is now an obvious myth, as a glance at the "Law Teachers

by Subject" index in the AALS Directory of Law Teachers reveals. It is also a myth that legal writing, as a discipline, is merely a glorified high school grammar course, and is therefore not substantive enough to be worthy of this type of long-term commitment. Legal writing is not about grammar any more than tax law is about math. Legal writing instructors teach communication skills, it is true, but they teach those skills in the rich, substantive context of issues of legal doctrine, professional responsibility, and legal practice.

The Legal Writing Institute has been campaigning against employment caps since 1986, when it issued its "Statement on Security in Employment." The statement specifically mentioned the problems created by the "revolving-door" hiring practices at many schools. I think that legal writing employment caps are not the best use of a school's resources for a variety of reasons. First, employment caps are unfair; second, they inhibit the contributions that legal writing professionals can and should be able to make to the practice of law; finally and most importantly, they are pedagogically unsound.

As others have noted before me, legal writing instructors are the only workers at the law school level — and probably at the university level — whose employment is arbitrarily limited. All other workers — the janitors, the secretaries, the professors, the administrators, the Deans — are valued for their experience. There is universal recognition that time on the job improves performance, and that people who dedicate their careers to a particular field are to be prized for the contributions they can make to that field. Law schools that impose and maintain employment caps force those teachers who wish to develop a career in legal writing to relocate in order to keep working. Teachers who do not wish to or who are unable to relocate are forced to leave the field. Legal education — and the practice of law itself — can ill-afford this brain-drain.

Schools that fire experienced instructors based on an arbitrary number of years in a job deny the bench and bar the opportunity to learn from experienced writing teachers. Just as doctrinal professors participate in state bar organizations and conduct CLE's to improve the practice of law in their areas of specialization, many legal writing teachers conduct CLE's and sit on bar committees — including, for example, those that deal with the drafting of jury instructions or the training of new attorneys. If law schools are honest in their commitment to improving legal writing in the legal profession — and the cries for help are evident in many places, from the MacCrate Report to the recent AALS speech of Attorney General Janet Reno — then they should consider the impact that revolving door hiring policies have on the practice of law.

The contemporary example of Alternative Dispute Resolution (ADR) provides a good case in point. Lawyers and disputants have been practicing alternative methods of dispute resolution within the formal legal system for hundreds of years. It is only within the past fifteen to twenty years, however, that the greatest advances have been made. Those advances are due in no small part to the legal academics who conducted research, published scholarship, and shared their knowledge with the bench, the bar, and with their students. Their unique perspective, and their unique ability to produce relevant, practical scholarship, has made an incalculable difference in the way that lawyers use alternative methods of dispute resolution.

In recent years, there has been an explosion of scholarship in legal writing, coming mostly from schools that have removed employment caps. I think that as more and more schools eliminate employment caps — and create the tenure-track positions that encourage even more scholarship — we will see the true impact that legal writing professionals can have on the practice of law. In the meantime, schools that maintain arbitrary

caps are needlessly limiting the progress of the profession.

Legal writing directors who must constantly deal with hiring, and with training and developing materials for a constantly changing cast of instructors, have less time for scholarship. Similarly, instructors who know that — no matter how good a job they do — they will be out the door at the end of their second or third year, have neither the time nor the inclination to produce scholarship or provide service. The practice of law is poorer because it cannot benefit from the wisdom of these teachers.

Legal education suffers as much as the bar does under the revolving-door hiring system. It is true that an experienced director of legal writing can impart some of his or her knowledge to a staff that turns over every few years. This constant turnover creates problems for two reasons, however. First, hiring and training is probably not the best use of a director's time. Although certainly professors of torts and contracts expect to share knowledge with new teachers, they do not need to train new teachers completely from scratch every year or two (let alone invest the time required by the hiring process). These unnecessary administrative requirements cut into the time that the director could be spending on scholarship of his or her own, or on further development of the program.

Second, even a well-trained new teacher is a different animal from an experienced teacher. The well-trained new teacher teaches what he or she believes to be true; experienced teachers teach what they know to be true. This phenomenon is not unique to teachers of legal writing. Just as the civil procedure professor and the constitutional law professor develop an in-depth knowledge of their subject areas through constant immersion in important cases and statutes — both old and new — legal writing teachers develop their knowledge through constant immersion in the theory of writing and through constant immersion in writing itself — the student

papers that they critique.

Legal writing teachers with experience are not just "teaching the book": they teach the principles that they have gleaned from reading hundreds of memos, briefs, and letters. The process of formulating "writing rules" — the doctrine of legal writing — is an inductive one; it results from long-term experience with legal documents, observing patterns in good documents and in bad ones. Schools that impose arbitrary employment caps on their teachers deny them the chance to develop this expertise; more importantly, they deny their students the opportunity to learn from a teacher with this expertise.

Certainly, even in tenure-track jobs, teachers come and go, and no student is guaranteed an experienced teacher. But the revolving-door system in place at many schools guarantees that students will have a teacher who is either just arriving or just about to leave. All of us who teach know that the first year of teaching is particularly difficult, even if we are so fortunate as to have an experienced director leading the way. We have to adjust to the role of teacher, find our voice in the classroom, figure out the best methods of class preparation, etc. We also know what it is like to search for a job: the preoccupation with writing the cover letters, polishing the resume, gathering references, and going to interviews. Under a revolving-door system, students are taught by someone who is learning how to teach or by someone who is looking for a job. While many students have had successful courses taught by people in these circumstances, they are hardly the circumstances that one would choose on purpose.

In fact, as things stand now, most law schools have made the choice to abolish revolving-door hiring policies for legal writing professionals. Reliable sources indicate that as few as 20% of all ABA-accredited law schools still place arbitrary limits on the contracts of their legal writing professionals. Thus, 80% of law schools have chosen to give their legal writing professors the motive, the

opportunity, and the means to devote their attention to teaching, to do scholarship that will enhance their teaching and advance the field, and to provide service to the legal community.

But 80% of the schools is not enough. 100% of legal writing teachers deserve the opportunity for job security. 100% of law students deserve to be taught by legal writing teachers with job security. And the legal profession deserves 100% of the benefits that legal writing teachers with job security can give to the practice of law.
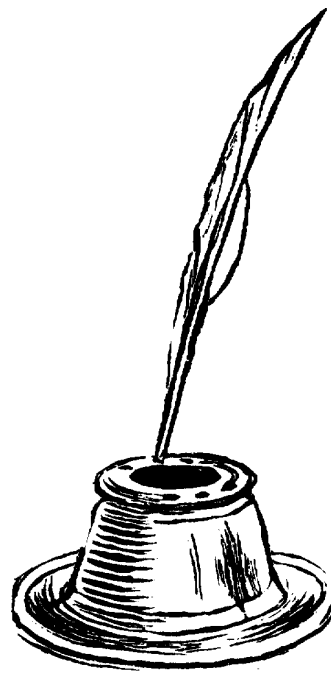
Using Technology
The Right Tool for the Job

HIGH TECH, LOW TECH, RIGHT TECH

Jo Anne Durako
Rutgers School of Law, Camden

Legal Research and Writing programs around the country are at the forefront of the technology revolution in legal education. One needs only to compare the discussions and presentations at the Legal Writing Institute with those for other legal education groups to see this. LRW programs have long used e-mail lists

and documents, listservs, computer-assisted learning, lap-top computers, videotapes, and other technology inside and outside our classrooms.

The very youth of our discipline of legal writing as part of the law school curriculum may also explain why we are among those more conversant with technology in the classroom. Our early recognition of the importance of addressing various learning styles further encouraged us to explore how technology could help us reach more students more effectively with technology. Additionally, because we don't feel bound by or otherwise committed to Socratic dialog in the classroom, we have been freer to explore different ways of teaching. Indeed, I admit to a certain fondness for Power Point presentations as a way of entertaining myself when covering some of the same material for the fifth or sixth year. I also admit that I am not unaware that my facility with new technology may be another way of demonstrating to students that LRW faculty are different from, and in some respects more accomplished than, some of our non-writing colleagues.

But last year, I rediscovered some lower technology that seems equally if not more effective for specific purposes. For example, after working with the Rutgers librarians to develop a series of advanced legal research training sessions for the LRW Teaching Assistants, I found a market for low tech research training. The Teaching Assistants had been trained to do research on the Internet and given advanced Westlaw and Lexis training, but the TAs requested a special refresher session on legal research using the books! The Internet is great, but the reference books in the law library were a resource the TAs wanted to review.

Also, when I was trying to think of some way to make Questions Presented and Point Headings come alive, I decided to use — overhead transparencies. After thinking about the task of showing students how to edit mediocre QPs and

Point Headings, I could think of nothing more effective than marking up overhead transparencies with colored pens. While it may have been higher tech than writing on the board — after all, I did have to use electricity for the overhead projector — this was a lower tech approach. Working through collections of QPs and Point Headings and demonstrating how to spot the deficiencies and to edit the text into better examples, turned out to be a kind of "think aloud" protocol for the skill. It was also the right technology for the task.

As a final example of an even lower technology — one without any electrical current — I rediscovered the power of the pen and lowly index card. Periodically throughout the academic year, I used the "One Minute Memo" technique. (This idea, which I discovered through a reference in a footnote in a long-forgotten legal writing article, comes from Robert J. Kloss, *Stay In Touch, Won't You? Using the One-Minute Paper*, 41 College Teaching 60.) Simply, this lowest tech idea involves selecting times throughout the course when the teacher gets feedback from the students by taking a quick poll. I ask a few questions that students respond to anonymously on index cards. It's a "teachable moment" for teachers. It's an opportunity for the class to tell the teacher which areas require more attention. What areas remain unclear? Where is there confusion? Where is there anxiety? What can the TAs do to help? What can the teacher spend more time on? By taking just a few minutes, I get immediate feedback on the gaps between what I think I've accomplished in my teaching and what my students have accomplished in their learning. And, I do it simply and quickly with pen and paper.

While I also ask students to e-mail me their questions throughout the semester, I find that the lowly index card brings in better feedback. In truth, I have responded to some questions by e-mail rather than in a subsequent class. And, perhaps, using a mix of technology is best. Nonetheless, I found this very powerful, lowest tech technique of pen and paper a reminder that the right technology for the situation is the most powerful. The highest technology may not be the best technology in every situation. It was a good lesson for me to relearn.

LIVE AND ON-LINE, YES! CHALK, YES! POWER POINT, BOO!

Joe Nalven
University of San Diego School of Law

The choice of technology depends as much on personal taste and personal organization as it does on the perceived objective value of the technical device. Hmm? I think I need several paragraphs to explain my first sentence.

I feel comfortable using a piece of chalk in the classroom. I also feel comfortable getting on my computer, going on-line, projecting the monitor image onto a roll-down screen, and doing Boolean term searches to demonstrate advanced legal research. I feel comfortable using overhead transparencies. But I do not feel comfortable using Power Point.

My personal list of teaching devices is longer, but the point here is not what is on my list or the value of what is listed. Rather, my decision reflects my personality/taste/organizational style.

The proof is fairly easy. Just look at my desk. Totally and completely disorganized, at least from an outside "objective" view. But I know where everything is. (One of my comrades walked by and read my comment up to this point, and left totally amused, but persuaded by the disorganized desk. It is very disorganized.)

That's "my" problem with Power Point. I feel constrained by its organizational format. Nothing like going on-line and mixing-and-matching terms with Boolean connectors. Edit here, change a database there, key-cite and shepardize at will. My students are amazed.

And when I videotape my students doing their practice oral argument, well, I can play the tape at high speed to show gesture and posture, or at slow speed to discuss content and rhetoric. But then, my mind wanders to legal technology advertisements. What about this software program, and that new machine? I JUST CANNOT LEARN IT ALL. I GET TIRED THINKING ABOUT NEW TECHNOLOGY.

I confess: I cannot learn all technology. I am resigned to pick and choose. I will rationalize my choice as a reflection of my personality. I will just go with the flow, with my Zen of classroom technology.

Low-Tech Can be Good Tech

### INTRODUCING "SPLITS IN AUTHORITY" WITH A LOW-TECH MULTI-PART EXERCISE

Ruth Anne Robbins
Rutgers School of Law, Camden

I have discovered that students need exercises to teach them about considering "splits in authority" within a jurisdiction. Although I have used several introductory exercises donated by LWI members which introduce students to synthesizing a legal rule from several legal sources, I have not run across many exercises which deal with that concept of a "split in authority."

With this goal in mind, I designed a simple, yet useful series of exercises based on Ohio's law concerning the return of an engagement ring when the couple ends their relationship prior to marriage. This area of law appealed to me because of my family law background, and because I think that the area of law is fun, easily understandable, and perhaps even relevant to first year students.

The exercise covers three basic areas of legal writing: synthesizing a rule of law when there is a split in authority within the jurisdiction; organizing a memorandum discussion using Richard Neumann's four-step paradigm; and, editing a memo discussion section. I am also developing a fourth use: converting a memo discussion section into a persuasive argument in a brief.

First, I created six case summaries based on
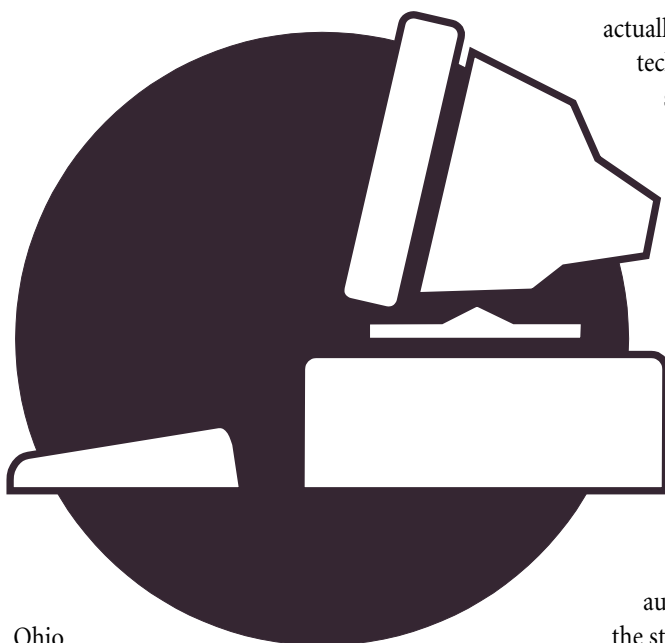
Ohio law. I deliberately oversimplified the legal theories for the students. For example, I did not include descriptions of treating the ring under the contract theory of conditional gift or unjust enrichment because the students had not yet reached those areas in Contracts class. Instead, the case summaries illustrate a trend away from an initial assignation of "fault" to one party to a strict "no-fault" determination. The modern trend of decisions has held that engagement rings must be returned if the donor requests it, regardless of who caused the relationship's demise. The most recent case, decided in 1996, implicitly adopted this no-fault approach. Earlier cases, including a trial level decision, used fault to decide the issue.

The first part of the exercise, rule synthesis, shows the students that sometimes the controlling rule of law is too complicated to understand from reading one or two cases. I asked the students to read the summaries at home and then fill in a synthesis chart which I handed out. This took the students no more than thirty minutes to accomplish. Previously in class we had discussed charts, graphs, decision trees and the like, as aids to "solving the puzzle", but the students admitted that before I specifically assigned this exercise, they had not actually used these techniques in any law school class.

After the students filled in the chart, they quickly saw that there is no "right" law in Ohio concerning this issue, but that, instead, there is a split in authority. In fact, the phrase and concept of "split in authority" was new to the students, so we discussed the implications. I asked the crucial question "what is most likely the law of the land at this point in time?"

Our discussion moved into how to determine which rule a court might use today if confronted with the issue. Previous, more abstract, lessons about the "hierarchy" and "persuasiveness" of authority suddenly became tangibly relevant. I specifically included on the synthesis chart questions about the level and year of each decision. Eventually, students realized that they needed to take the first chart a step further and to make a new chart based on the "fault" vs. "no-fault" rules. Underneath these two headings students listed the appropriate decisions in court level and then reverse chronological order. The exercise made students recognize that the modern trend moves away from a fault-based rationale, towards a no-fault analysis.

Later in the semester, once the students had become more comfortable with writing office memoranda, we returned to our discussion of the Ohio law concerning engagement ring returns. I wanted the students to learn how to write about a split in authority, particularly because the final, graded, memorandum involved that type of discussion. This time I provided a simple fact pattern as well as two sample discussion sections from an office memorandum addressing the issue in relation to the fact pattern. The students evaluated those two samples with the purpose of identifying the stronger piece. The "not-so-good" sample included an organizational problem of discussing each theory as well as some more sophisticated editing problems. We had already used "bad" samples of memo discussion sections earlier in the semester, so I purposely designed the samples in this exercise to have more subtle flaws.

In retrospect, although the students' response to the exercises was generally positive, next time I will discuss the organizational problems in the sample discussion sections much earlier in the semester. By the time we got to this part of the exercise, students were concentrating on their final memoranda, and therefore, they spent less time than would be ideal to study the samples and pick up the organizational and editing flaws. Next year I plan to take the exercise a step further and have the students use the discussion section samples for two separate purposes: once for the organizational problems and then again to show more advanced editing and polishing techniques. I also plan to use this exercise in the early part of the spring, "advocacy", semester, to move the students toward writing persuasively.

If you would like a complete copy of the exercise with instructions and answers, please feel free to contact me.

Medium-Tech: Creative Uses of Word Processing

TECHNOLOGY IN THE CLASSROOM: WRITING LABS

Judith B. Tracy
Boston College Law School

The availability of technology in the classroom presents exciting possibilities for professors of legal reasoning, research and writing (LRR&W), especially for those of us working with large numbers

of students. At Boston College Law School (BCLS), each LRR&W professor teaches about 50 students throughout the entire first year. This challenges our ability to maximize opportunities for individual attention and feedback. Technology may offer a partial but significant solution.

A comprehensive building program at BCLS has provided us with computer rooms in our new library, each of which can accommodate about 12 students at individual work stations. These are regularly used for LRR&W on-line research instruction. Classrooms in another new building are equipped with personal hook-ups for laptop computers as well as state-of-the-art projection devices. We are now exploring how to use these classrooms for in-class writing and editing exercises, which would enhance personalized classroom LRR&W instruction, and we are already using the library computer rooms for small group writing labs. I will briefly describe two such labs, which were extremely worthwhile; perhaps they suggest meaningful instructional opportunities for other programs.

BCLS LRR&W students prepare several versions of two major objective memoranda in the fall, an advocacy exercise in January, and two drafts of an advocacy memo in the spring. All of this is fully integrated with the research curriculum and incorporates a number of small research and writing assignments leading up to the preparation of the major memos. I assigned two writing labs in the library computer rooms this year, one each in the objective and advocacy memo sequences. I wanted to give the students a limited assignment, to reintroduce them to writing in a setting and under circumstances which hopefully would further demystify writing and increase self-confidence.

Last fall, students were assigned to a lab to write the objective explanation of a relatively straightforward test for intent within the analysis of intentional

infliction of emotional distress, which was the focus of their second major objective memo. I divided the class in thirds, assigning 18 students to a lab. We had identified and discussed the test in class, and when students came to their assigned lab, they were told to find a computer and a partner, and then to work together to write as much of a draft of this objective explanation as they could complete in 45 minutes. They had not written anything formally in the course for several weeks.

I also assigned a second writing lab in early January, when again, there had been a break in formal writing assignments in LRR&W for several weeks. We were in the process of moving from objective to persuasive writing. In this lab, students again picked a partner and wrote a portion of a draft statement of the case for a memo in opposition to a motion for summary judgment. We had prepared for this lab as well, having read about and discussed the construction of this section of an advocacy memo, and we had worked with our facts and outlined the statement of the case together in class.

In both labs, I asked students to talk freely with each other and with me, to simply write at a comfortable pace and not worry about how much they were able to complete, and to print out copies at the end of the session. The results of these writing labs were gratifying and exceeded my expectations. Students seemed to be comfortable writing in this setting and gained needed experience, encouragement and reassurance. But there were other benefits as well, some hoped-for and some unanticipated.

- I was able to observe and guide students during their writing process, and this enabled me to identify both individual issues and more common problems which I could apply in student conferences and in class instruction.

- The labs reinforced what I had emphasized in class, namely the critical importance of thorough preparation prior to trying to write anything. Those

students who had thoughtfully considered what they were going to write seemed to have less anxiety about writing and they more easily undertook the actual composition.

- Organizational and structural issues which we had reviewed in class came alive, such as how to construct an effective topic sentence, or how best to employ a case illustration. Not surprisingly, as the students applied the principles, they became real, which validated classroom instruction.

- The labs also demonstrated the value of collaborative learning and analysis. Students actively engaged their partners and diligently refined their writing to make it clearer. This was a relatively non-threatening occasion for peer-critiquing. Even students who had not participated in class discussions were now communicating, responding to their partner's suggestions or volunteering ideas.

- I was able to get to know individual students better, working with them in these small groups. This has contributed significantly to building trust, confidence, and general good-will and collegiality within the class.

Although the labs were not designed primarily for the value of the written product, I reviewed and generally critiqued the students' work, and their accomplishments were impressive.

Although students were somewhat disappointed that they had not written as much as they had anticipated they would, I reassured them that both the products and experience were beneficial, and that, as they had already discovered, writing is time-consuming. We did use the drafts for further class discussion of both the substantive analysis and writing techniques.

I am looking forward to other opportunities within our curriculum for additional writing labs and to identifying ways to expand this kind of experience into the classroom.

OVERCOMING TECHNOLOGY

Mark E. Wojcik
The John Marshall Law School

The challenge of technology in legal writing is not how to use technology effectively but how to overcome it.

When I was learning how to write, I did not have access to a computer. Few lawyers did back in the early 1980s. I had to type and retype each page of each draft. As I did, I could focus on particular sentences, the overall structure, effective transitions, and the sufficiency of factual and legal support for my analysis.

As part of my legal writing classes today, I assign a closed memorandum assignment and a rewrite of that paper after I have graded it. Because students keep these papers on computer disk, I too often find that the "rewrite" is nothing more than correction of specific items I may have marked on their first papers. The concept of rewriting is lost on them because of advances in technology, and they often miss the benefits of rethinking each word and each sentence.

I now ask students to rewrite from a blank computer screen instead of simply making corrections to their first paper. Some students misunderstand this assignment, and think that I am telling them that there was nothing salvageable from their first paper. I am saying

nothing of the kind. Instead, I am telling students that they must retype their papers in order to rethink their papers.

The assignment always meets with some resistance. Some students think I am assigning them busy work, when they are facing pressures from other classes to continue briefing cases or to start outlining. Other students think I am a sadist, taking cruel delight in assigning them extra typing. Most students, however, have an open mind and are willing to retype their papers.

What students find is that by retyping their papers they become better writers. Their resistance falls to the side as they realize this exercise makes for stronger writing, better organization, increased use of relevant facts, and more focused discussion of relevant legal precedent. Students may also find that their papers omit key facts or arguments upon which the other side will rely heavily. As Aristotle taught us, "we should be able to argue on either side of a question; not with a view to putting both sides into practice — we must not advocate evil — but in order that no aspect of the case may escape us, and that if our opponent makes unfair use of the arguments, we be able in turn to refute them." The Rhetoric of Aristotle 6 (Lane Cooper trans., 1932).

Although it is emotionally and intellectually difficult to start over from a blank screen, it is a valuable exercise for the rewrite assignment and for writing generally. I would hope that some students remember this technique when they write other memoranda and briefs in school and in practice. It does take a little longer, but the final product is usually direct, concise, and well-reasoned.

IN-CLASS EDITING SESSIONS

Cliff Zimmerman
DePaul University College of Law

Large numbers of students can hamper the legal writing teacher's ability to teach students to edit their writing. There is no true substitute for one-on-one

sessions, or for detailed comments on papers. But there are serious limits to what we can accomplish with individual critique when we must grade multiple papers for more than 50 students. One in-class, technology-based exercise surmounts these limits and achieves an almost comparable end-product. It can be used with either an objective or persuasive writing assignment and with any part (i.e., an introduction, rules, analogy, distinction, argument or case discussion), depending on the focus of class or the needs of the students. Moreover, it can be done frequently; it is limited only by the the need to use class time to work on other areas.

In class, the students are given a page of double-spaced text to edit. The students first edit the material individually, then expand into small groups comparing, discussing, and modifying the revisions. Finally, we shut off the lights and project overhead the same text that they have been editing, using a word processor and projection equipment.

While standing at the keyboard, I input revisions offered by the class. We cycle through suggestions and adaptations, and we evaluate the textual changes word by word, phrase by phrase or sentence by sentence (depending upon the students' suggestions). At times, we project alternate choices, compare the two and settle on one (or a combination of parts). The discussion is usually lively and all-inclusive and features my limited remarks on the relative strengths and weaknesses of the revisions. Students can pick up a copy of the revised version after class. Thus, they do not need to take notes or worry about memorializing the revisions and can focus on the big picture of the editing process.

While this process is slow, it is not as cumbersome as it may seem. The students give it quite positive feedback. I find that it leads to improvement in their papers. I find that students see and understand much of what they would have gained from individual sessions,

even though the in-class editing process does not work on each student's own written work. Over the course of the class period, students develop ownership of the material as they alter it to reflect their own views. Further, they have input, make changes, see the changes in place and hear my feedback on the revisions. All of this is made possible by the ability to project overhead a word processing program.
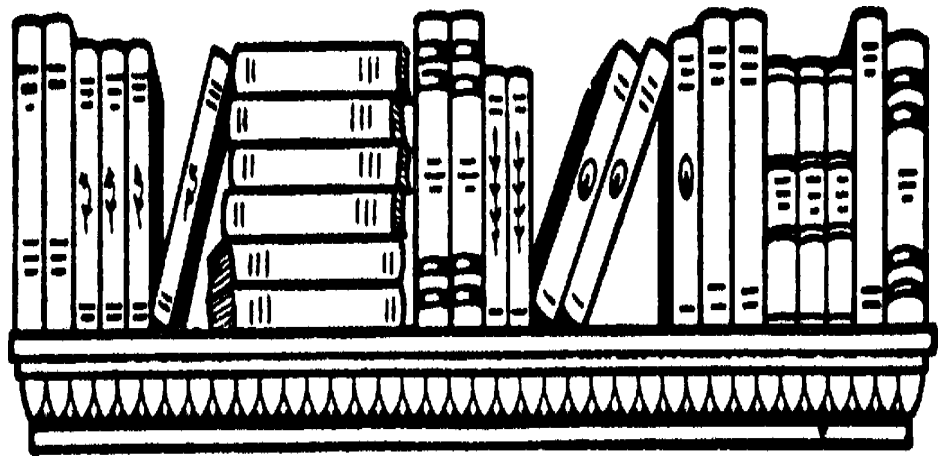
The High-Tech Classroom

USING TECHNOLOGY TO ENHANCE LEARNING IN THE LAWYERING SKILLS CLASSROOM

Pearl Goldman
Nova Southeastern University
Shepard Broad Law Center

Nova Southeastern University's Shepard Broad Law Center was recently named "The Most Wired Law School in America" by National Jurist Magazine. Beginning in the Fall of 1998, all incoming 1L students were required to have laptop computers. This mandate coincided with the inaugural year of a four-semester, twelve-credit Lawyering Skills and Values Program (LSV), in which students learn a variety of practice skills within the realistic context of client files. With so many radical changes occurring simultaneously, it seemed logical to integrate them and produce an electronic, "almost-paperless" course.

The first-year LSV program combines instruction in legal research, writing, analysis, and professionalism, with other lawyering skills such as interviewing, counseling, negotiating, mediation, legal drafting, and pre-trial practice. As they work on client files, students study from electronic textbooks, perform legal research in print and on-line materials, and develop case management skills, using software programs for time-keeping and billing.

Professors and students supplement one-to-one contact with E-mail for personal communications and submission of assignments, reserving Newsgroups for class business. Newsgroups have two advantages. First, when a professor addresses a student's question, the entire class receives precisely the same response or directions. Second, professors may post editing exercises online. Students edit the documents and post their revisions, inviting comment and further revision from their classmates. Electronic communication is particularly helpful when teaching evening students whose hectic and erratic schedules make it difficult for them to meet with their professors or their classmates on any regular basis.

Students prepare for class using various electronic media. The course syllabus is posted on the law school's website, which students may access from anywhere in the building, using wireless technology, or from home, by "dialing in." All client file materials are posted to this online syllabus, which also provides hyperlinks to supplemental resources on other websites, including legal research pathfinders, writing labs, negotiation games, citation texts, and the electronic instructional materials on the Lexis-Nexis website. With the click of a mouse, students may access a wealth of materials that would be unavailable in print due to cost or copyright problems. They also prepare for class using two other online tools: (1) CALI lessons, available from the law school's library website, and (2) the Lexis-Nexis CD-ROM text, entitled "Electronic Guide to Legal Research" (EGLR). EGLR is extremely user-friendly, employing hyperlinks, pop-up notes, and graphics.

Computer technology is employed in the classroom as well. We used the interactive tutorial on Shepards.com to teach students to Shepardize in class. More recently, students were required to research local federal rules governing submission of a Memorandum of Law in Opposition to a Motion for Summary Judgment. After teaching traditional print methods, professors asked students to access the Internet in class and demonstrated strategies for locating local rules online. We used the same approach when teaching students how to research professional responsibility issues, including ethics opinions posted on state bar association websites. The classroom has become a more exciting place because students enjoy the hands-on learning. Equally important, they have discovered how to perform cost-effective research without relying exclusively on Lexis and Westlaw.

Because we prefer active learning techniques, we generally avoid using Power Point. Law students are capable of learning without having a lesson plan projected onto a screen in a dimly lit room. Power Point seems to encourage professors to lecture, making students passive recipients of information. We found it useful in one situation, however, when teaching the basics of legal research to a large group. In that case, we scanned pages from print research sources, such as descriptive word indexes, digests and case reports. From the scanned pages, we

created .jpg files, which we could edit on Microsoft's Photo Editor, adding arrows, circles, and numbers. The .jpg files were imported into Power Point, where we used the program's Comments feature to add headings and annotations to the files. Once the annotated slides were finished, we projected them onto a large screen for the entire class to see. Students preferred this method to using photocopied handouts because the images were larger and we were all examining and discussing the same image simultaneously.

In the nearly two years since we instituted the electronic learning program, student response has been overwhelmingly positive and course evaluations have improved steadily. We will continue to mix traditional and electronic teaching methods in order to reach all students, regardless of background or learning style.

MAKE YOUR POINTS WITH POWER

Darby Dickerson
Stetson University College of Law

Are you tired of lugging stacks of books to class each day? Are you trying to find a way to grab students' attention — or to reach those in the MTV, X-generation? Are you looking for a new presentation style in a class you've taught over and over again? If the answer to any question is "Yes," then you should consider Power Point.

Power Point is a software program that permits you to prepare audiovisual presentations that incorporate text, color, animation, clip art, photographs, videotape clips, and sound. To develop the presentation, you create "slides" that you can then animate with preset movement and sound options. You then present the completed slide show with a computer and a projector. The presenter controls slide movement with a mouse. So, using a mouse, you change slides, or add material to slides, each time you move to a new point.

Using Power Point, you can create textual bullet points that correspond to your lecture. These bullet points will assist the more visual learners in your class. In

addition, you can insert photographs of sources. These images will be much larger, and will thus reach more of your class, than simply holding up a book in "show-and-tell" fashion. In addition, you can add sound, color, clip art, and movement to emphasize key points — or to keep students alert.

Another nice feature is a print function that permits you to create class handouts with the press of a button. Each page of the handout includes three to six slides of the program — complete with text and graphics. You can then distribute these at the beginning of class. Students love the handouts, because they can focus on the lecture and simply highlight the most important comments or add marginal notes about details. At Stetson, we have also placed completed power points on our R&W Web page, so that students can replay them at their own speed and at their leisure. Even though students have the handout, several commented that they like having the ability to replay the show with color and animation.

Since Power Point is part of Microsoft's Office 97 package, most already have access. (Corel has a similar program called Presentations. I've found that Presentations is more difficult to use and does not have the same degree of flexibility as Power Point.) To show a presentation, you need a computer (either a laptop or a CPU), a color LCD projector (at Stetson, we use the Epson ELP-3300 projector), a mouse (I prefer a "remote" mouse so I can walk around the room), a screen, and, if your show includes sound, exterior speakers. These days, most schools have this equipment readily available.

Power Ppoint is easy to use. If you have a friend or colleague who knows the program, he or she can show you the basics in about thirty minutes. If you're the first to experiment with the program, many local community colleges offer half-day sessions on Power Point; many bookstores also carry "how to" books for Power Point.

In addition, I am more than willing to share Power Points developed at Stetson

with other R&W faculty. At this point, we have Power Points for virtually every research source, each part of an office memorandum, and on most topics covered in our Research & Writing II course (including: editing tips; opinion letters; demand letters; memoranda of law; advanced computer research; syllogisms; standards of review; oral advocacy; each part of an appellate brief; plagiarism; and Bluebooking). If you want to take me up on this offer, e-mail me at<darby@hermes. law. stetson. edu>, and I'll e-mail you with samples or specific shows. Last summer, I developed a list of tips for making and presenting Power Point shows, which I am also willing to share.

Once you've created a show, it's very easy to change. You can add or delete material just like you do on any standard word processing program. Therefore, one person can create a show, and others can modify it to their tastes within a matter of minutes. You can also easily update the shows from semester to semester (for example, I always end with reminders about what we will cover the next class and which assignments are due soon).

Power Point truly permits you to make your points with power. The program captivates students, excites and impresses colleagues, and allows the author to bring imagination and creativity to the classroom.

USING COMPUTER TECHNOLOGY IN THE FIRST-YEAR WRITING COURSE

Carrie Teitcher
Brooklyn Law School

Computer technologies create new opportunities for teachers of both doctrinal and skills courses like the first year legal writing course. Rather than dismiss them as "bells and whistles", law faculty should embrace them and integrate them into the classroom. Technology that aids learning should be as integral to the classroom as chalkboard and traditional textbooks.

This year, I used new technology that facilitated learning and energized the

classroom. One tool, the computer overhead, was particularly useful. By using a laptop attached to a projector, I used slide presentations and computer-projected overheads to teach research, writing, and issue identification. Through these different teaching techniques, I was able to maintain a high level of interest and generate considerable excitement for the material.

As with anything else, however, too much of a good thing is no good. I think it is important to avoid "overkill." To be effective and consistently grab students' attention, the teacher should vary techniques so that something which is new and different should not become old hat. Nevertheless, the available technology is an invaluable supplemental tool I urge all writing professors to try.

1. Using Corel Presentations to Create a Slide Show for Legal Research

To inject new life into legal research lectures, I developed a slide presentation using Corel Presentations, to review concepts I spent the previous four weeks teaching. I found that as a reinforcement and review tool, the slides were indispensable.

Breaking legal research down to its smallest components, I placed each "lesson" on its own slide. The first slide asked students to identify the steps required for legal research. (See illustration above left.) Other slides covered the broad range of legal research topics. They helped students identify different research tools, explained the differences between primary and secondary authority, explained reporters, the digest system, and Shepard's, and reviewed research strategies

Using the slides was simple. I began by projecting a slide with a heading. From the slide in the bottom left illustration, "Legal Research requires several steps and is on-going," I asked the class to identify what those steps were. As the students correctly identified the steps, I clicked on the mouse attached to the laptop and each bulleted line appeared on the screen. After
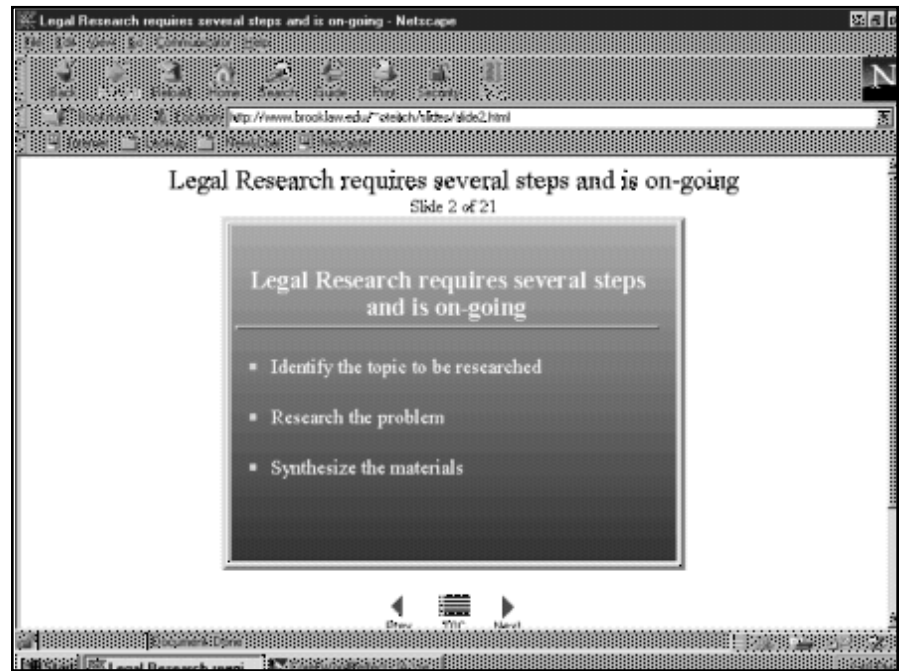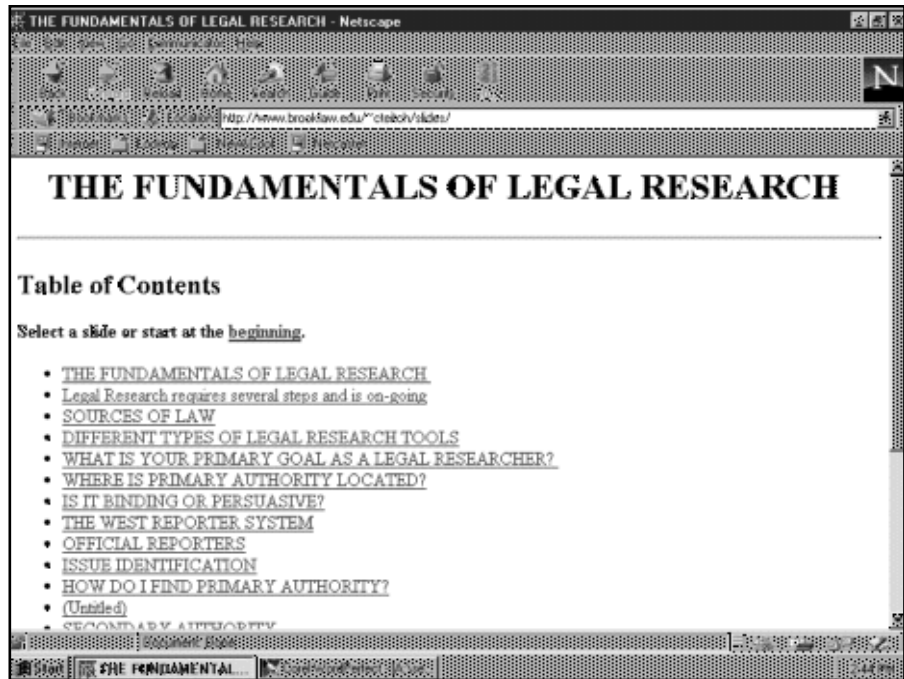
the list was complete, I moved on to the next slide, "Sources of Law." As the class identified the different sources, the answers again appeared on the screen. I continued this pattern until all twenty slides were completed.

Corel Presentations (and its counterpart, Power Point) offers various options for creating animation. To keep interest high, I varied how the words appeared on the screen. Sometimes they moved across the screen from the left or right, sometimes I had them drop from the top or jump up from the bottom, burst onto the screen or

gradually fade in. In addition to animation, different color options and sound effects can increase the slides' impact. Pictures can also be added.

Student response was electric. Rather than remain passive during class, they became animated and engaged. Those who would not ordinarily speak up started volunteering answers in the hopes that their answers would also jump across the screen. I noticed that more students looked up and listened. At one point, an answer "bounced" across the screen and the students actually cheered. I was

astounded at the level of participation and interest. In fact, many students asked if there were going to be any more "shows."

I noticed that during the presentation, students were feverishly trying to copy the slides. Because I wanted them to pay attention and participate, the following week I distributed printouts of the slides so that the students could listen without worrying about missing anything. This was very easy to do. The print option in Corel Presentations can generate "audience notes." By clicking on this feature, I printed four slides on a page (this number can be changed) with lines for notes. Thus students could "enjoy the show," and take brief notes under each slide without worrying about missing anything.

In addition, I posted the slide show on the web page I created for my legal writing class. Students could click on the slide show and review its Table of Contents. They could select any one of the slides to review. Even though the animation does not work in this format, knowing the slides were readily available helped students prepare for our department-wide legal research quiz.

2. Using computer overheads to teach writing and issue identification

In addition to using slide presentations, I used computer overheads to teach principles of writing and issue identification. This experiment convinced me that visual presentation on the overhead screen made the concepts easier for students to follow and understand.

This year, I supplemented my usual approach to teaching editing using collaborative groups with computer overheads. First, I distributed several paragraphs to edit in collaborative groups. After the students reviewed and discussed the paragraphs in their groups, the class reconvened and I projected the "annotated" paragraph onto the overhead screen. (See top right illustration).

This annotated paragraph was created before class. Using Wordperfect's "insert comment" feature, I inserted hidden
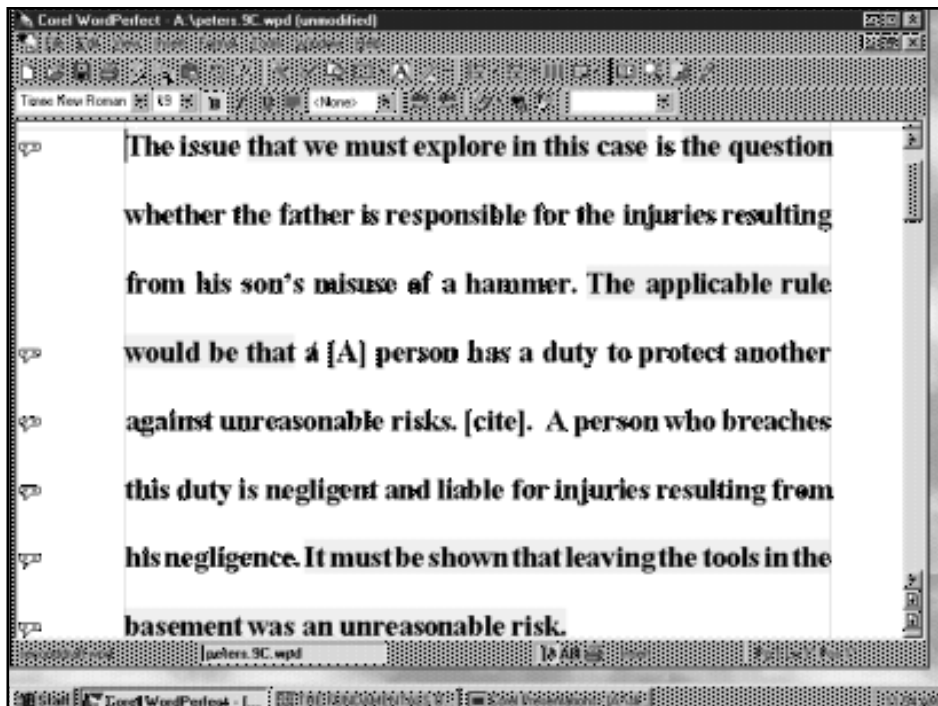
comments into the document. These appear as small clouds on the left-hand side of the screen. Using the highlighting feature in Wordperfect, I also highlighted the wordy parts of the sentence in yellow so that the entire class could see how much wordiness there was. This feature was particularly helpful to focus students on different parts of a document (yellow for wordiness, blue for topic sentences, green for conclusions, etc.).

I began the discussion by soliciting from students their critique of the paragraphs, starting with the thesis paragraph. When the students noted the wordiness in the first sentence, I pointed out all the yellow highlighted material and showed them how it could be

eliminated to make the paragraph more concise.

As students noted the problems in the writing, I clicked on the clouds on the left-hand side of the screen and their observations (which I had hoped they would make and which I inserted prior to the class) appeared on the screen.
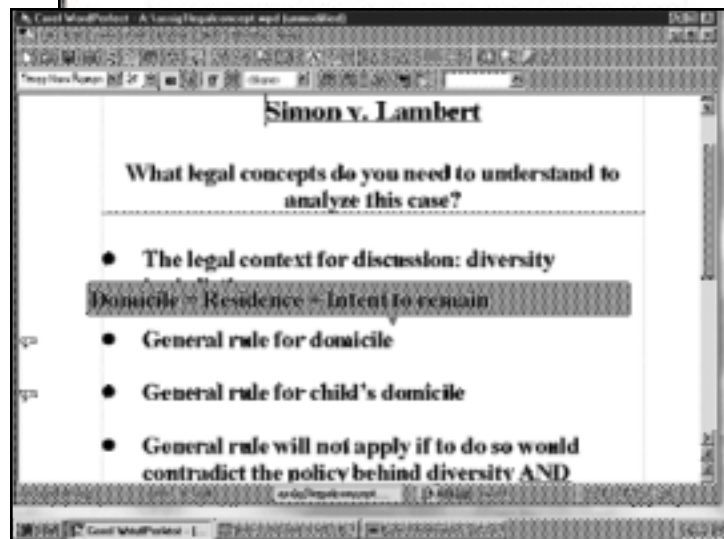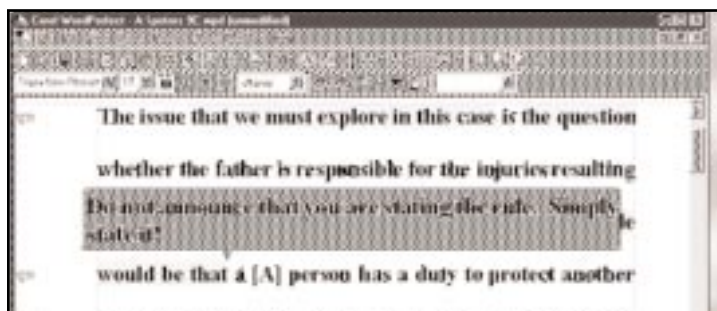
Not only were their answers validated, but they could see how the new and improved version fit into the larger paragraph. I left the comments on the screen long enough for the students to copy them down and then I moved on to the next comment. I continued in this way until the entire exercise was completed.

I also used this method to review substantive materials. Thus, when it came time to review the issues in the first legal memorandum, I wanted to be sure the students understood the basic legal concepts. The issue concerned the domicile of an infant for purposes of diversity jurisdiction. I projected an overhead and asked students: "What legal concepts do you need to understand to analyze this problem?" A bulleted list of concepts stated the principles in broad terms. I asked the class to articulate the rules. As students did so, I clicked on the clouds and the rules appeared on the screen. Thus, I reinforced what they articulated in class and they were able to see how the principles related to one another in an organized way.

CONCLUSION

Students response was overwhelmingly positive. The energy level in the class increased dramatically. Many liked seeing class materials in different formats and said that visuals were very helpful. Different teaching methods reach different students. By supplementing traditional lectures with slide presentations and other computer overheads, I was able to engage a greater number of students. Thirty out of thirty-

six students who responded to a survey on the use of Corel Presentations in the class said that the slide shows were useful and twenty-eight students said they would like to see more slide presentations in class. When asked how helpful the "pop-ups" were to their understanding of the materials, thirty out of thirty-six said they were "very helpful."

Here are just a few of the comments:

"The overheads [were] helpful because they kept class interesting."

"They are as useful as [the] blackboard but more efficient."

"It's nice not having to take notes in class — we can just pay attention."

"The slide presentation made it easy to study and computer overheads made the class more interesting."

"They help me because I am visually oriented."

"The overheads make the class more interesting, enjoyable, organized, and most importantly — understandable."

What more could a teacher want?

If you have questions, please e-mail Professor Carrie Teitcher at <cteitch@brooklaw.edu>

High-tech Course Management

E-MAIL: COMPUTER TECHNOLOGY THAT MAKES TEACHING LEGAL WRITING EASIER

Thomas F. Blackwell
Chicago-Kent College of Law

Aside from using a word processor, e-mail may be the most important computer technology that legal writing professors can use in the cause of creating better legal writers and better legal writing. With it, you easily and quickly contact any or all of the students in a class with a few keystrokes. If you need to remind them of a reading assignment that you forgot to mention in class, or tell them of an upcoming moot court demonstration, or clarify a Bluebook question that has come up in an assignment, you can send a message to the whole class by using a mailing list.

In addition, by attaching word processing files, legal writing professors can quickly distribute reading assignments and writing samples directly to the students while reducing copying costs (and effort). To help students with new document formats, such as trial or appellate briefs, form documents can be electronically distributed to class. The students can drop the form files into the word processor and complete them with their own insightful and persuasive legal prose, allowing them to focus more on writing and less on word processing, and giving you more readable papers.

Using e-mail also provides a means of interacting with students outside class time. Invariably, students have questions that occur to them while they are writing their assignments, outside of class. If the legal writing professor uses e-mail, the student can formulate the question and send it off for an answer immediately, without having to wait for the next class. Using e-mail for this process forces the students to articulate their questions in a way that telephone calls do not. It also allows the legal writing professor some time for thought before answering the questions, and permits answers with written examples. I usually commit to my students that I will check my e-mail for last minute questions several times over the last weekend before an
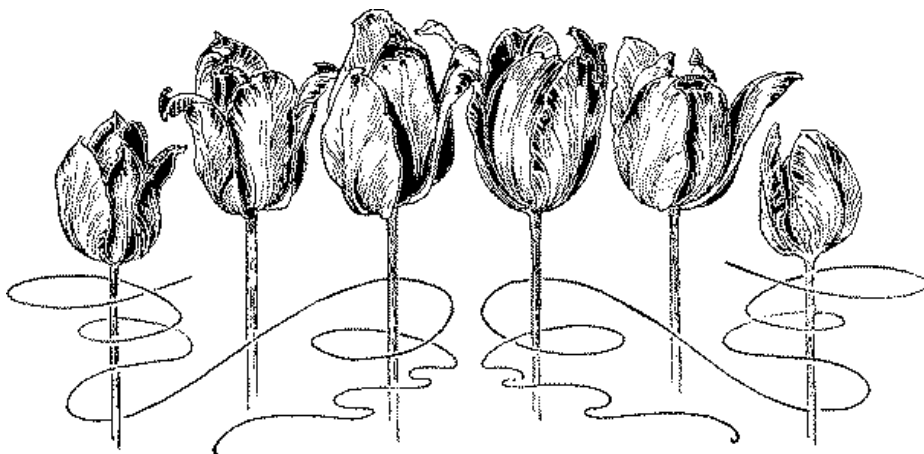
assignment is due. Although few actually take me up on the offer, they seem to appreciate the safety net; and, I can avert at least some of the bad writing that I might otherwise see, with minimal intrusion on my home life over the weekend.

I have also experimented for two years with permitting students to submit writing assignments by e-mail. I have allowed this partly for their convenience and partly in recognition of the move toward electronic filings that many courts are making. My guidelines for e-mail submissions are that the students must submit the assignment files as e-mail attachments. The files can be in WordPerfect or Microsoft Word format, and, to allow me to track submissions, the files must be named using the students' e-mail identifier and the number of the assignment. I also require that each file have a three-character extension of .wpd (for WordPerfect files) or .doc (for Word files) so that I will know which type of file the student has sent. The assignment files must comply with the general formatting requirements for the course and any specific formatting requirements for each assignment. I describe these standards in the formatting guidelines that I hand out at the beginning of the semester.

I open and print the files using WordPerfect 8.0 or MS Word 97, as appropriate. I require that e-mail submissions be received by me (rather than merely sent by the student) prior to the assignment deadline. As deadlines approach, I try to check my e-mail constantly so that I can download each assignment and print it, and then send an e-mail acknowledgment to the student that I have received the file. I usually have one or two students use e-mail to submit each assignment; the others apparently feel more comfortable submitting paper copies of the assignments. So far, this approach has worked well, although we usually seem to have some sort of computer network crisis every time a legal writing paper is due!

As for technical skills, you need to be able to send and receive messages (both exceedingly simple tasks, given current e-mail programs). You also need to be able to attach files and download (save) files sent to you as attachments to e-mail messages. Details vary by e-mail program, but all e-mail programs should allow you to do this. Finally, if you plan to accept assignments by e-mail, you need to specify which word processor formats you will accept, and you need to have copies of each type of word processor to allow you to open and print files you receive.

SEVEN SHORT SUGGESTIONS FOR USING YOUR COMPUTER TO TEACH LRW BETTER

Jan M. Levine
Temple University School of Law

Customize your WordPerfect Tool Bars and Menu Bars:

In WordPerfect 6/7/8 you can customize the tool bars and menu bars (the three or more columns of buttons on the top of your screen). The way you can do this varies by version, so ask around or check the help menu or a manual. For example, in WordPerfect 8, place the cursor on a blank area of the bars, and right-click on your mouse. Choose settings. Or on the Menu for Tools, click on settings. The default bars for WordPerfect include preset options for different kinds of word processing, but none of them reflects the typical work of a legal writing professor. So create your own! My own settings reflect the menu and tool options I most frequently use for preparing memos and letters, writing articles, or critiquing student papers. My first bar includes buttons for open, close, new blank document, save, save as, mail, print, find/replace, copy, select all, cut, paste, undo. Grammatik, Spell Check, and exit.
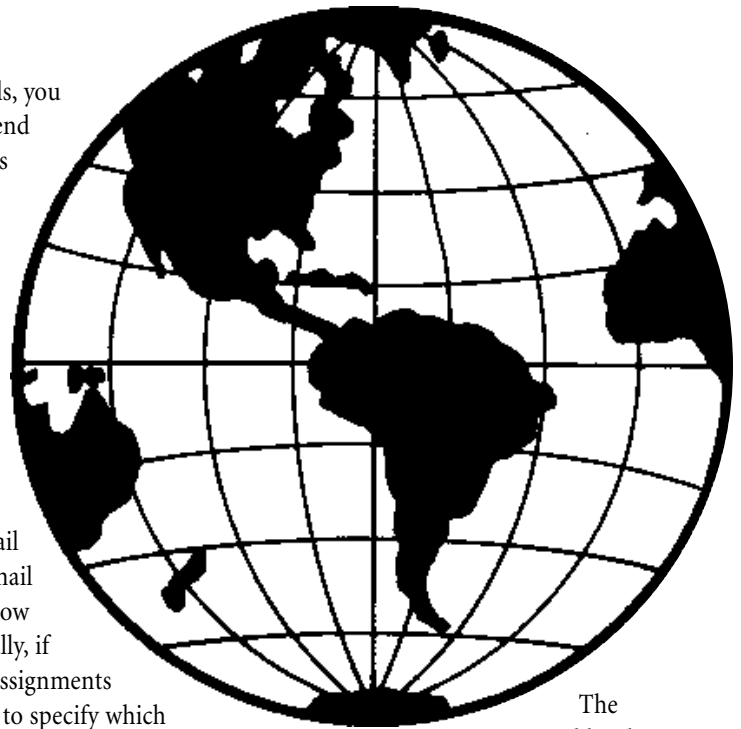
The second bar has a drop-down font menu, a drop-down font size menu, a drop-down menu of text justification choices, a drop-down menu for bullets, and buttons for indent, double indent, bold, italic, underline, small caps, strikeout, redline, reveal codes, footnote, footnote edit.

Have Your Students Add Line Numbers to their Papers:

When we critique student papers, many of us attach comment sheets with longer comments keyed to numbers or letters that we place in the margin. Instead of doing this by hand, ask your students to turn on the line numbering option in their word processor. That way you will automatically get papers with numbers printed in the margin for each line on the page and you can easily key your comments to the student's work. It is also much easier to type up those comments instead of writing them out by hand (particularly if you use the same comments on many papers). This also makes it much easier to check their compliance with your formatting rules about the maximum numbers of lines per page.

Require Proof of Running the Spell Checker and Grammar Checker:

While writing professors differ on the usefulness of these programs, all would

agree that it is disheartening to receive memos containing spelling errors or basic grammar problems, many of which could be caught by the automated utilities packaged with our students' word processors (or the students' own brains). This is particularly annoying when a paper is replete with spelling errors and the student swears he ran the spell checker. So ask your students to prove that they ran the utilities. In DOS and Windows 3.1, the Prt Sc or Print Screen key can be used to print the last screen (or any screen) showing that the writer did indeed use the utilities. This is more difficult in Windows 95 or 98, but not hard to do. I supply these directions to my students: When you get to the last screen after using each tool, press the Prt Sc key. It will not print the screen. What it does is copy your open desktop screen and put that copy on the Windows clipboard. Then hit the Crtl and Enter keys simultaneously to insert a hard return (a new page). Then right click on the new page with your mouse and right click on Paste from that context menu. This will append a bitmap image of that screen to your document. There are easier ways to do this, by using various freeware or shareware programs (I use a free program called PrintScreen).

This really does cut down on spelling errors, and maybe some students even learn a bit about spelling and grammar from the exercise.

Use E-Mail to Send Your Students Supplemental Information, and Critique Papers:

If your computer lab, or the students' home machines, all have fully MIME-compatible e-mail programs, such as Eudora, and if your school's listserv can deal with attachments (most can, if you ask), then you can exchange files with your students at any time of the day. Of course, you and the students need compatible word processing programs, but the latest versions of WordPerf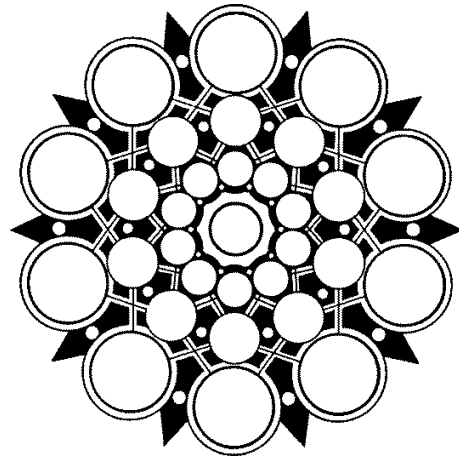ect and Word can convert and read each others' document types. I send my students edited copies of my class notes, other documents, and general comment sheets. They send me their papers, and I critique the papers by embedding my comments in their drafts, or simply by preparing a specific comment sheet for each student. Instead of photocopying and distributing papers at the law school, I can use e-mail to share these documents with my students without anyone leaving home. So I can receive a draft from a student at 7 p.m. and send back a critiqued paper by 9 p.m., for a conference a day later. (And I still have a copy of everything on my computer, so nothing gets lost.)

Distribute Your Course Materials, and Sample Documents, Electronically:

Instead of relying solely on photocopied course materials and examples of memos and briefs, send your original electronic materials to your students. You can do this via e-mail attachments, by diskettes on reserve in the library, via a website, or by a file on your local area network. This way your students have the material on their computers at all times, they can print them instead of paying inflated photocopying costs, and they have available all the formatting for your course in the samples you supply. Of course, you can go further and have these formatted documents turned into word processing program templates or styles so your students' papers will all be more likely to comply with your requirements.

Buy a Clipboard Enhancing Program for Your Computer:

My favorite timesaver is ClipMate, which is shareware available for downloading from [http://www.thornsoft.com/]. Other similar programs exist, but this one may be the best of all. Windows comes with a clipboard, which lets you cut and paste text or pictures from one document, and move them around in that document or transfer the clipped item from your word processor to another application, such as your e-mail program. The shortcoming of the native Windows 95/98 clipboard is that it holds only one item at a time. ClipMate uses a floating window and runs in the background, and lets you keep a virtually unlimited number of clipped items for pasting. You can even maintain collections or libraries of clippings. I have found this to be a great timesaver when I edit my own writing, when I want to combine pieces of separate documents, or when I have to provide repetitive and standard comments on student writing. It is far easier, and faster, than using macros or cutting and pasting one item at a time.

USING A WEB PAGE IN THE FIRST-YEAR LEGAL WRITING COURSE

Carrie Teitcher
Brooklyn Law School

The Internet offers many new and exciting possibilities for the legal writing professor. E-mail has provided a convenient and painless method of communicating and web-based legal research tools are rapidly proliferating. Eager to incorporate some of this new technology into my first year legal writing class, this fall I created and maintained a web page for the course. The results were very positive and

exceeded my expectations. The web page created a sense of security for the students who were comforted knowing that information about class assignments and events, and course materials, were always available at the touch of a key. A modicum of motivation, patience and adventure is all that is needed to create an effective web page.

I created the web page during the summer, so that the page would be up and running by the time our semester began in mid-August. Using the Web Course in a Box program available through the Lexis home page, I designed a simple web page for my legal writing class. Its basic design is pre-set by Web Course in the Box. It was easy to use, easy for the students to access and very functional.

To facilitate the use of the home page, I spent some time during class explaining it. I projected the home page on the computer screen overhead and gave the students a "tour." At that time, I was surprised to learn how few students were familiar with the Internet and computer technology in general. Taking the time in class to explain its use was time well spent, and I recommend it for anyone who is thinking of integrating a home page into a course.

The page is divided into six sections: Class Information, Announcements, Schedule, Students, Learning Links, Help/Utilities. General information about the class (assignments, requirements, plagiarism guidelines, grading) was posted under "Class Information" before the beginning of the semester. This information did not change and was periodically consulted by the students to refresh their memories about classroom policies and requirements. Similarly, information posted under "Schedule" set out the basic schedule of assignments for the entire semester so that students could manage their time (or at least know when to expect to be busy).

The most frequently used sections were "Announcements" and "Learning Links." Most students used the web page as an electronic bulletin board. They checked the "Announcements" section for the latest announcements concerning assignments, schedule changes and class events. In addition, I placed a variety of classroom materials in the "Learning Links" section. Class lessons were posted here after they were presented in class. For example, I posted a slide show on legal research that I had prepared with Corel Presentations. By clicking on "Learning Links," students were able to retrieve the lessons easily, together with an easy-to-read index of the slides. This material was particularly helpful when the students prepared for our department's legal research quiz. Similarly, other course materials on citation form, the legal memorandum, and the writing assignments were also posted here and reviewed as needed. Students knew that if they were missing important documents, they could download them. Finally, I encouraged the students to use the home page to communicate with each other and with me as often as possible.

Although I did not require students to access the web page, and did not make it the exclusive source of class materials, I emphasized its importance and it quickly became part of the classroom culture. I regularly posted announcements and told students that they were responsible for the

information posted about class schedules, assignments, and conferences. Even students who never checked the home page knew they had to rely on the old-fashioned student network to get their information rather than complain that they "did not know." I assumed, and the students knew, that they were responsible for whatever was posted. In this regard, the page was an unequivocal success.

The students' response was overwhelmingly positive. Thirty-four out of thirty-six students who responded to a survey on the use of computers in the classroom stated that they accessed the legal writing home page regularly during the semester. Thirty-five out of thirty-six found it easy to access; an overwhelming majority used it to download and print materials and check assignments. The students stated that the home page created a sense of security for them as they had the ability to review materials at any time. This accessibility greatly reduced their anxiety as deadlines approached.

Overall, the home page added a new dimension to the first year legal writing course. The technology is easy and readily available. I urge fellow legal writing professors, techies and technophobes alike, to try it.

If you have any questions, please e-mail Professor Carrie Teitcher at <cteitch@brooklaw.edu>

WWW
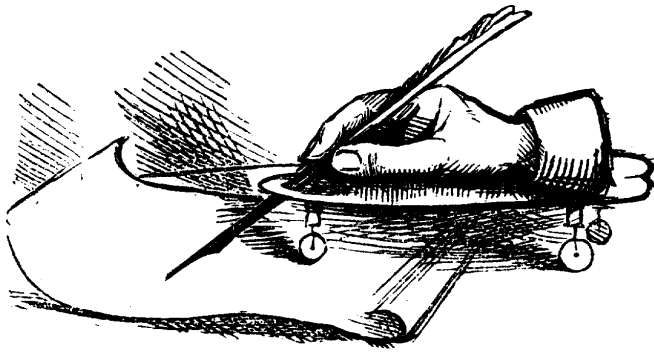
From the Desk of the Writing Specialist

CREATURES FROM THE BLACK LAGOON—THEY'RE NICE; OR, WHAT WRITING SPECIALISTS CAN OFFER LEGAL WRITING PROGRAMS

Chris Rideout
Seattle University School of Law

A series of recent postings to a legal writing listserver prompts me to write about the role, and value, of writing specialists in legal writing programs. The author of the posting inquired, quite legitimately, about the question of writing remediation for law students. In the perception of his faculty members, their law students did not know how to use commas correctly and, of course, were looking to the legal writing program to address the problem. His own legal writing faculty, on the other hand, did not have time to teach "grammar." What is the solution, he asked?

In his own posting, he offered two possibilities: offer a "remedial" writing course for those students who need the extra help, or bring in a writing specialist from the English Department (or, to combine them, let the writing specialist teach the remedial course). Each suggestion triggered a number of responses on the listserver, and the responses themselves indicated, to me, some uncertainty among our colleagues about both the nature of writing specialists and the nature of writing itself. Hence the topic of this column: What can writing specialists offer a legal writing program? I would argue that the answer is, a great deal, especially if they are well integrated into the program.

In the postings mentioned above, the idea of writing specialists arose under the rubric of remediation. Writing remediation strikes me as a delicate subject, however, as indicated by the postings that followed. Certainly writing specialists can help students in a legal writing program to address basic problems that they have with their writing. The task is to do so as efficiently as possible, however, given the workloads of law students, and to do so without stigmatizing the students, most of whom are troubled about their performance in law school already.

A remedial writing course achieves neither very well. It imposes the burden of an additional course onto a student's schedule that is already probably overloaded. Students who are at academic risk because of writing deficiencies are also the students who can least afford to spend the extra time in an additional course. A remedial writing course also stigmatizes students who, rightly or wrongly, perceive themselves as people who have enrolled in a challenging professional curriculum and thus have left behind the need for basic education.

In addition to this general stigmatization, as one writer to the listserver noted, some of the students in a remedial course may be members of minority groups, placed in writing remediation in part because their lack of writing skills reflects their place in historically-established social and economic hierarchies as much as it does their individual talent and ability. A remedial course may heighten strong feelings of alienation with which they are already struggling.

Certainly a writing specialist could teach a remedial writing course, but for the above reasons I would recommend against doing so. Even in undergraduate settings, these courses, if offered at all, are handled delicately. Such courses are usually called developmental, not remedial. A writing specialist, rather, can develop strategies for addressing basic writing problems within the context of the legal writing program.

For example, a writing specialist can help the legal writing program to diagnose students' basic writing problems, either by reading writing samples or by using a diagnostic instrument of some kind. Once these students and the nature of their writing problems have been identified, a writing specialist can design means of help. Two approaches are common and, in my opinion, work well. The first is to offer a series of workshops on basic editing problems: with commas, with modifiers, and so on. The workshops can be offered to all students, but required of those designated with weaknesses in certain areas. No students in the workshop need know whose attendance is voluntary and whose is mandatory. (The workshops can be conducted by all legal writing faculty; more on that at the end.) Second, writing advisors can work with students in individual writing conferences, targeting areas that need special attention and working with students on those areas, ideally in the context of the students' own writing. In addition to these two approaches, writing specialists can also work with the other legal writing teachers, helping them to diagnose writing problems that their students may have and assisting them in devising strategies for working with these students in their own classes.

In these ways, of course, writing specialists aid the program and, with one possible objection, most programs that can afford them would seem to want their help. The potential role that they can play is obvious. Their greater value, however, may be less obvious.

In the series of postings mentioned above, at least two writers hesitated to endorse writing specialists. They had similar misgivings: writing specialists, at least those from English Departments, did not understand the unique features of legal discourse and often gave advice that failed to address the real problems in students' legal prose. One suggested that they were useful for punctuation and grammar only. These objections often surface and deserve to be addressed. Addressing them imposes a duty on both the writing specialist and the legal writing faculty, however.

The writing specialist has two duties: to educate himself or herself, and to educate the other writing faculty. Self-education means immersing yourself in legal discourse so that you can begin to understand its unique, and peculiar, features. On one level, legal prose is simply a complex professional prose and, like other complex prose styles, requires verbal acuity in order to be written well. Any good writing professional can teach that verbal acuity. But like any complex discourse, legal prose also has its unique features: most forms of legal writing are highly conventionalized, both in organization and in argumentative patterns; legal writing requires a high level of precision, including the use of terms of art (and the avoidance of false terms of art); and, of course, it incorporates a complex system of citation. Writing strategies that work in generic college-level writing courses may not readily apply to legal prose, at least not without adapting them. Because of this need to understand the conventions and unique features of legal discourse, I have long advocated writing-across-the-curriculum writing programs rather than generic college writing programs as a source of ideas for legal writing programs. Writing specialists need to know terrain they plan to traverse.

I would further argue, however, that the rest of the legal writing faculty try to look at legal discourse with a similar view, perhaps with the assistance of the writing specialist. We need a metacognitive understanding of what we teach if we are to truly help our students. A common example arises in the matter of transitional statements in the legal analysis of a series of cases, whether found in a memorandum or a brief. In terms of legal analysis, the writer must show the reader the connection between the two cases in order for the analysis to be useful and valid; that means that the writer must understand the law. Textually, the reader is looking for the flow of related information from one case to the next, and concomitantly, the writer must be able to see and verbally manipulate that flow of information. Syntactically, the writer must repeat key words and phrases between the two discussions of the respective cases, use identifiable transitional statements, or link the two discussions to some earlier, higher-order discussion. All are part of what we call the act of writing, even though the analysis begins with the student's reading of the two cases in the library (or on the computer) and the syntactic linking takes place much later, at the moment of composing.

Complex instances like this abound in legal writing, itself an enormously complex act. Thus, it strikes me as somewhat artificial to draw territorial lines through the act of writing. To say that writing specialists are useful with grammar and punctuation, but less so with clarity or proper organization is to misrepresent the act of writing. Grammar, syntax, clarity, and even organization go hand in hand. Is the drafting of mandatory statutory requirements into parallel form a matter of grammar, or syntax, or form, or precision? The writing specialist, if fully conversant with legal discourse, can perhaps better explain the complex nature of legal writing as an act of writing and help the rest of the legal writing faculty develop a metacognitive view of it. (I know that sounds distasteful. Try this: "to develop a better understanding of what you are talking about when you talk about writing with your students.")

We are all teachers of writing, whether we have backgrounds in law or in composition and rhetoric. And regardless of our backgrounds, in my opinion we have a professional obligation to develop what I have referred to as a metacognitive understanding of legal discourse and writing. Sharp territorial divisions are artificial and mask the complex nature of the act of writing. To marginalize certain features of writing, such as grammar and punctuation, or conciseness, and to treat them as severable from the rest of the hierarchy of writing tasks gives students a fragmented view of writing and, worse, can undermine the confidence that they need to master legal prose. They will identify themselves with the marginalization. Thus, I would finally advocate that writing specialists be fully integrated into the legal writing program. They can help the other members of the legal writing faculty to develop the expertise and confidence necessary to teach effectively the full hierarchy of writing tasks, from commas to case analysis. In turn, they will, and I know they do, find legal writing to be a richly rewarding terrain.
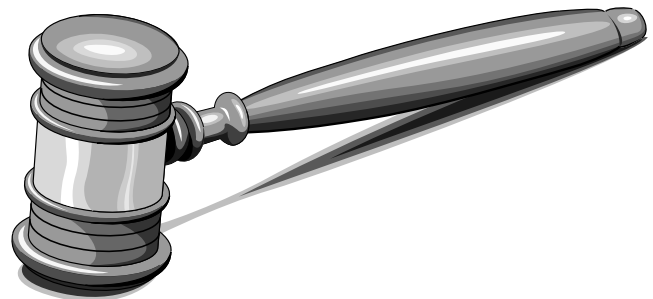
SUMMER 2000 LEGAL WRITING INSTITUTE CONFERENCE IN SEATTLE, WASHINGTON

Official Call for Proposals—early September 1999

Deadline for Proposals—October 15, 1999

Proposal Acceptances—end of December 1999
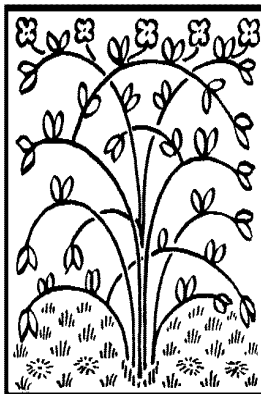
Conference Dates—July 19-22, 2000

ELECTIONS FOR BOARD OF DIRECTORS

Nominations—middle of January through middle of February, 2000

Election—middle of March through April 1, 2000

THE SECOND DRAFT

Deadline for submissions for Fall, 1999 issue—October 1, 1999

News

2000 LEGAL WRITING INSTITUTE CONFERENCE

The Legal Writing Institute will hold its next biennial conference at Seattle University School of Law in Seattle, Washington July 19-22, 2000. The theme for this conference is "Moving On: Preparing Students for Life After the First Year."

The Program Committee encourages all members to start thinking about program ideas now. The Official Call for Proposals will be mailed out to Institute members in early September, 1999. A proposal must include a detailed description of the content and teaching methodology for the presentation. A bibliography of relevant materials will be considered favorably in the proposal selection process and will be required for all presentations. An Institute member may submit several proposals, but each member will be limited to one presentation, except in extraordinary circumstances. If you have any questions, please contact either of the Chairs: Jane Gionfriddo (617-552-4358 or <gionfrid@bc.edu>) or Steve Johansen (503-768-6637 or <tvj@lclark.edu>).

ASSOCIATION OF LEGAL WRITING DIRECTORS CONFERENCE

The biennial ALWD Conference will be held this summer at New England School of Law in Boston, Massachusetts July 28-31, 1999. Registration brochures will be mailed out at the end of April. If you have any questions, please contact members of the Site Planning Committee: Davalene Cooper, Chair, (617-422-7338 or <dcooper@faculty.nesl.edu>); Jane Gionfriddo (617-552-4358 or <gionfrid@bc.edu>); or Kathleen Elliott Vinson (617-573-8210 or <kvinson@acad.suffolk.edu>).

CENTRAL REGIONAL CONFERENCE

The Central Region (roughly defined as Missouri, Arkansas, Iowa, Nebraska, Kansas, Oklahoma, Tennessee, Kentucky, Illinois and South Dakota) will hold a conference on: "Hands On: Teaching LR&W/Lawyering Skills in the First Year Curriculum," Friday evening, September 24 and Saturday, September 25, 1999 at University of Missouri-Kansas City School of Law. The conference is co-sponsored by Southern Illinois University School of Law and University of Missouri-Kansas City School of Law. For information, contact Penny Pether, SIU (618) 453-8648, or Dan Weddle, UMKC (816) 235-5484. Participants should be able to walk away from the conference with information and ideas they can use right away to improve their teaching.

Proposals for panels and presentations are due April 15, 1999. Send proposals to Terry Jean Seligmann, University of Arkansas School of Law, Waterman Hall, Fayetteville, AR 72701, (501) 575-6939, <tselig@comp.uark.edu>

Panels/Presentations on these or similar topics (30-45 minutes each):

Evaluating Students

Students Evaluating LRW Faculty/Programs

Orientation—Getting First Year Students Started

Training TAs and Adjuncts

Students Plan Research Strategy

Conferences with Students

Concise presentations (10-15 minutes) on "A Great Way to Teach: Do you have a lesson plan that really helps the light bulb to come on for your students on one of these topics or another similar topic?"

Citation

Rule synthesis

Writing process

Arguing policy

Killing counter arguments (dealing with adverse authority)

Research topics: Shepard's, statutes, administrative law, etc.

Parts of objective memos/persuasive briefs; questions presented, point headings, statement of facts, etc.

CAP LIFTED AT FLORIDA STATE

From Suzanne Rowe: Recently, the faculty at Florida State voted to lift the three-year cap on legal writing faculty! Five years ago, when the faculty last addressed this issue, the vote to keep the cap was very close, with strong opinions voiced on both sides. This year, the proposal to lift the cap passed easily and some of our old detractors actually spoke in favor of it.

As part of the new policy, we will be allowed to expand our offerings for upper

level writing and research classes and may be allowed to teach some doctrinal classes, on an as-needed basis. (While we are concerned with the increased workload, we are happy that the faculty now realizes we are capable of teaching "regular" classes.)

We credit some of the change-of-heart to publication by the legal writing faculty, including our recent book on Florida legal research. Publishing can produce very good results!

CAP LIFTED AT HAMLINE

From Alice Silkey: The faculty at Hamline University School of Law voted to abolish the cap on Legal Writing Instructor positions. Many thanks to all of you who helped us prepare our submissions to the faculty. We really appreciate all the help and support.

ACHIEVEMENTS

Jo Anne Durako of Rutgers-Camden has been named to the Plain English Committee of the Pennsylvania Bar Association.

In March, **Toni Fine** of New York University spoke on American Legal Education at a conference on Legal Education in Egypt at Mansour University (Egypt) on the occasion of the Silver Anniversay Jubilee of Monsour.

Jane Gionfriddo was awarded the 1999-2000 Boston College Distinguished Teaching Award.

Kathryn Stanchi was promoted from Assistant to Associate Professor of Law at Temple Law School.

PUBLICATIONS

Mary Garvey Algero (Loyola New Orleans), In Defense of Forum Shopping: A Realistic Look at Selecting a Venue, 78 Neb. L. Rev. ___ (forthcoming, Summer 1999).

Jo Anne Durako (Rutgers-Camden), Peer Editing, It's Worth the Effort, 7 Perspectives No. 2 ___ (forthcoming, Spring 1999).

Jan M. Levine (Temple), Leveling the Hill of Sisyphus: Becoming a Professor of Legal Writing, 26 Fla. St. Univ. L. Rev. ___ (forthcoming, 1999).

Kathryn Stanchi (Temple), Resistance is Futile: How Legal Writing Pedagogy Contributes to the Law's Marginalization of Outsider Voices, __ Dickinson L. Rev. __ (forthcoming, Spring 1999).

LEGAL EDUCATION WEB SITES

American Association of Law Schools (AALS): http://www.aals.org/

American Bar Association (ABA) Section on Legal Education and Admissions to the Bar: http://www.abanet.org/legaled/

Association of Legal Writing Directors (ALWD): http://www.kentlaw.edu/alwd/index.html

Legal Writing Institute (LWI): http://lsprod.mtcibs.com/faculty/lwi/index.html

Legal Writing Institute Directory: http://lsprod.mtcibs.com/faculty/lwi/directory/index.html

Society of American Law Teachers (SALT): http://www.scu.edu/law/salt/

LWI MEMBER WEB SITES

We've decided to feature a few individual LR&W web sites in each issue of The Second Draft. If you would like to have your LR&W web site included in future issues, please send in its address to Joan Blum at <blum@bc.edu>. Here are two to begin.

Coleen Barger: http://www.ualr.edu/~cmbarger/

Eric Easton: http://www.wcbcourses.com/wcb/schools/LEXIS/law06/eeaston/7/index.html

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2002 Legal Writing Institute Conference—Call for Host Site

The LWI Board is looking for a host school for the 2002 Summer Legal Writing Institute Conference. The Board has compiled a list of policies and procedures for the national conference, which includes the following: 1) host schools must have a site that can accommodate at least 350 people; 2) they must be willing to provide support staff and facilities at no or minimal cost to LWI; 3) the location must be accessible to people of varying physical abilities, must be near an airport, and must have a variety of housing (including low-cost housing) available; 4) the site must be conducive to community-building among LWI members; and 5) the location must be one that participants want to visit at the time of year in which the conference is held. On this last issue, the Board has decided that it would prefer a July date for the Seattle conference and a June date for the non-Seattle conference in order to accommodate those members for whom either June or July is not feasible.
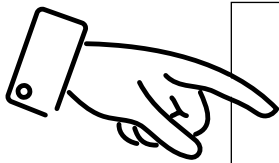
If you are interested in hosting, or if you even think you might possibly be interested in hosting, please get in touch with either Mary Beth Beazley (614-292-5919 or <beazley.1@osu.edu>) or Jane Kent Gionfriddo (617-552-4358 or <gionfrid@bc.edu>). Hosting the conference is a wonderful opportunity to put your school and your program on a national stage. Please consider taking that opportunity in 2002.

Please also feel free to contact the co-hosts of the 1998 Summer LWI Conference in Ann Arbor, Michigan: Diana Pratt (313-577-4824 or <dpratt@novell.law.wayne.edu>) or Grace Tonner (734-763-6256 or <gracet@umich.edu>).

To help us keep our mailing list current, please fill out this coupon if your address is inaccurate in any way or if you want to be added to the mailing list for The Second Draft. Send the completed coupon to Prof. Joan Blum, Boston College Law School, 885 Centre Street, Newton, MA 02459-1163.

Name:_____

School:_____

Street address:_____

City/State: _____ Zip _____