LEGAL WRITING INSTITUTE

THE SECOND DRAFT

Bulletin of the Legal Writing Institute

Volume 18, No. 1 December 2003

Who Are Our Students? An Overview

by M.H. Sam Jacobson, Willamette University College of Law

We have seen [our students] *and they are* [not] *us.*

Pogo

Some time (a lot, actually) has passed since I started teaching law school, even more (a lot more) since I was in law school, and of this I am certain: today's law students are no different from before (i.e., in the olden days), and today's law students are completely different from before. The students today are no different from the students of yesterday in what it took to get admitted, what it takes for them to stay, and what makes the line of least resistance so attractive. However, the students today are different from the students of yesterday in many of the same ways.

Getting admitted to law school. To have the credentials to be admitted into law school, the students of today, like those of the past, had to be well-rewarded for their prior work, but perhaps today's students were too well-rewarded for the quality and difficulty of the work done. Many of us have been awed by the number of students we teach who have never done any writing, who have never learned the grammar and style rules that produce competent writing, who have never experienced the thrill of exploring an idea or project independently and deeply, and who have never had a sufficiently close relationship with a professor or teacher to have anyone notice that they had difficulty reading, memorizing, or paying attention, but yet claim grades that were "all As." (Most college registrars must have difficulty calculating student GPAs because all of my students claim that they received "all As," even though the median undergraduate GPA for our law students is approximately 3.25.)

Grades. While we sense that our students may have had a less rigorous education than in the olden days, some recent studies support that conclusion:

• In 1966, 15% of first-year college students had "A" averages in

CONTINUED ON PAGE 4

In This Issue

Teaching "Atypical" Students

by Mary Dunnewold, Hamline University School of Law

I have many students whom I think of as typical law students: a few years out of college, still used to living within the limited resources student life provides, but basically young and healthy and able to devote all the time to the legal education that law school demands. As a teacher, however, I find it a challenge to work with students in radically different or difficult life circumstances, often circumstances that would have discouraged me from attending or continuing law school. I admire the courage and tenacity of these students, but I sometimes wonder why they are in law school and how they can possibly devote the attention required to master the material while they are here.

For instance, in one year, I had a student with two children whose wife had cancer, a student whose fourth child was due during December exams (she also commuted two hours a day and had an alcoholic mother-in-law living in her basement), a student who was diagnosed with multiple sclerosis two months after starting law school, and a student with a very responsible full-time job that often required travel to Europe or Asia. I'm not even bothering to enumerate the students who are single parents and have arranged for their children to live with relatives during the week, then spend

CONTINUED ON PAGE 5

From the Editors

Now that we have asked "what are we teaching" and "who(m) are we teaching," the next question that occurred to us was "what keeps us going?"

Not too many years ago, those who sought a career in teaching legal writing would often have to move from school to school as they ran up against teaching caps after two or three years. Fortunately, for most of us, the days of capped programs are gone. However, as job security has improved, many of us are now looking for ways to challenge ourselves and bring new ideas into the classroom. The next volume of *The Second Draft* will explore some of the numerous and varied ways legal writing teachers are expanding their teaching horizons, whether through sabbaticals, visitorships, or other professional experiences.

Many of us remember the argument that "legal writing teachers would burn out without caps because it's such an intense teaching experience." We knew the argument was flawed—not because teaching legal writing is easy, but because avoiding "burnout" can be addressed in so many different ways. Now that caps have been eliminated at all but a handful of schools (and we have not forgotten you!), are other opportunities keeping pace with programmatic changes?

In recent years, a number of LWI members have spent a semester or year working with colleagues at other schools. Others have taught Legal Writing around the globe, including Ireland, Hong Kong, and South Africa. Recently, LWI members provided a week long training session for lawyers in Uganda. The ALWD/LWI annual survey also reveals that more writing instructors are teaching courses beyond the first-year curriculum. These and similar opportunities will become more common as our discipline continues to grow.

We invite submissions that examine "what keeps us going." Is it the opportunity to visit another school, teach overseas, or simply take a sabbatical? Is it the development of a new course, the pursuit of a directorial position, or some other pursuit? If any of these opportunities have been part of your professional development, please consider sharing your story. If you've only been able to dream of these opportunities, let us know what LWI should be doing to make that dream a reality.

The deadline for submissions is March 15, 2004.

Barbara Busharis (Florida State)
Joan Malmud (Oregon)
Sandy Patrick (Lewis & Clark)

The Legal Writing Institute

The Legal Writing Institute is a non-profit corporation founded in 1984. The purpose of the Institute is to promote the exchange of information and ideas about legal writing and to provide a forum for research and scholarship about legal writing and legal analysis.

President
Steven Johansen (Lewis & Clark)
President-Elect
Terry Jean Seligmann (Arkansas-Fayetteville)
Secretary
E. Joan Blum (Boston College)
Treasurer
Davalene Cooper (New England)

Board Members:
Coleen Barger (Arkansas-Little Rock)
Mary Beth Beazley (Ohio State)
Anne Enquist (Seattle)
Elizabeth Fajans (Brooklyn)
Jane Kent Gionfriddo (Boston College)
Maureen Straub Kordesh (John Marshall)
James Levy (Colorado)
Sue Liemer (Southern Illinois)
Kathryn Mercer (Case Western Reserve)
Judy Rosenbaum (Northwestern)

The Second Draft *is published twice yearly and is a forum for sharing ideas and news among members of the Institute. For information about contributing to* The Second Draft, *contact one of the editors:*
Barbara Busharis (Florida State), bbushari@law.fsu.edu
Sandy Patrick (Lewis & Clark), patrick@lclark.edu
Joan Malmud (Oregon), jmalmud@law.uoregon.edu

2004 LWI Idea Bank Online

Instructions for contributing to the 2004 LWI Idea Bank, which will be electronic, are now available at *www.lwionline.org/activities/conferences.asp*.

With the exception of one-page cover sheets, all Idea Bank materials will be electronic. Documents will be password-protected, with limited access. Documents can be submitted now by following the instructions on the website.

The Idea Bank includes two new color-coded categories this year: Legal Drafting course documents (orange), and upper-level litigation-based writing course documents (purple). Other categories and color codes remain the same as those used in 2002.

Deadline for submitting material for the next issue of The Second Draft*: March 15, 2004. Guidellines for submissions are posted on the LWI website,* www.lwionline.org*, or can be obtained by e-mailing the editors.*

The President's Column

As the end of the fall semester rapidly approaches, I am again faced with an annual dilemma that causes me excessive consternation: selecting my wall calendar for next year. The magnitude of this decision was brought home to me a few years ago when I thoughtlessly hung a calendar from my insurance agent and spent all year staring at actuarial tables and quotes about Good Hands. My 2003 calendar, with glossy pictures of baseball stadiums, was fine until October 1. But October featured Yankee Stadium, and no self-respecting Red Sox fan could look at that for thirty-one days, especially this year. This has meant two months of looking at Detroit's Comerica Park. I refused to turn the calendar past September until November 1, and spent a whole month trying to read the little calendar in the corner to figure out what day it was.

Of course now that the mall has a store entirely devoted to calendars, the decision is even more mind-wrenching—Irish Pubs? Weiner dogs in tutus? Famous quotes by law school deans? The number of choices is overwhelming. I may have to rely on the kindness of friends and hope something suitable shows up during the holidays.

However you resolve your own calendar issues, there are a number of upcoming events that you should be sure to note on your 2004 edition:

The Institute will present its fourth Golden Pen Award on the evening of January 3 at the AALS Annual Meeting. The Golden Pen Award recognizes persons who have significantly advanced the cause of better legal writing. Past recipients include former SEC Chairman Arthur Levitt, Dean Donald LeDuc of Thomas Cooley School of Law, and Linda Greenhouse, Supreme Court correspondent for the *New York Times*. This year's honoree is Judge Robert E. Keeton. In 1991, as chair of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Judge Keeton had the wisdom to create the Committee's first Style Subcommittee. He recognized that clarity promotes accuracy and that sharpening the drafting style in the federal rules would sharpen their content. His decision has led directly to the greatly improved Rules of Appellate and Criminal Procedure and the current restyling of Rules of Civil Procedure. The Golden Pen Reception will begin at 6:30 in the Champagne Room of the Marriott Atlanta Marquis Hotel.

In mid-January, President-elect Terry Seligmann will send out a call for nominations for the Board of Directors. Later in the spring, we will elect seven directors. If you are interested in getting more involved in the national (and international) Legal Writing scene, serving on the board is a terrific way to do so. All board members serve on committees, participate in the governance, and help shape the future projects of the Institute. All Institute members are eligible to run for the board except those who are completing their third consecutive term on the board.

Steve Johansen, Lewis & Clark Law School

Next summer, the Legal Writing Institute will celebrate its twentieth year at our biennial National Conference in Seattle. Make plans now to return to the Institute's former home to renew old friendships, kindle some new ones, and actively participate in three days of programs designed to appeal to everyone from brand new teachers to the most seasoned veterans. Program Committee Co-Chairs Susan Kosse and Terry Seligmann began planning this Conference while we were still in Knoxville two years ago and have done a great job soliciting and selecting excellent program proposals. If you've never been to a LWI Conference, this is your chance to see what the buzz is all about! For details about the Conference, look for the brochure to be arriving in your mail box in late January or early February. The conference runs from July 21 to July 24 on the campus of Seattle University.

Speaking of conferences, I am pleased to announce that the Board of Directors has unanimously approved Atlanta as the site for our 2006 Conference. Our new host school, Mercer, will join with Georgia State, Emory, and the University of Georgia as co-hosts of the Institute's Twelfth Biennial Conference. Special thanks go to Linda Edwards for leading the effort to put together a terrific proposal. The collaborative effort of the four Georgia law schools is a great example of the Institute's supportive and cooperative spirit.

This volume of *The Second Draft* should provide much food for thought as you wrap up your fall semester. Enjoy the upcoming break and I hope to see you at the Golden Pen reception on January 3. In the meantime, I'll be at the calendar store looking for a suitable future.

◆ ◆ ◆

LWI Listserv Online Archives

If you haven't used it recently, you may not know how easy it is to view or search the LWI listserv archives! Visit *www.lwionline.org/resources/listserv.asp* and follow the link in the paragraph headed LWIONLINE (formerly LEGWRI). You can search for posts by topic, date, or author of post, or you can skim a list of posts by month (or other criteria).

Our Students

Continued from page 1

high school, but in 2001, 44% did, even though SAT scores over the same period have declined, according to a UCLA survey of first-year undergraduate students.

• Undergraduate GPAs have risen about ½ grade since 1970 according to two independent studies, one conducted through the National Center for Policy Analysis at Duke University and the other through Rand.

• In 1969, 7% of students attending four-year institutions had GPAs of A- and above, but in 1993, 26% did, in a well-regarded study conducted by Arthur Levine, President of New York's Teachers College.

Is it any wonder, then, that law students experience significant anxiety over the law school grading process, and that the burden falls on LRW professors to counsel students whose grade expectations are unrealistic for the quality of the work done?

Study habits. In addition, students may be ill-prepared for law school because their undergraduate education has not demanded that they develop the strong study skills required for law school.

• According to the 2002 National Survey of Student Engagement, a survey of over 200,000 undergraduates at four-year institutions, 41% of the students self-reported that they spent ten or fewer hours per week studying. While 14% of the students self-reported that they spent more than 25 hours per week studying, those students were largely those studying engineering, physical science, and biology.

• Only 29% of the undergraduates in the NSSE study self-reported that they had engaged in any self-designed/independent study.

• In surveys by the Center for Academic Integrity associated with Rutgers University, over 75% of undergraduates self-reported that they had cheated. About one-third admitted to serious test cheating, about one-half admitted to serious cheating on written assignments, and over 40% admitted to cut-and-paste plagiarism from different sources on the internet. Most students who engaged in cheating did not think it was a serious issue.

Is it any wonder, then, that LRW professors expend significant effort to re-orient these students' thinking about the amount of time they need to study and about plagiarism? Is it any wonder that LRW professors find themselves providing remedial guidance for students who do not know how to self-regulate their studies?

Staying in law school. While in law school, the students of today, like those of the past, work hard to learn what they need to know for their exams, but their manner of working is different, as is their relationship with work.

[D]ifferences are the result of a more diverse law student population and significant changes in learning stimulation prior to law school.

Manner of working. Students' manner of working is different because their way of learning is different. These differences are the result of a more diverse law student population and significant changes in learning stimulation prior to law school.[1]

• According to data on the ABA website, the first-year class in 1971-72 was 91% male and 94% white. However, in 2002-03, the first-year class was almost 49% female and over 20% non-white. Numerous studies on learning styles indicate that a majority of white females, African-Americans, Native Americans, and Hispanic-Americans process information, solve problems, and think in diverse ways from those used by a majority of white males and Asian-Americans. Nearly every law classroom is affected by this diversity in thinking and culture, making some traditional methods of law teaching less effective.

• In addition to cultural, ethnic, and gender diversity, law schools have matriculated a significant number of students who are disabled, especially those who have learning disabilities like dyslexia and attention-deficit disorders. These students also learn in different ways, in part as an accommodation for their disability.

• Finally, law students' manner of working is different because their educational training has been different. Beginning with elementary school, today's classrooms do not have rows of desks with each student working independently on the subject matter assigned to that time-slot. Instead, the students sit around tables, work on projects in groups, and simultaneously work on different projects involving different subject matters.

Is it any wonder then that LRW professors struggle to adapt law school curricula and legal analysis to capture the imagination of so many different learners? Is it any wonder that LRW professors find themselves aiding an increasingly large portion of their students who must unlearn past patterns of multi-tasking to discover the deep learning that comes from single-minded concentration?

Relationship to work. In addition, today's students have a different relationship with their work. For many of them, quality of life matters and their world extends beyond law school and becoming a lawyer.

• Over 63% of seniors at four-year institutions have done community service work or volunteer work during college, according to the 2002 National Survey of Student Engagement.

• Many students come from homes where the lessons of prioritization may have taught them well the importance of family and friends over work, e.g., because both

Atypical Students

Continued from page 1

the whole weekend catching up on their parenting, or who are making mid-life career changes and are attending law school while continuing to be the soccer coach, music lesson chauffeur, classroom volunteer, cook, nurse, and housekeeper to a family, or who struggle with clinical depression, paralyzing anxiety, substance abuse problems, or other conditions hidden from public view. Every year, it seems like I have more students with difficult circumstances that potentially affect their performance in law school.

Of course, the decision to attend law school despite difficult circumstances is a very individual decision, and most students in such circumstances eventually make their way through school, graduate, and pass the bar. I don't think it is the writing professor's job to take special care of these students, to evaluate them

Most students working in challenging circumstances are making hard choices from a selection of hard choices.

differently, or to teach them in a different way (although I do think that spending extra time with them, if they seek it, is the right thing to do). But because we are often the professors who get to know these students fairly well and early in the year, and who see them struggling week to week, I think we have a professional obligation as teachers and mentors to work with them in a particularly thoughtful way.

Some of these students *can* do it all and need no extra coaching. But for those who don't do so well, or not as well as they could under different circumstances, I think we need to do three things. First, we need to help them understand their ultimate professional obligations to be competent and thorough. This applies to their research, their writing, and their preparation for court. Within this context, we need to clearly identify the areas that need improvement before the student will be "competent." We can also suggest resources available to them, either at our law school or in the practice community, that could provide opportunities to practice and improve their skills. We can let them know that while they may be unable to devote the attention required to developing these skills now, it is never too late.

Second, sometimes "tough teaching" (the corollary to "tough love") is called for. If a student is performing so badly that we have real concern about his ability to pass the bar, get a job, or do the job if he lands one, we need to help him be realistic about that. This may mean talking to the student about practical limitations on what he can get out of law school given his current circumstances and how that affects the reality of passing the bar and becoming employed. If we ourselves cannot have that conversation with the student, we may have an obligation to take our concerns to the appropriate dean, whose job is to have that conversation.

Finally, we need to be non-judgmental when dealing with students in difficult circumstances. Most students working in challenging circumstances are making hard choices from a selection of hard choices. They do not learn the material better just because we are offended that they chose some competing worthy activity over doing an adequate job on their legal writing assignment. Rather, students are more likely to be helped by realistic evaluation combined with compassionate understanding and respect for what they are trying to accomplish. ◆

[B]ecause we are often the professors who get to know these students fairly well and early in the year, and who see them struggling week to week...we have a professional obligation as teachers and mentors to work with them in a particularly thoughtful way.

Our Students

parents seemed overly committed to their work or because of divorce.

Is it any wonder, then, that LRW professors find themselves admiring the compassion and empathy their students can show to others, while being perplexed at individual choices? The students who donate record amounts of food for needy families, or volunteer to counsel abused or neglected children in the court system, may be the same students who schedule family visits the weekend before a writing assignment is due or decline law review membership.

So, who are our students? They are a complex product of their family, social, and institutional milieus. They are what makes teaching a joy and a frustration. They are what inspires all of us who teach LRW to learn new and different ways to teach them. They are what keeps us coming back for more. ◆

[1] For a more complete discussion of different learning styles in law school, see M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 Seattle U. L. Rev. 139 (2001).

Students' Writing Backgrounds: A Survey

by Susan C. Wawrose, University of Dayton School of Law

We now know that many experienced lawyers think newly-minted attorneys "do not write well."[1] Law professors complain that students do not write well when they enter law school. Undergraduate professors say their students do not write well when they enter college. I suspect the complaint continues on down the ladder of K-12 education.

Are students learning to write in college, high school, and elementary school? To shed light on the question, I surveyed students in my legal writing class about their writing experience. I wanted to know what kind of writers I was teaching. Had they been taught fundamental writing skills? How much writing had they done? To what extent was writing a component of their classes? What kind of and how much feedback had they received? The survey form I created was three pages long, with room for responses, and took about 15 minutes to complete. Here is what the survey taught me.

Most students learned the fundamentals early.

The majority of the students reported some early instruction in grammar and writing fundamentals. Out of 47 students, 33 reported being taught "writing fundamentals and/or grammar" in elementary, middle, or high school. Only a handful of students (5) said they had never been taught grammar. Another, larger group (9) claimed they had been taught the basics, but no longer remembered specific rules. The quality, depth, and length of instruction certainly varied from student to student, but most of the students have at least a basic foundation to build on. At some point, they learned about the tools of a writer's trade.

But they have had little recent review of fundamentals.

For many students, however, those tools have had irregular maintenance. Writers learn and improve through close reading and criticism of their writing. Most of my students received criticism of this sort only sporadically in high school and college. For many, their first year in college was the last time a professor commented on their sentence structure.

No one expects undergraduate professors—apart from writing teachers—to line edit every paper a student submits. But 31 of my students reported that their college professors gave them little or no feedback on their writing, commenting instead only on the content of their assignments. For some, the experience of a "close read" was linked to only one professor or class over the duration of their four years in college.

Many of these students are not "bad" writers, but instead, are "rusty" writers...few have written regularly for a critical and responsive reader.

Moreover, the job of providing regular critique was not necessarily met in undergraduate writing courses. Although 25 students said they took at least one writing class in college, nine students took only one class. Most commonly this was first-year composition or an equivalent. Fourteen students took none at all. The attention of one good writing teacher can do much to improve a student's skills. But without reinforcement, even well-learned skills begin to decline.

For many, writing assignments were sporadic. If "practice makes perfect," then the depth and breadth of students' writing experience matters. Yet, only half of my students reported that they came to law school with four years of college-level writing behind them. Another 15 reported that they had completed writing assignments during three of their four college years. These numbers, however, do not indicate the amount of writing done each year. Several students mentioned that in a given year they wrote only in one course or produced only one paper.

Taken together, these responses suggest that many of these students are not "bad" writers, but instead, are "rusty" writers. They have been through the "writing process." They have brainstormed, outlined, revised, and edited. Thirty-seven students stated that they had handed in multiple drafts in either high school or college. Thirty-one reported having a tough editor at least once since ninth grade. But few have written regularly for a critical and responsive reader. Those who had done so, with one exception, acknowledged that the experience improved their writing.

In this area, law schools can improve on undergraduate education. If legal writing is treated as the equivalent of freshman "comp," many students will graduate from law school as they did from college. They will have a fundamental understanding of what constitutes good legal writing, but lack the skills, born of repeated practice with meaningful critique, to produce it. Legal education must provide students with opportunities to write regularly for a critical reader after the first year. Only then will more new lawyers step into the profession capable of convincing their more experienced colleagues that they can, indeed, "write well." ◆

[1] Susan Hanley Kosse and David T. ButleRitchie, *How Judges, Practitioners, and Legal Writing Teachers Assess the Writing Skills of New Law Graduates: A Comparative Study*, 53 J. Leg. Educ. 80, 86 (2003).

Whom are We Teaching? Independent Students Who Defy Categorization

by Nancy Soonpaa, Texas Tech University School of Law

As I began planning this article, I realized that my personal speculations would add little to the discussion of who our students are. Hence, I went to the source: I asked my students to tell me who they are. Their comments are interspersed and indicated by italics.

Whom are we teaching? We are teaching students who...

1. Want freedom within structure.

I am firmly in Gen Y. As a representative of the entire group, I'd say we're independent thinkers, but we need structure—tell us specifically what it is that needs to be done, show us how you want it done, then leave us alone to do it.

I think the students of today desire more structured outlines and printed material.

I like to have definite instructions and clear objectives for assignments.

Needs to become familiarized with legal terminology, procedure, and possible research methods. Just an overview though, because we like learning on our own some.

I accomplish this freedom within structure in a number of ways. For instance, I develop early research exercises that ask questions about process and that contain cues within the questions so that students are reassured that they're on the right track. Rather than simply instructing students to find a statute, I ask them to start with the index, tell me their search terms, list what they find, then turn to the statute. In asking a series of questions about a secondary source, I might ask them to cite an ALR annotation from footnote 10 (if there isn't one in "their" footnote 10, they know that they're in the wrong section and to backtrack and try anew).

For each research exercise, their teaching fellow conducts a library tour of the location of the sources in that exercise, giving handy user tips on the spot. He doesn't give the answers, but he models locating sources and how to find information within them so that they can come back and do it on their own. Finally, in their first full office memo, I use a "semi-closed" approach: I require them to use a list of core cases, but I also ask that they use 2-3 more of their own choosing. Freedom, but with a net.

2. Have thought analytically about how they learn best.

I am an active learner.

Plenty of opportunities exist for students to take what they hear in lecture, and transfer it to another medium that they prefer—i.e. visual, discussion, etc. This should not be the prof's responsibility.

I believe any "reasonable" person would rather do group projects, work from visuals, and have a change of pace.

Individually I think I learn better in smaller discussion groups where there is more dialogue and discussion.

The responses that I received here surprised me most—not that students identified a variety of preferred learning styles, but that so many were aware of theirs and could speak in detail about them. Their responses led me to believe that my students are much more knowledgeable about how they're being taught and how they learn best than students used to be, perhaps because they have been exposed to a greater range of teaching styles and had more training in assessing their own learning styles as high school and college students. It also reassures me that even those students who don't like how I teach in a given class most likely recognize on some level what I'm doing and why I'm doing it.

3. Are self-aware.

I feel that I am a slacker.

I have definitely started to become impatient in recent years. Everything needs to be fast . . .

I need sleep . . .

I like to be left alone.

As I read these comments, which were submitted anonymously, I realized that, seven weeks into the semester, I had a good idea as to the authorship of many of them. That the students know who they are is good; that I am learning about each of them is also good—awareness of who they are helps me to understand them and teach them more effectively.

I start learning about them early on by asking them to fill out an information sheet during the first week; many of my colleagues do the same. Each colleague asks different questions, but many of them seek to determine the level of self-awareness and also self-identity of each student. For instance, one colleague asks about her students' favorite books and/or literary characters and why that book or character is a favorite; another asks what his students would be doing if they weren't in law school and where they see themselves in five years. I ask each student for three words that describe him/herself. (Luckily, the responses are usually more illuminating than unnerving.)

4. Defy categorization and group identification.

I am a student who does not like to be categorized.

Nonconformists—we hate seating charts & doing the exact same thing as everyone else.

This law school class is really representative of a transition of who students are becoming. This class is a mixture of Generation X and Generation Y.

A person interested in learning without worrying about what others are doing.

I have never been very comfortable with making group generalizations, whether it's Baby Boomers or Gen X/Y, and not doing so seems particularly important with a group so seemingly resistant to being generalized about. (Wait—did I just make a generalization? Doesn't this entire

CONTINUED ON PAGE 8

Defying Characterization

Continued from previous page

article do so? Hmmmm . . .) While I generalize about performance—"You all did a great job on the first draft of the memo"—I try NOT to overtly assume that one student's learning or confusion is like another's. In the past, I have sometimes tried to help a student to identify what she is struggling with on an assignment by comparing her writing with the writing of students in the past, but I will now try to be more aware of doing so with less explicit reference to others. I also, early this semester, told my students that they seemed much more concerned with grades and their performance in comparison to others' than my previous two classes at Tech had been. Their reaction was stronger and more negative than I expected, and I think now it may have been in part their reaction to being grouped and compared as much as disagreement with the conclusion that I drew.

5. Appreciate praise for a job well done—and constructive criticism to help them to improve.

It's nice to be made aware of my specific strengths (if any!!).

I don't need to be coddled and would like to have negative criticism where it is warranted, though not to the extent where it is rude.

These students' comments reminded me of what I should always keep in mind as I comment on their work—to temper criticism with encouragement, and to explain myself so that they can learn from my comments. Discussions on the legal writing listserv have occasionally joked about the difficulty in making positive comments on early drafts of early assignments, but I have never believed it to be coddling to offer balance in my comments, and I have never seen a draft so bad that I couldn't make at least one positive comment. I also benefit from the reminder not to be rude—who of us has not jotted a comment and lived to regret it? I now grade in pencil, and when that first nasty comment flies from head through my hand onto the paper, I stop, take a break, and try to visualize a student's face upon reading it. Then I go back, erase it, and move on.

I also finally realized that a novice writer is no more able to tell why a sentence or paragraph is "good" than why it isn't. I had bought into the idea that "awk" or "poor" in the margin was not helpful without explanation of what made the offending passage awkward or bad, but so too "nice" or "good" doesn't tell a novice writer what he did to warrant it. Assuming that I only had to explain negative comments was simply short-sightedness and perhaps self-aggrandizement on my part, as if my approval should be sufficient in itself.

6. Are analytical and pragmatic about their legal education and themselves as law students.

[I]n law school the teachers seem to allow students to figure [things] out for themselves. While it is a change that takes some getting used to, I believe that it helps in the long run.

The important thing is that we have adequate notice of what is expected of us and that we are supplied with the academic toolbox to meet those demands.

I think as a whole, all students (1Ls) have basically the same needs. Needs of guidance, perseverance, dedication.

We care about our reputations and want others to respect us, not still treat us like college kids.

The students' complete responses to this mini-survey demonstrated a thoughtful and serious approach to their legal education. They also showed an underlying trust in the process and a desire to understand it and be understood in it. Even the few critical comments were presented in a constructive tone.

Tech prides itself on being student-centered, and I think that many of the first-year professors go out of their way to help students to understand why they are taught in a certain way. My students told me early on that they needed "big picture" information, so with each new learning arc, we look at where we have been, where we are going, and how the current assignment fits in. We also discuss "why" and "how" a lot—why a new skill is important, how it fits into their representation of a client, and how it might relate to other skills they already have.

7. Demonstrate wonderful senses of humor.

As law students in 2003 we supposedly are smarter than the average—due to the higher admission standards. If this is true in actuality remains to be seen.

Not boring is good. Saying what you mean and saying it clearly is good. Bringing snacks is very good.

I'm a good girl, crazy 'bout Elvis,
I love Jesus, and my boyfriend too.
You see, I'm Free . . . Free Fallin'
Yeah I'm Free . . . Free Fallin!

The class that laughs together, learns together. Whether we watch a corny Shepardizing tape together or I submit to their laughing correction of my North Dakota-influenced pronunciation of words such as "agriculture" and "flag," we use humor to connect with each other and to learn, together.

Ask your students who they are. What I learned about my students made me even prouder to be part of their legal education. ◆

Ask your students who they are. What I learned about my students made me even prouder to be part of their legal education.

Workin' Weekends

by Ken Swift, Hamline University School of Law

A couple of years ago I embarked on a unique adventure: teaching legal writing in a weekend law school setting. In the fall of 2001 Hamline School of Law admitted its first weekend class into the nation's second weekend law school.[1]

At the time, I had taught legal writing full-time for four years. Hamline's traditional day program is centered upon a "feed-forward approach" in which rewrites are forgone in favor of tutorials. Each student has two individual tutorials lasting from 30-60 minutes before each of the three major assignments (two office memos in the fall; an appellate brief in the spring). The philosophy behind the structure is to guide students correctly through the writing process the first time rather than wait to correct errors on a "final" draft.[2]

As I planned for my first week in class, it quickly became clear that the feed-forward tutorial process was not going to be possible. The weekend schedule had four time slots: 8:30-11:15 and 1:15-4:00 on Saturday and Sunday. All students took classes in at least three of the slots, leaving very little open time. The average age of the students was 37, a full 10 years more than the day program (sort of the anti-Generation X). The large majority of the students had families and significant full-time careers. Also, about a quarter of the students commuted from 75 to 200 or more miles away—one even flew in from Oregon each weekend! These were not people who were going to be able to drop by my office for a Tuesday afternoon meeting.

Since I believe in the feed-forward approach to legal writing, I wanted to simulate the tutorial process as much as possible. In particular, I wanted to make sure that the students received regular feedback as they proceeded through the critical first office memorandum. To accomplish this, the office memorandum was broken down into several parts: the question presented, the rule of law, case illustrations, and arguments. Beginning with week two, we would discuss a particular section of the paper on Sunday and the students would submit a draft of that section via e-mail by Wednesday evening. I would then feverishly comment on the drafts on Thursday and Friday (with encouragement, some students submitted drafts earlier in the week) and return them to the students by Saturday, so that they could review my comments before the Sunday class.

Any limitations inherent in the shortened critique period were alleviated through technology and additional class time. Because I had all of the drafts electronically, I could easily pick out several examples of various common errors and display them using PowerPoint on the classroom projection system. Sometimes I gave students samples for additional editing practice. After week two, we generally spent the first third of the class reviewing and editing the previous week's assignment, the middle third working on writing exercises and discussing structure, and the final third discussing the section of the memo that would be due the following Wednesday.

While obtaining feedback from the instructor is an important part of the tutorial process, the opportunity to discuss the issues and writing is also an important component of tutorials. To foster this sort of discussion, I utilized a cooperative learning component in the class.[3] At the beginning of the semester, I assigned each student to a group of three to four students. The students generally met twice per class. The students would send a copy of their drafts to each member of the group and were required to read and comment upon each others' drafts. They met to discuss the drafts near the beginning of class, and the last portion of the class was often spent in the groups discussing the upcoming assignment. For each section that the students were going to critique, they would have a detailed list of perhaps four to six components to guide their comments.[4] The group meetings had the added (and much needed) benefit of adding variety to the long class sessions.

Later assignments also had feedback components, but with less frequency. As the year went on, of course, students were required to take much greater control over the finished product. I was very pleased with student achievement; the memos and briefs I received were of equal quality to those of my full-time day students.

The only component of the class that was altered in the second year was that I removed the cooperative learning component. Student evaluations indicated that they felt the review of rough draft sections was not useful because most students simply did not have enough time to carefully review the other drafts. Thus, while I still utilized small group work extensively in the second year, I did not utilize permanent groups, nor did students review rough drafts. In-class self-editing and peer review editing was inserted in its place.

Working with the weekend students has been the most rewarding teaching experience of my career. The students are fully engaged and classes are always lively and full of both questions and volunteers. Somewhat to my surprise, the students are just as grade-focused as traditional students, but they do not have the "consumer" mentality that I find with students who are recent graduates. The weekend students tend to look inward when they do not achieve the hoped-for result; this makes correcting their mistakes much easier and much more enjoyable. ◆

[1] *See* Edwin Butterfoss, *Part-Time Legal Education: It's Not Your Father's Oldsmobile*, 35 U. Toledo L. Rev. ___ (Fall 2003).

[2] For more information on Hamline's tutorials, see Mary Dunnewold, *"Feed Forward" Tutorials, Not "Feedback" Review*, 6 Perspectives: Teaching Legal Research and Writing 105 (Spring 1998).

[3] *See* Clifford Z. Zimmerman, *Thinking Beyond My Own Interpretation: Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum*, 31 Ariz. St. L.J. 957 (Fall 1999).

[4] The June 2001 Edition of *The Second Draft*, titled "Cooperation and Collaboration," hit this author's desk at precisely the right time and provided invaluable insights and tips, for which this author would like to thank the contributors.

Notice Students' Similarities, Not Differences

by Sophie M. Sparrow, Franklin Pierce Law Center

Today's students are much more savvy about electronic media—among other things—than former generations. When bored, they check out with rapid keystrokes; my classmates and I surreptitiously completed crossword puzzles by hand. Nevertheless, today's law students are fundamentally similar to previous generations. As we did, today's students want to know what their professors want from them. They will work hard when we set high expectations, and when they believe that we are working with them to reach those goals. They all need a lot of practice. They want a job when they graduate. They eat food.

These shared traits are where I concentrate my energies. In addition to using lots of food analogies, I am extremely explicit about what I expect, and I provide as many opportunities as possible for students to practice analyzing and writing.

Giving students explicit written expectations makes classes more effective—for them and for me. I typically explain that the class will run like a professional legal organization; they should behave like novice attorneys. The problem is that many students have no idea how attorneys are expected to behave. Since my job is to prepare them for the profession, and it is unfair for me to penalize them for what I have not taught, I give them written descriptions of professional behavior.

Students read that they must be prepared and attend all classes on time. They must not interrupt others, fail to raise their hands, dominate class meetings, instant message, have side conversations during class discussion, make disparaging comments about other students, or allow their cell phones to trill. Failing to meet these and other expectations will result in their earning a lower grade in the course.

Just as students' lack of professional behavior led me to be more explicit, so many students' lack of analytical and writing skills has led me to increase the "homework assignments" where they can practice these skills. For example, most students struggle to synthesize authorities to make a rule. This is not new; students have been floundering with this for decades. But students' synthesizing deficits do not warrant our holding them to a lower standard. Instead, it means that students need to see a professor model the synthesizing process, read and critique examples, and regularly rehearse that skill.

To create an environment where students can learn these skills, we require students to prepare writing assignments for almost every class. These include sections of a memo or brief, case matrices, case analyses, outlines, reverse outlines, oral argument questions, self-edits, peer-edits and cognitive self-assessments. Students usually mark up their copies in class as we collectively review the assignment; afterwards we read and provide minimal comments. Students' performance on these assignments is included in their "professionalism" score for the course.

Some colleagues decry this approach, saying that students should already have learned the fundamentals of both professionalism and analysis. Maybe, but my classmates and I did not all master those skills nearly 20 years ago, and students today are no different. I wish we had been given clearer and more rigorous expectations, and more chances to practice. If we had, we would have been better equipped to start practicing law. I intend for our students to be ready when it is their turn. ◆

Scared Silly: How to Push Past Students' Fear and Grade Pressure to Real Learning

by Kari Aamot, Chicago-Kent College of Law

"Is this right . . . would it be right to . . . am I doing it right here . . . I just want to do it right . . . but would that be right . . . is that o.k. to do?"

Sound familiar? If you've been teaching legal written analysis for more than five minutes, you've battled this refrain, which is, of course, a by-product of student anxiety. Scratch the surface of students' obsessive search for quick, easy answers to the confounding questions of legal analysis and you find fear: fear they will do the assignment "wrong," get a poor grade, get more poor grades, never get a job, and wind up in debt and in disgrace. My students are many things—bright, focused, eager, motivated. But they are also anxious and afraid, very afraid.

As my four-year-old sings in "Going on a Bear Hunt": can't go over it, can't go under it—oh no! gotta go through it! Law students are not going to calm down any time soon. Why is it so hard to imagine law school without its drumbeat of fear? Before and since *The Paper Chase* dramatized law school's core themes of intimidation and failure ("Mr. Hart, take this dime. Call your mother . . . ."), we've had a reputation for harshness, a reputation we often relish. Law schools have been slower than other institutions to explore the wide range of promising teaching techniques developed by education theorists in recent years. Instead we continue to over-rely on the Socratic learning method, too often intimidating

our students instead of collaborating with them. When scare tactics predominate in the classroom, only the toughest will thrive; the rest will be—as many students consistently tell us they are—uncomfortable, alienated, and anxious.

But while we ponder why law students are so afraid and whether they need to be, anxious students present legal writing professionals with a practical challenge. Fear and grade competition turn curious, nimble thinkers tentative and tunnel-visioned. Anxious students seek to lessen their anxiety by reducing legal writing and analysis to a checklist of "right" and "wrong" techniques, which they believe they need to churn out "A" papers. How then to teach something as messily complex as writing and analysis in the midst of this clamor for easy answers? What I do is simple: because the "right"/"wrong" questions reflect fear and competition rather than learning, I refuse to play the right/wrong game with students. Instead, redirect "right/wrong" questions back to the learning process.

You have to begin this refusal and redirection early and keep it up. If you do, the pay-off is great. From the first class meeting, I describe legal writing as a series of decision points. Each decision point has a few excellent, many good, and many ineffective solutions. I tell students that it is my goal to guide them through several rounds of this decision making and to help them both to identify the decision points (the first step, and one students often miss) and to consistently make better and better choices at each point. Thus, my response to any question along the lines of "Is it right to do X?" is "Well, you have a decision to make here, don't you?" For example: Q: "Is it right to use only the *Smith* case to make this point about intent?" A: "Well, you have a decision to make here, don't you? What do you like about *Smith*? Would your point be strengthened at all by adding other cases? Do the other cases say something different from *Smith* or not? Would your point be stronger if you synthesized *Smith* and the *Jones* case? So, are you comfortable that your choice to rely solely on *Smith* is the best one?"

This approach works because empowerment is such a good antidote for anxiety. Students calm down when they "get" that the path to understanding, and therefore to the best grades they're capable of earning, is to take the reins for themselves. After all, students don't fear what they can understand and control—their own learning if given responsibility for it—nearly as much as they fear what they can't understand or control—grades inflicted upon them based on clear-to-the-professor-but-hopelessly-contradictory-and-opaque-to-them Legal Writing Rules. There are few such "rules," of course, and the good ones—the basic organizational paradigm, for example—are good because they are complicated and flexible, too flexible to placate the worked-up student demanding a one-size-fits-all answer to every question.

Be prepared for your students to balk when you resist the role of Legal Analysis How-To Vending Machine! As you refuse to make written legal analysis falsely easy, some students will become more anxious and disgruntled. They will up the volume of their pleas for help, clamoring for your time and assistance with their work. Some students may begin to suspect that your failure to supply quick fixes means you don't know what you're doing. This is a low blow, and it's tempting to revert to authoritative "how to" lectures when students are confused or skeptical about your course.

We are told that today's students are a particularly demanding and challenging breed, even before we scare the bejeezus out of them in law school. In *Generation X Goes to College: An Eye-Opening Account of Teaching in Postmodern America* (1996), Peter Sacks describes, for example, how today's students are jaded, having grown accustomed to grade inflation and to playing games for grades. This may explain why students don't believe you when you say there are no short cuts, and may get distracted for some time trying to decipher and play what they believe is just a trickier version of the old game before they see that you're really not playing. Whatever the generational phenomena, I do find I must work to earn—and keep—skeptical students' trust, even while fending off students who quickly begin to make unreasonable demands on my time and assistance.

Helen Anderson has explored Sacks' themes in the context of legal writing. She notes that some schools, fed up with students "hooked on hand-holding," are requiring some legal writing assignments be done with no faculty consultation whatsoever. Helen A. Anderson, *Generation X Goes to College: Are We Too Nice To Our Students?*, 10 No. 2 Persp. Teaching Leg. Research & Writing 73, ___ (2002). But this is a regressive move. Surely legal writing professionals have been right to shift from the "product method" of teaching to "process" and "social perspective" methods by working and talking extensively with students during the pre-writing, writing, and re-writing phases of composition, instead of just criticizing the finished product. We must keep working alongside students at all stages of their work, but we must do so without hand-holding.

Some of my strongest teaching moments come when students really persist in framing the work in simplistic, "right/wrong" terms. For example, after a student, for the fourth or fifth time in a conference, says something like "And then you said it was wrong when I . . . ," I will often, with some intentional display of exasperation, interrupt the student: "Joe, it's not a question of right or wrong! The question is: have you made the most effective choice possible here for communicating with your professional legal reader? Let's look at the sentence you just turned to, the one I commented on. Take a minute to get into the head of the reader: you're very busy,

CONTINUED ON PAGE 12

Whom Are We Teaching? Members of Communities

by Lisa T. McElroy, Roger Williams University School of Law

When I was a second-year law student, I took an advanced Constitutional Law course with a preeminent scholar in the field. One day, as we were discussing life and death issues, I raised my hand and made a comment based, not on the law, but on lessons learned during coursework for a Masters degree in Public Health. I asked whether we should reexamine our legal analysis in light of the real-life impact the legal rule would have on the people it would touch. The scholar's response? "Yes, but this is *law school*."

That class has stuck in my mind and really informed my teaching. This may be law school, but the people we teach were members of a community long before they were law students. We should be teaching students to look at the everyday communal implications and consequences of the legal process and of our work as lawyers. After all, the law does not and could not exist in a vacuum. Rather, the law arises and develops because communities need it to, and when laws don't work, communities usually try to make adjustments.

The following are some ideas that I've used in my legal writing classroom to bring home the concept that we, as lawyers, live and work in communities, our clients are members of communities, and the law we practice has a profound impact on our communities.

1. Inspire students to be positive members of the legal and societal communities in which they live and work.

In the first legal writing class or two in the fall semester, I ask my students to think of a way that the law has impacted their lives. Inevitably, some students remind me of a law school classmate of mine, who had decided to go to law school after being acquitted of the murder of her abusive husband; for others, the law has touched their lives in a far less dramatic way. I ask all students to think about how every moment of their day, from the toothpaste purchased at the drugstore (on which they paid state-mandated sales tax) to the drive to school (during which they obeyed traffic laws) to the plates on their car (which they registered with the state) to the paper on which they take notes (which was manufactured in accordance with environmental regulations), is governed by the law.

Then I ask them to think about a legal situation they've encountered that they wish had ended with a different result. How did the law fail them? Even more importantly, how could they envision and implement improvements? And what process causes change in the law to occur? Why do communities need laws at all?

Finally, I ask them to think about how, as lawyers, they will be in a position to make the changes they envision and, more importantly, that these changes will impact real people. They will advocate for clients who want to change the law or develop it along existing lines. They will have the opportunity to serve on advisory committees, to run for office, to become judges.

Scared Silly

Continued from previous page

you need to understand the law and the facts of this particular case quickly, and you need to make a decision. Now read the sentence again. Is it clear [or accurate, or well organized, or complete, or concise—fill in the weakness you're trying to get Joe to diagnosis] to you?" Now you and Joe can have a dialogue about his choices when he wrote the sentence, and whether he can think of better ones now.

My syllabus contains this paragraph: "The projects you complete in this class are *yours*. They don't become mine because I enter into the process with you here and there and give you suggestions or discuss strategies. The best way to perform well and learn everything you can in the class is to stay in the "driver's seat" of your own work. After all, you don't want to leave this course having only produced a few projects with me holding your hand the entire way. You want to develop your own writing and analysis muscles—your own strong instincts for what works and what doesn't in legal writing—so that when you sit down to your first project in your first job all on your own, you know exactly what to do."

With this introduction, students "get it" and are more patient when, in response to their relentless "Is it O.K. to do this?" refrain, I just as relentlessly sound my "You have a decision to make" counter-melody. Over time, cultivating this dynamic for my class transforms students' anxiety into a sort of bustling industriousness. The work doesn't get easier, of course, but less energy is dissipated by unfocused angst.

And this is the result we should want. Law students don't have to be as afraid as they are, but they do need to learn how to work. After all, when our students chose law school, they chose to do something complex and challenging with their lives. Legal analysis is the most difficult, multifaceted skill most students have yet worked to learn, and therein lies a wonderful challenge for us. It's more fun to teach chess than checkers (or, certainly, tic-tac-toe!). Our students are here to learn chess. Don't hold back or dumb down—give 'em what they came to get! ◆

The students are building their future legal community, and that community building begins on their first day of law school.

What changes can they make? What changes can't they make? How can they work within—or outside of—the system to effect change? And what types of people are most successful at making changes? Only positive, intelligent, goal-oriented people who have done their research and who know how to build coalitions can make change happen. Therefore, I ask students to begin their legal careers by thinking about how they can become the types of people who live in and positively affect their communities.

2. Talk honestly about the law school experience and how the students can impact it.

Many of our students enter law school knowing little about it except what they have read in *1L* or seen in *The Paper Chase* or *Legally Blonde*. All of these works depict law school in a cruel, unfeeling, competitive light. I talk openly with my students about how law school is a community and, much to some of their surprise, that their law school community will be what they make it. I remind them that most people learn best in a supportive, collaborative environment, and I encourage them to create a law school community that fosters learning rather than one that intimidates learners. In the course of this discussion, our Honor Code and the reasons for it usually come up. This line of inquiry presents another opportunity to discuss the fact that laws only arise to address communal needs.

I then extrapolate this lesson to the legal community. Because all of them have the same professional goal, they will be a part of this same community for their entire legal careers. This is especially true at Roger Williams, the only law school in the smallest state in the Union. Further, they will constantly run into their law school classmates in years to come. I also tell them that members of the bar get to know each other well. Indeed, they may well work in the same law offices as their law school colleagues, appear opposite each other, or refer business to one another. I ask them to reflect now on what type of lawyers they want to be. The jerks may get ahead early in the race, but nice lawyers, in this legal climate that prefers ADR to litigation and compromise to cut-throat deal-making, rarely finish last. Or is that just our hope? Well, because these students are the future of the legal community, they can make that hope a reality.

What message do we want to send out to the world about our legal community? Do we want lawyers to be feared and put on pedestals, or admired and approached? The students are building their future legal community, and that community building begins on their first day of law school.

3. Look at the reasons courts decide cases, legislatures pass statutes, and enforcement bodies enforce them.

When we begin the semester talking about the way that people affect communities and the manner in which laws develop to serve communal needs, we can then relate the rest of the semester's work to this theme. When we analyze cases about negligent infliction of emotional distress, we can examine—in terms of how much litigation a community can tolerate—a court's reasoning about why the class of plaintiffs should be narrowly limited.[1] When we talk about statutes, I point out that statutes are passed to address and correct communal harms. For example, I explain, when a child died in Boston last year because emergency vehicles could not get through the narrow streets on which cars were illegally parked, the City Council and law enforcement agencies jumped into action to enforce existing parking ordinances and to explore the possibility of new ones.

These conversations about communities and their necessary laws lead to some of our most thought-provoking policy discussions. Why does our campus need parking rules? Why can't faculty members sue students for negligent infliction of emotional distress when they park in our spots? These ideas foster great discussions.

4. Invite students to offer real-life perspectives.

Like me, some students pursued non-legal fields of study before coming to law school. Some have been in the work force for several years before entering law school. This may be "law school," but the lessons students have learned from other educational experiences can and should become a part of our class discussions. I have learned a great deal from talking with students who are members of unions, former police officers, military officers, and emergency personnel. More importantly, when these members of my classes look at the law in a more informed way through the lenses of their prior experiences, their colleagues take a step back and reexamine their perspectives, too. Inviting students to look more globally at the way law both emerges from and changes communities adds interdisciplinary wisdom to the discourse.

Only when we know the real impact that the law may have on actual people and communities can we analyze its logistics and appropriateness. What better forum than a legal writing classroom—a place where we teach the fundamentals of legal rhetoric, logic, and analysis—to discuss this reality? ◆

Many thanks to Professor Sarah E. Ricks of the Rutgers School of Law-Camden for her very helpful comments on this article. Thanks also to my research assistant, Daniel W. Majcher, a third-year student at Roger Williams University School of Law.

[1] *See, e.g.*, *Dziokonski v. Babineau*, 380 N.E.2d 1295, 1302 (Mass. 1978).

Finding Common Knowledge Among Diverse Students

by Linda S. Anderson, Franklin Pierce Law Center

Looking out over the anxious faces in Legal Skills I class the first day, I am struck by the variety. The age range seems larger each year; this year's was 22 to about 50. Some are recent graduates, and others have worked for many years. Students come from India, Korea, Russia, Iraq, and Japan.

My goal for this first class is two-fold. First, I want them to begin thinking and learning about law in our society. I want them to consider how the legal system fits within the larger society and how society produces law. Second, I want to build students' confidence in their ability to learn this new material by encouraging them to call on their previous experience and that of each other as we tackle this work. I want them to become comfortable in class so they feel safe enough to take the risks necessary to succeed.

To make progress toward these goals, I use a carousel brainstorm. To introduce the process, I explain the rules of brainstorming (no idea is a bad idea) and divide the class into groups of no more than five. At four locations in the room students find one flip chart page with one of the following questions:

- Where does law come from?
- Who makes law?
- Where do we find law?
- If we didn't have law . . .

Each group must read the question and record their responses for one minute. After one minute, groups move to the next question and respond for forty-five seconds before moving to the next question. Each move requires the same process until students have returned to their original location. (In larger classes, to keep each group to a manageable size, you may have to provide two identical flip charts in each corner.)

Upon their return each group reports the results, and we discuss many of the unusual or interesting ideas expressed. Typically, responses begin with traditional, expected answers, such as, the law comes from legislatures and the courts. But as those ideas are generated and recorded, other ideas emerge: society, religion, culture, and history also influence the law. The students see that law is found, not only where we would traditionally look for it, but also in places such as families, churches, and schools. Once the students see that law exists in many places, we can discuss the different ways in which law is created. Statutes and treaties may develop from social and political influences, bargaining and negotiating, but case law is developed as judges look back at precedent and rely on *stare decisis*. By discussing how law is created and develops over time, students come to see the law as an ever-evolving story.

Most importantly, students have generated the raw material for the discussion. They realize they do know something about law, and they can bring their previous education and experience to its study. Regardless of their backgrounds, all students can relate to the law's roots in religion, family, and society. Even those with little worldly experience see that familiar concepts from many aspects of life reappear in this new field of study. Thus, from the very first day they have contributed to a class discussion and can relate the study of law to their existing knowledge base. ◆

A "carousel" brainstorming activity allows students to bring personal experiences to bear from the first class

"Just In Time" Teaching

by Michael D. Murray, University of Illinois

Whom are we teaching? For most of us in legal education today, it is Generation X, or more accurately, the last third of Generation X, students raised on a multimedia diet of MTV, Zoom, encyclopedias on CD Rom, and the World Wide Web. The popular anthropology and educational theory about our students is that they are less verbally oriented and more visually oriented learners. They are less patient and accepting of the wisdom of educators who tell them, "You will need this information *someday*." They want the information "just in time" for it to be used and applied. Dealing with the "just in time" demand creates a problem for the professor who is attempting to employ visual teaching devices in class: should you provide the documentation for the presentation ahead of time, or simultaneously with the presentation, or wait until after the lecture? My advice is to wait.

Since the current generation requires a more "audience-directed" teaching approach, I have adjusted my "boomer" ways from heavily text and lecture oriented methods of presentation of material to more visual and non-linear methods in the form of charts, tables, diagrams and Power Point presentations displayed by overheads, opaque imaging devices, or digital projectors. With this updated presentation style, I want the students to see and absorb the information before I provide documentation for it.

Student evaluations tell a story about engagement and appreciation that supports the delay in providing information. Although a handful of students consistently demand the complete class material ahead of or just in time for class sessions, a larger number of students report in their evaluations that having the material in hand during the lecture causes them to tune out, disengage, and miss out on

the benefits of the class session. They have an incentive to tune out because they already have in hand what they "need to know" from the lecture. Evaluations further reveal that withholding the documentation until after the lecture allows students to fully appreciate the impact of the visual presentation as it is occurring, while still satisfying those students who believe they need the documentation to make sure they have not missed any of the most important pieces of information from the lecture.

Visual information can help reach a wider range of students, but most visual shorthands in law courses require explanation and verbal illustration. Students report that they like visual presentations because they are engaging, and the students can watch, listen, take notes, and receive a fresh perspective on the relevance and importance of the material. A simple delay in satisfying the demands for documentation allows every student the chance to appreciate the information twice—first, during the lecture, with no distraction or incentive to tune out because they already have in hand what they "need to know" from the lecture, and later, when they can use the documentation to fill in their notes and outlines for the course. ◆

2004 LWI Conference

Seattle University School of Law
Seattle, WA

Wednesday, July 21–
Saturday, July 24, 2004

Teaching Traditional Legal Research to the Google Generation: Are We Fighting a Losing Battle?

by Carrie Teitcher, Brooklyn Law School

Is traditional legal research destined for the same dust bin in which we can find typewriters, LP's, and 8-track tapes? Every professor of legal research and writing worth his or her salt extols the value of teaching traditional legal research methods to today's first year's law students. Never mind that today's students are techno-savvy in a way that was unfathomable only a few years ago. Never mind that today's students think an encyclopedia is something that comes bundled with their computer software package. Never mind that more students in the classroom have more laptops, palms, or other computer paraphernalia than the local Office Depot. The books are useful, we say. They are there when your computer breaks down, we plead. They are not as costly as Lexis and Westlaw, we cajole. You cannot curl up on a couch with a computer, we prod—at least that's what we used to say before laptops became ubiquitous. It's easier to read a book than a computer screen, we urge.

Who are we kidding? We can make the most compelling arguments our legal training has taught us to make only to be "out-Googled" by our students. That is exactly what happened to me one day, leading me to rethink my approach to teaching traditional legal research.

I assign my students research exercises to introduce them to the basics of traditional legal research. I begin with secondary materials and take them through the steps of how they might identify issues, develop research strategies, and locate materials to give them useful background information, all while keeping their eyes on the prize: locating relevant primary authority. I give my students a fact pattern that raises the issue of social host liability, without revealing the operative words for their research. Through trial and error, I hope, they will locate secondary sources to explain the law so that they will then discover the relevant legal terms of art that will then enable them to do a comprehensive traditional search. In past years, I have successfully used this exercise to introduce my students to the *American Law Reports*, *Corpus Juris Secundum*, *American Jurisprudence*, and the regional Digests. Typically, since this is the very first legal research assignment my students get, it usually takes them 8 to 10 hours to complete.

The day the assignment was due, I asked the students the standard questions about their research and what, if any, problems they had encountered. One student proudly raised his hand and announced that he had been able to find the leading case in no time at all. In fact, he said, it took him all of 41 seconds to locate "the answer."

Intrigued (to put it mildly), I asked the student what he had found. He correctly identified the leading case and proceeded to tell me that Massachusetts recognizes a social host's liability to a third person injured by a drunken guest's negligent operation of a vehicle. When I asked him how he located the case he said he went to Google, typed in "legal liability for serving alcohol at a private party in Massachusetts," and within 24 seconds retrieved a list of "hits." The 8th hit on the list, he said, was the case.

After reading the case, he then typed "social host liability in Massachu-

CONTINUED ON PAGE 16

The Global Legal Writing Classroom

by Susan Adams, Chicago-Kent College of Law

Every morning I trade smiles with the sari-clad woman at the Dunkin' Donuts, reminding her that I really *do* need her to double-cup my coffee because the stuff's too hot. When I cross the Loop to my office, passing maybe 500 people surging out of Union Station and the bus and El stops, I pick up snippets of Spanish and Spanglish, Chinese, Hindi, Russian, Polish. My urban law school—and likely many less urban law schools affected by changing immigrant settlement patterns and global outreach programs—is rapidly becoming a very international community. As a consequence, many law schools are facing a dramatic upsurge in English as a Second Language (ESL) issues, and, as usual, legal writing professors are on the front lines.

Although many Americans speak a language other than English, the biggest challenges for writing professors are posed by LL.M. and J.D. students from foreign, non-English-speaking universities.

Teaching English Proficiency

Most of us can spot an ESL issue after the first paragraph: poor preposition choices, article confusion (a, an, the—or lack thereof), verb forms that miss the mark, word choices that are archaic or just plain wrong. We must give non-native speakers in J.D. programs a lot of credit: professional-level mastery of the English language is something that even native speakers battle to achieve; it is a horror for non-native speakers.

So, how to attack these issues?[1] As a former ESL teacher, I know well that I must choose my battles carefully. Many non-native law students are overwhelmed, depressed, and apologetic about their English, even if their problems are much less critical than they think. Because of this sensitivity, it is doubly important that we not re-write their papers or otherwise overwhelm students whose writing suffers from ESL infirmities. In the early days of the course, I concentrate on the structure of the analysis and the accurate use of authorities, but make it clear that the other matters can wait. After I am convinced that the students are reading and analyzing the authorities properly (albeit inelegantly), I will begin to chip away at other issues, one at a time. For example, when I note that a student's spoken usage is more reliable than what shows up on paper, I encourage the writer to proofread aloud or into a recorder.

For many, especially those who have learned English later in life,

Teaching the Google Generation

Continued from previous page

setts" into Google and retrieved another series of "hits" leading him to several sources explaining the doctrine. When he clicked on the third link, "Findlaw Professional," he found a very clear and concise description of how one would do the research, together with citations to the relevant cases for the problem. All in all, he said, deducting the time it took to actually read the case, the "finding" part of his assignment took 41 seconds. Who needs a legal encyclopedia?

I tried shifting the class discussion to traditional methods of research, but by that point the students with laptops were quickly typing in their Google searches to see what they could find. Since I usually teach with a laptop and overhead, I decided to switch gears and see where this Google search would take us. I was amazed to see that, not only did Google locate what I needed in record time, the materials located on the Findlaw link directly answered the questions I posed about how they might do their research using traditional tools. The link took the reader through a discussion of case research, state digests, decennial digests, and the American Law Reports with citations to cases and research references.

As a class we then discussed the limitations and usefulness of such an approach. Of course, we all know that in the end, unless students read and synthesize the materials they find, their research is useless. Was it wrong to shorten the search process this way? The optimist in me would like to think that less time searching might lead to more time synthesizing.

At Brooklyn Law School, this year for the first time, we abandoned teaching traditional book Shepard's for the online citators. In part driven by the fact that our library is slowly weeding out the Shepard's books, in part by the recognition that "no one Shepardizes in the books anymore," we decided to take the bold step of teaching just online citators. Despite some angst and soul-searching, we successfully made the transition with barely a ripple.

I am not advocating the abandonment of traditional legal research methods. However, we need to recognize the existence of the new resources today's internet world offers. While we may not always be able to keep one step ahead of these advances, we should welcome and incorporate them into our pedagogy. There may well come a day when the legal encyclopedia becomes as anachronistic as book Shepard's. After all, does anyone remember what an LP is? ◆

It's the ancestor to the cd: "long-playing" record. The author can be contacted at carrie.teitcher@brooklaw.edu.

complete mastery may elude them, and in practice they may need to rely on a native speaker to produce a polished final product. I try to remember that learning the use of prepositions, articles, and verb forms, especially through reading and listening, will be a lifetime project for foreign speakers, and I am here to support them in that project.

Developing a Comfortable Setting

Foreign students can easily be marginalized by both language and culture, and there is much we can do to reduce the discomfort. As frustrating as it may be to hear a student struggle to make a point in class, I know that showing any impatience can poison our relationship. Foreign speakers of English are all too sensitive to the screwed-up facial expression of someone who cannot fathom their comments—and does not intend to make the effort to do so. When I take the time to encourage their comments in class and to show patience and interest, only the most insensitive of the other class members will fail to take the point. I also tell my ESL students that when I am alone with them, I will correct their spoken English, but I will never do so in the classroom. You may not like to sound like Sister Mary Margaret when you correct mistakes, but ESL students welcome it in a private setting.

I also take the extra time to chat and take an interest in my foreign students because homesickness and isolation can be overwhelming and debilitating.[2] I ask about living arrangements, refer them for help, link them up with former students who share their language or with the appropriate student organization, and alert my teaching assistants to be particularly attentive. Along the same lines, I make an effort to recognize cultural differences in a respectful way; it can mean a lot to acknowledge publicly a Muslim festival day or Carnivale, for example, because holidays are the hardest times for students who are far from home. I once reduced a Chinese student to delighted tears when I gave her a red tissue-wrapped package of Hershey's kisses during the Chinese New Year celebrations, and the rest of the class, bless them, took the hint and shouted "Happy New Year!"

Learning the American Law School Culture

Many foreign students will not be prepared for the rigor of the American law school culture and the paradoxically relaxed relationship that many American students enjoy with their professors. University classes in most other countries, even the UK, are largely in lecture format. Professors in foreign universities are relatively indifferent to attendance and preparation, and they almost never pepper students with questions.

Although they witness American students' relatively ready access to their professors, many foreign students will be painfully reluctant to seek your help. I require several individual tutorials, but even after I have cajoled a very reserved foreign student into my office, she is likely to bracket the visit with painful apologies for consuming my valuable time. This extreme deference can be an impediment to learning because the one-on-one meeting is very effective in forging a trusting relationship, working through individual ESL problems, and determining whether classroom lessons are finding fertile ground.

Teaching Civilian Lawyers

In recent years I have had foreign lawyers and even judges in my legal writing and other classes. For much of the rest of the world, the civil law system prevails, and civilian practitioners view the roles of the attorney and the judge in a radically different manner. Exposing a civil law mindset to a different way of thinking about the law can be a real challenge. This lesson came home to me with some force when I was teaching legal writing in Beijing to students who would be completing their LL.M. in Chicago. After I had, I thought, illustrated and laid careful groundwork for synthesizing a common law rule, I passed out three cases to the class. After shuffling through the cases with care, Wei Jing raised her hand: "but where is the law?"

While some civil law jurisdictions are seeing an increase in the persuasive value of prior decisions, while properly denying anything like *stare decisis*, most civilian lawyers still locate the black letter rule and hope that the judge's interpretation will be favorable. Neither the lawyer nor the judge is likely to address any policy issues suggested by the question.

I also find it useful to keep in mind that our custom of producing office memoranda and briefs to the court is radically different from the norm for civilian lawyers, who do much of their work orally. When they do write, foreign lawyers use a rather flowery style when addressing the court, a habit that we are at pains to discourage among our students.

Working with foreign students takes a great deal of effort, but the rewards are great as well, and you may make a friend for life. When I am tired and catch myself growling over yet another malapropism or awkward construction, I stop to think—would I have had the guts to throw myself headlong into one of the most intense, culture-driven academic disciplines imaginable in, say, Japan? Not on a bet. ◆

[1] Have a look at Chapter 30 of Laurel Currie Oates, Anne Enquist & Kelly Kunsch, *The Legal Writing Handbook* (3d ed. 2002) for a good primer on attacking some common ESL problems.

[2] I have had several Asian students over the years who, when they were new to this country, were utterly disconcerted by how physically different everyone on the street looked—despite Western movies and TV.

Meeting the Needs of Asian Law Students

by Bill Chin, Lewis & Clark Law School

Whom are we teaching? We are teaching a diverse student body that includes Asian students. Generally, their learning style and understanding of Western law and institutions differ from Western students.[1] To effectively reach this part of our audience, we need to understand the differences and perhaps modify our teaching methods.

One difference is that Asian students more often avoid classroom discussions. The aversion to classroom discussion may be related to thought patterns typical in Asian cultures. Asians tend to be holistic in their thinking, believing that to understand an event one must consider a host of factors operating in relationship to one another. Westerners, by contrast, tend to be analytical in their thinking, believing that the world can be broken down into parts, categorized, and then understood in terms of straightforward rules. Analytical thinking, which "dissects the world into a limited number of discrete objects" is well suited "to being captured in language." Holistic thought, which draws on a much wider array of objects and their relationships, makes fewer sharp distinctions, categorizes less, and is, therefore, less well suited to linguistic representation.[2]

In *The Geography of Thought*, Professor Nisbett recounts how Korean graduate student Heejung Kim became exasperated by her Stanford instructors' constant demands to speak up in class. Kim hypothesized that Asians had more difficulty using language to represent their thoughts. She put her hypothesis to the test. She asked a group of people to speak out loud as they solved different problems. She found that the requirement to speak out loud while solving various problems did not affect the performance of European Americans but adversely affected the performance of Asians and Asian Americans.[3] Thus, it makes sense for Asian students to avoid classroom participation because it does not benefit them.

As legal educators, we should encourage students to speak up in class to train them to be law clerks and attorneys who will speak up for their clients in the courtroom. But while they are being trained in the classroom, we should avoid penalizing Asian students for their different learning style. We can do this by omitting class participation as a factor in grading. A professor who uses class participation as a factor only to bump up a student's grade during a "close call" might view such use as helpful rather than harmful, but this beneficial "bump-up" will help only certain students, and it may be at the expense of Asian students whose learning styles differ.

A second difference is that Asian students studying in the United States tend to be less knowledgeable about the context of American law. Fengming Liu recounts his difficult experience as a Chinese law student in an American J.D. program because he lacked knowledge "about the political, economic, and social background of the cases."[4] Although we cannot provide the full "political, economic, and social" context because we have limited classroom hours, we nonetheless can provide *some* context. For example, a legal writing professor handing out a writing assignment addressing "disorderly conduct" could provide context by explaining that legal questions are:

- Governed by either state or federal law ("disorderly conduct" involves state law—in this case, Oregon's state law);
- Governed by statute, caselaw or both ("disorderly conduct" involves both statutes and caselaw);
- Governed by civil or criminal law ("disorderly conduct" involves criminal law);
- Presented in different forms—an objective document to your firm or a persuasive brief to a court (this assignment involves a memorandum to the supervising attorney in your firm).

A discussion based on the information above would help Asian students by allowing them to see how their particular legal issue fits within the larger legal context and by answering some of their unarticulated questions about the legal context.

A third difference is that Asians tend to be less direct. For example, a Chinese writer might *indirectly* state a point by providing a series of concrete examples that allow the reader to infer the point in deference to the reader's knowledge and intelligence, whereas an American writer might favor directness by *directly* stating the point and then providing reasoning to support the point.[5]

As legal educators, we should teach directness to train our students to be effective advocates arguing before judges who favor directness because they are busy people and because they were trained within a Western legal and cultural system that emphasizes directness. But we should avoid attaching "good" or "bad" labels to the *direct* and *indirect* writing styles. Instead, we could point out to students that direct writing is the preferred method *for their audience* consisting mostly of Western readers. This connects the direct writing method with an important writing principle we constantly emphasize—knowing one's audience.

Likewise, we should know our audience when we teach, and our audience includes Asian students with different writing and learning styles who grew up in a different legal context. Our teaching methods should reflect these differences to make the classroom experience beneficial to all students. ◆

[1] Essential background reading for those interested in this area is Richard E. Nisbett, *The Geography of Thought: How Asians and Westerners Think Differently . . . and Why* (Free Press 2003). *The Geography of Thought* uses "Asian" to refer to people from East Asia consisting primarily of "China and the countries that were heavily influenced by its culture, most notably Japan and Korea."

Accommodating a Blind Student

by Doretta McGinnis, Widener University School of Law, Delaware

As more students with disabilities pursue legal education, teachers of legal writing face the challenge of accommodating them. The fact that legal writing courses are required increases the likelihood that you will have the rewarding experience of working with a disabled student. Last year a blind student enrolled in my section of Legal Methods III, which is the final semester of our required three-semester legal research and writing sequence. Thanks to his candor, initiative, and familiarity with appropriate technology, we were able to devise methods of communication and accommodation that met his needs. I also worked with the Vice Dean of Student Affairs, who is responsible for establishing accommodations at our school.

Based upon this positive experience, I offer the following suggestions for accommodating blind students in LRW classes. The theme of these suggestions is that advance planning is required to ensure a smooth semester for your student and for you.

Meet with your student. Try to meet with your student at the start of the term or, if possible, before. A pre-class meeting can dispel anxiety for both of you and establish rapport. This meeting should open a candid dialogue regarding your student's expectations, accommodation requests, and concerns. Find out how the student has been accommodated in other courses in law school or college. (The dean of students should be consulted also, as she will have information regarding previous accommodations for this student and those with similar disabilities.) In our initial meeting, my student explained that he preferred to receive any written materials on a diskette; he used a computer program that could read word-processed documents aloud. Using this method, he would not require any time extensions on written assignments. We agreed that he would be able to use a reader, who was not enrolled in the course, to assist him with library research. This reader would serve as a pair of eyes, skimming and reading material but not offering any comments on research strategy or content. Similarly, a disinterested reader would be allowed to proofread documents for format and typographical errors, but not for content. Other than these accommodations, my student's primary concern was that his classmates would disregard or discount his contributions to class discussions.

Prepare course materials. Advance notice enables you to contact the publisher of your textbook to see if it is available in Braille or on CD. An alternative is to scan the reading materials into a format such as Microsoft Word that can be "read" by the student's computer. I used this method because my student, who lost his eyesight in early adulthood, does not read Braille, and because the course materials included cases and original handouts. Compiling materials and scanning them required considerable lead time and the assistance of support staff. The result was a disk with the entire course's reading assignments that I gave to the student at the start of the semester. Exercises and assignments were handled similarly, with each item on a diskette. An in-class exercise that a sighted student could read quickly had to be provided to the blind student in advance so that he could review it before class. Assignments were distributed on disk when other students received them on paper. When distributing cases for a "closed" writing assignment I found Westlaw's Find & Print function to be indispensable, because I could enter case citations and e-mail the cases directly to the student.

Be aware of classroom dynamics. My student employed one of his classmates as a reader who assisted him during class by taking notes and reading aloud anything that I wrote on the board. I made a special effort to restate what I was writing on the board as well. New interactive boards, such as Smartboard, could be applied in this context with each day's notes e-mailed to a blind student after class. I made a particular effort to acknowledge my student's contributions to class discussions in order to defuse his concern that his classmates would not value his comments.

The use of materials on disk and occasional e-mail communications enabled my student to have timely access to all required materials. Given these accommodations, he excelled in a demanding LRW course.

Note: be sure you know the dean or administrator at your school who deals with accommodating students with disabilities, and consult with the appropriate people before extending accommodations. At many schools a separate office exists to coordinate accommodations or to administer the documentation that is required before an accommodation is required.

Asian Law Students

While this article focuses on Asian students, the points discussed here—particularly the tendency to avoid classroom discussion and to express thoughts indirectly —may also be applicable to Asian-American students. The extent to which Asian-American students act and react similarly to their Asian peers depends, of course, on the degree to which their upbringing was influenced by Asian culture as opposed to Western culture. *See id.* at xxii (noting that in research comparing Asians to Americans, Asian Americans are often tested separately because Asian Americans are more similar to Asians than other Americans are).

[2] *See id.* at xviii-xix, 210-211.

[3] *See id.*

[4] Fengming Liu, *Studying United States Constitutional Law: A Personal Experience of a Chinese Student*, 37 J. Leg. Educ. 346, 348 (1987).

[5] Margaret Y. K. Woo, *Reflections on International Legal Education and Exchanges*, 51 J. Leg. Educ. 449, 453 (2001).

[Not Just] For New Teachers:
Making Technology Work for You and Your Students

by Joel Schumm, Indiana University School of Law at Indianapolis

In my two and a half years of full-time teaching I have found some relatively simple uses of technology that can easily be incorporated into a legal writing course. This column surveys a few of these that have improved the classroom and out-of-class experience for my students—and for me.

In Class: PowerPoint & Videos

A legal writing class seldom lends itself to the Socratic give-and-take of most first-year courses. Although there is ample opportunity for class discussion, sometimes the subject matter does not grab and maintain the attention of an entire class for an hour. Regular PowerPoint presentations and occasional video clips help to alleviate this concern.

I usually prepare a PowerPoint slide show for each class and distribute the slides, with blank lines for notes, at the beginning of class. I think of the handout as an outline of the high points, which forces me to keep on track and ensures that I cover everything I need to by the end of class. In addition, providing the handout to students allows them to focus on the class discussion rather than mechanically writing down everything they see on the slides.

There is a balance to be struck, however. If too much information is put on the slides, some students may disengage, believing there is no reason to listen or take notes. In addition, although an occasional graphic or sound effect can keep things lively, the focus should be to guide the students through the substance of the class.

Less frequently I will show a short excerpt of a video in class. These run the gamut from Elle Woods' first day at Harvard Law School in "Legally Blonde" (during my students' first day of class) to Joe Pesci on trial advocacy in "My Cousin Vinnie" to, finally, part of a rapping "battle" by Eminem in "8 Mile" to show how to persuasively preempt an opponent's best arguments.

These are a few minutes well-spent. They offer a short diversion from lecture or class discussion, often lead to productive discussions in their own right, and are almost invariably remembered by students well after the semester is over.

Out of Class: Paper Submission and Evaluation

Just a couple of years ago, students would dutifully hand hard copies of their assignments to me or my assistant. I would fill the margins with barely legible comments in ink, and the students would later collect their paper from my assistant, usually in a long, impatient line after one of their classes.

I soon decided that I never wanted to see another hard copy of a paper, scribble a single ink comment, or see that line winding down the hall from my assistant's desk. There are some simple and effective alternatives.

I require that all written assignments be submitted by e-mail as a Microsoft Word attachment to me (if the assignment is not graded anonymously) or my assistant (for anonymously graded assignments). There is no question about whether the assignment was received on time and no reason for students to use the "caught in traffic" or similar excuses. Moreover, students who live some distance from campus do not have to trek to the law school and deal with the paucity of parking simply to turn in an assignment.

I then critique the papers using the "comment" feature of Word. There is a bit of a learning curve to grading on a screen, but the benefits make it easily worth the time and effort. I can offer far more detailed comments in much less time. I can type and copy a comment several times rather than writing it out each time; I can even delete or alter a comment without leaving a large, unsightly scratch-out. All of the comments are neat and legible.

Finally, after all the critiquing is done, the papers can be returned immediately to students—day or night—by e-mail. Timing the return with a scheduled class or my assistant's schedule is not an issue, and I save the documents in a folder on the network, where access is just a click away for years to come.

Pitfalls or Resistance

Technology, like any change or innovation, is not foolproof or risk-free. It is important to approach any change with some flexibility. In the event that the projection equipment does not work in class, be prepared to go through your PowerPoint slide show without it. The handouts will make this fairly easy.

Encourage students who have concerns about document submission or critiquing to discuss these with you outside of class. For example, last year I strongly encouraged my students to submit documents in Word but allowed them to be submitted in WordPerfect, which some students prefer (or even insist on) using. This year, however, I simply required Word submissions and provided the link to the university website where the latest software could be downloaded for free. No one has complained; indeed, a few students have expressed gratitude.

Conclusion

Ultimately our goals in teaching must go beyond making our students happy and our classes interesting, but there is nothing wrong with achieving these goals while improving classroom learning and the dreaded paper critiquing process. The simple uses of technology discussed above pose little controversy and have proved effective with students of varied backgrounds. ◆

Note: For more specific information about electronic critiquing, see Laurel Oates' article in the June 2001 issue of *The Second Draft*, which is accessible at *www.lwionline.org/publications/seconddraft/jun01.pdf*.

"Depth" or "Breadth"—or Can You Have Both?

by Judy Stinson, Arizona State University College of Law

I read Ruth Anne Robbins' first "The Next Step" column in the July, 2003 edition of *The Second Draft* with great interest. I have struggled with the tension between teaching "depth" (using familiar documents but teaching in more detail) and teaching "breadth" (expanding on students' knowledge to teach new types of documents) for years. I am primarily a "depth" person, but I also like to teach some "breadth." Similar to my reaction (which is really a question) when asked whether I'd rather have a donut or a bagel, my reply is: "Can I have both?"

The answer to this question, when teaching upper-level legal writing, is "yes," but only if you have the resources to accomplish both goals. By "resources," I mean several things:

- adequately paid writing faculty, with no other teaching assignments during that period;
- interested students;
- adequate number of credits; and, most importantly,
- *very* low student-teacher ratios.

With all of these resources in place, both depth and breadth can be achieved. I am confident of this because, for the past five years at Arizona State, we have taught a course that allows us to incorporate both the vertical (depth) and horizontal (breadth) approaches: Intensive Legal Research and Writing.

When I say "intensive," I mean "intensive." The summer course is incredibly demanding for both students and faculty. During the five-week period, students complete thirty graded assignments. And yes, that means each writing professor must grade 180 assignments during the same five-week period. Students also meet in individual conferences with the professor for half-an-hour each day.

The Intensive course, as structured at ASU, requires students to draft seven memoranda and two motions (both of which they draft in the first year), as well as three client letters and a demand letter (which they do not draft the first year). They also complete an editing assignment. Students receive a new project each day, to be submitted the following day, and must also rewrite a prior project; all assignments are graded equally. Students also submit, on the first day and the final day, a statement of their writing and research strengths and weaknesses, as well as their goals for the course (and their progress on those goals, including what they can do to reach goals not yet attained). In terms of research, some projects allow book research only; others allow computers only. The final projects allow both.

Most significantly, students are required to keep a daily journal describing the process they took for researching and writing each assignment, and how they could have been more effective. The journal is graded +/- five points on the final grade, forcing students to take a process approach to their learning.

A combination of factors allows us to devote the resources required to make this program work. First, we have five full-time legal writing faculty, with summers free to teach or pursue other interests. Many find the extra money helpful, as LRW jobs tend to not be the most lucrative. Second, we encourage our first-year students to enroll, and word-of-mouth from students who have successfully completed the course has helped. We offer two sections each summer, and always have a lengthy wait list.

Third, we offer the course for five credits. This is enough for students to obtain financial aid, and it also allows the school to capture a fair amount of tuition revenue. The large number of credits is clearly justified by the work. Finally, we limit each section to six students. That allows the professor to hold conferences for three hours per day, hold one office hour per day, and grade six to twelve assignments per day. Even at 6:1, it is a *very* long day for the professor. The first year I designed and taught the course, I capped enrollment at twelve students; I would *highly* advise against that high a ratio.

The Next Step

In sum, teaching both "depth" and "breadth" can be accomplished, but only under the right circumstances. We can explore, in depth, skills already introduced during the first year. We can also teach new skills and the expectations of new documents. We can ensure students are thinking about process rather than product by individually discussing their processes each day. This may sound overly idealistic, but I hope we can get to the point where we all have the resources to make both "depth" and "breadth" realistic goals. ◆

Please make sure all of your legal writing colleagues are getting The Second Draft *by notifying LWI of any changes or additions to your programs. All LWI members are automatically subscribed to* The Second Draft*; it is no longer necessary to notify us separately of address changes or new legal writing professors. You can keep your information up-to-date by following the "membership" links on the LWI website, www.lwionlineorg.*

Special Feature
A Case is Just an Example: Using Common Experience to Introduce Case Synthesis

by Sarah Ricks, Rutgers School of Law-Camden

One of the biggest challenges my first-year students face is understanding that, to make a reliable prediction (or persuasive argument) about how the law will apply to a new set of facts, they'll most likely need to synthesize a legal principle from multiple authorities. This fall, I used two active learning exercises to introduce case synthesis and the importance of rule statements: a case synthesis exercise drawn from a common experience, followed immediately by a legal case synthesis exercise. Showing the students how, in every day life, we all synthesize rules from cases made legal case synthesis more accessible and easier to understand.

When I introduced the idea of case synthesis and rule statements, I told the students that each case is just an example of the application of a legal principle. For the reader to easily grasp the memo writer's prediction of how a court will apply a legal principle to the client's facts, the reader first needs to see a plain statement of what legal rule the memo writer sees running through the cases. Since a case is just an example, I told them, a paragraph should not begin with the example ("In Case A") but rather with a sentence announcing "here's what legal principle this paragraph will prove." Then, to prove to the reader that the law is what the memo writer says it is, the cases should be used as examples of how the legal rule has been applied.

I then gave the students three examples of an unnamed "rule" and asked them to identify a pattern. The examples were designed to be familiar and non-threatening to law students with active social lives and study schedules. The examples were also simple enough that my 9-year old daughter quickly saw a pattern. First, I asked them if each example illustrated the same concept. Then, I asked the students to write one sentence stating the rule they saw running through these examples:

Yesterday, my friend Suzy was supposed to meet me at the coffee shop on campus right after Torts at noon, but she didn't get there until 12:25 p.m. (*Coffee Shop*.)

Last week, when my friend Suzy told me and another friend that she'd meet us in the lobby of the Ritzy Movie Theater just before a 9:40 p.m. movie, Suzy didn't show up until 10 p.m. (*Movie*.)

Last Friday, Suzy was supposed to meet her whole Contracts study group at her apartment for dinner at 7:30 p.m., but she wasn't there when they got there, so the study group waited for her on the sidewalk until she turned up at quarter of 8 p.m. (*Study Group*.)

Within a few minutes, the students had read through the examples and had no trouble identifying various rules: "My friend Suzy is consistently late to meet her friends"; "Suzy is frequently late, but the more people she is supposed to be meeting, the less late she will be." I then asked the students to explain how they would use the examples to prove that the rule was what they said it was, starting with the phrase "For example." The students also had no trouble doing that.

The students easily grasped this exercise in fewer than fifteen minutes, yet it introduced them to the difficult concepts of case synthesis, rule statements and proof of a rule by using cases as examples of the rule's application.

In the same class, immediately following this quick non-law introduction, I had the students apply these new structural concepts in a legal context. We turned to a familiar legal principle (New Jersey parental immunity) to evaluate two presentations of the same case law.[1] I told the students that they were supervising attorneys who had assigned the same legal research to two different summer associates, each of whom had prepared a short written explanation of a legal principle relying on the identical four cases. I asked the students to decide which summer associate had done the hard work of coming up with a rule of law that was consistent with all four precedents—and would get the next assignment.

The first explanation of parental immunity was simply a list of case holdings, in reverse chronological order—just as the Suzy examples had been before the students synthesized the "always late" rule:

Sample 1

In a decision concerning a 24-year old son's claim that his father had negligently burned him, the New Jersey Supreme Court refused to hold the parent immune and allowed the adult son's claim to proceed. *Black* (1992). The New Jersey Supreme Court refused to hold the parents immune in *Brown* (1989), where a 24-year old daughter alleged that her father intentionally threatened her with a tennis racquet after she played poorly in a tennis tournament. *Id.* at page. The New Jersey Supreme Court refused to hold the parents immune in *White* (1988), where a 10-year-old son alleged that his father intentionally knocked the son's baseball cap off his head after the son struck out in a baseball game. *Id.* at page. The New Jersey Supreme Court held that a parent was immune from his 12-year-old child's claim that the father had negligently injured the child by burning him with a hot liquid. *Abbott* (1985).

The second explanation of parental immunity followed the structure the students had just learned—a plain statement of the rule synthesized from multiple cases, followed by examples applying that legal rule:

Sample 2

Under New Jersey law, parental immunity is a narrow doctrine which protects parents only from claims of negligence by their minor children. The New Jersey Supreme Court has held a parent to be immune from his 12-year-old child's claim that the father negligently injured the child by burning him with a hot liquid. *Abbott* (1985). By contrast, in a decision concerning a 24-year old son's claim that his father had negligently burned him, the New Jersey Supreme Court refused to hold the parent immune and allowed the adult son's claim to proceed. *Black* (1992).

Parents are not immune from claims of intentional torts by their children, whether the children are minors or are adults. The New Jersey Supreme Court refused to hold the parents immune in both *White* (1988), where a 10-year-old son alleged that his father intentionally knocked the son's baseball cap off his head after the son struck out in a baseball game, and *Brown* (1989), where a 24-year old daughter alleged that her father intentionally threatened her with a tennis racquet after she played poorly in a tennis tournament.

The students unanimously chose summer associate #2 as the recipient of future assignments. The students quickly saw that, in the absence of a rule statement preceding the examples, it was difficult to grasp what legal rule was running through the cases. The students also saw that, even though the two parental immunity presentations used nearly identical sentences to summarize the case law, the absence of rule statements preceding the case summaries in the first example shifted the hard work of synthesizing the law to the reader.

Many students told me that they liked the Suzy exercise because it was simple, freeing the student to focus on the new skill of using cases as examples to prove a rule of law. Later in the semester, if a student had difficulty drafting the rule explanation in the research memo, I returned to the Suzy exercise in one-on-one conferences as a useful way to reinforce case synthesis and rule statements. After the student and I briefly revisited the Suzy examples, the students understood that a paragraph explaining the "Suzy is always late" rule would not be easily grasped by the reader if the first sentence started with "For example, in *Coffee Shop*," since the reader would have no idea what rule *Coffee Shop* was supposed to illustrate. With that in mind, we then turned to the students' own drafts. Many students laughed as they picked out rule explanation paragraphs beginning "In Case A," because they could then articulate why that structure leaves the reader to do the hard work of synthesizing the law. While it will take longer for some students than others to begin to organize their explanations of the law around legal principles, many of my students grasped the concept earlier this fall than last. ◆

I would like to thank Angela Baker for helpful comments on this essay. I have student handouts and teaching notes for this exercise, both of which I am happy to share if you contact me at sricks@camden.rutgers.edu.

[1] The parental immunity exercise is based on Helene S. Shapo, Marilyn R. Walter & Elizabeth Fajans, *Writing and Analysis in the Law* 50-52 (4th ed., Foundation Press 1999). Casting the student as the supervisor of summer associates was my colleague Carol Wallinger's idea.

ALWD Invites Grant Applications

The Association of Legal Writing Directors invites applications for research grants for the summer of 2004.

The ALWD Summer Research Grant Program is open to all teachers of legal writing. ALWD Board members, officers, and members of the ALWD Scholarship Committee are, however, ineligible to participate until they have been out of those positions for a full academic year.

Applications will be blindly reviewed by three people who are members of either the ALWD Board or ALWD Scholarship Committee. Once the anonymous readers have made their recommendations, the Scholarship Committee will forward those recommendations to the ALWD Board, which will make the final recommendations for grant recipients.

Eligibility for or receipt of summer research grants from one's own institution will not, per se, disqualify an applicant from eligibility, but preference will be given to those who have no other source for research funding. The ALWD Board may also consider whether the applicant devotes full time to teaching legal writing.

Grant recipients will be selected by April 1, 2004. Winners may be assigned a mentor by the Scholarship Committee to provide guidance and assistance in developing the project through to completion, including placing it for publication. It is expected that each paper supported by an ALWD Research Grant Program will be presented at the next ALWD meeting following completion of the manuscript.

Applications for the summer of 2004 must be submitted by January 26, 2004. Detailed information regarding the application form and supporting documents is available on the ALWD website, *www.alwd.org*, or by contacting the Chair of the ALWD Scholarship Committee, Terrill Pollman, William S. Boyd School of Law, 4505 Maryland Parkway, Box 451003, Las Vegas, NV 89154-1003, pollman@ccmail.nevada.edu.

NEWS

Pam Lysaght Receives Blackwell Award

The joint ALWD/LWI Blackwell Award Committee has announced that the 2004 Thomas Blackwell Award will be presented to Pamela Lysaght (Detroit-Mercy) at the January meeting of the Association of American Law Schools.

The Blackwell Award is named in honor of Thomas Blackwell, who taught at Appalachian School of Law before he was killed by a former student in 2002. The award recognizes a teacher's ability to motivate students, willingness to help other legal writing professionals, and creativity in developing new teaching ideas.

Pam is the director of the Applied Legal Theory and Analysis Program at Detroit-Mercy. She was instrumental in developing that program and is the principal author of the teaching materials it uses. She also developed the school's Writing Across the Curriculum program. Pam is a founding member of ALWD, served as President of ALWD in 2000-2001, and has served on a number of ALWD and LWI committees. She has been a leader in the effort to improve ABA accreditation standards to reflect the contributions of legal writing faculty to legal education. She is also the co-author, with Brad Clary, of *Successful Legal Analysis and Writing: The Fundamentals*.

Pamela Lysaght

Publications, Promotions and Moves

Mary Garvey Algero (Loyola-New Orleans), Director of the Legal Research & Writing Program since 1993, has been promoted to Professor of Law. Also, her article, *A Step in the Right Direction: Reducing Intercircuit Conflicts by Strengthening the Value of Federal Appellate Court Decisions*, was recently published in volume 70 of the Tennessee Law Review (2003).

Mark Bauer (Chicago Kent) wrote an article, *Small Liberal Arts Colleges, Fraternities and Antitrust: Rethinking Hamilton College*, which will be forthcoming in the Catholic University Law Review next spring.

Gregory Berry (Howard) was voted the Howard University School of Law "Professor of the Year" in May 2003. He is the first legal writing teacher ever to receive this honor.

Melody R. Daily (University of Missouri) received the Blackwell Sanders Peper Martin Distinguished Faculty Achievement Award at the Missouri University Law School Law Day ceremonies in Columbia on September 19, 2003. This award was established in 1980 by alumni and friends in the Kansas City firm bearing its name and is presented each year to the full-time faculty member who, during the preceding twelve months, established a record of distinguished achievement in teaching. The recipient of the award is selected by the dean upon advice and recommendation of a committee consisting of the Missouri Law Review Editorial Board. Daily is a Clinical Legal Professor at the law school, a Senior Fellow at the MU Center for the Study of Dispute Resolution, and director of the Legal Research & Writing program.

Kirsten Davis and **Chad Noreuil** (Arizona State University), received unanimous faculty votes in November to be placed on the legal writing tenure-track.

On October 23, the first annual Justice Ruth Bader Ginsburg "Pursuit of Justice" Legal Writing Award was presented at an event organized and co-chaired by **Diane Edelman** of Villanova Law School. The award is presented by the Philadelphia Bar Association to a second- or third-year law student from a Philadelphia-area law school writing on a topic related to rights, privileges and responsibilities under federal law. Justice Ginsburg attended the event, as did Justice Sandra Day O'Connor. Kimberly Bartman, a recent graduate of Temple University's Beasley School of Law, received the award.

Suzanne Ehrenberg (Northwestern) will publish an article, *Embracing the Writing-Centered Legal Process*, in the April 2004 issue of the Iowa Law Review. The article examines the American legal system's unique emphasis on written, as opposed to oral communication of legal analysis.

Elizabeth Fajans, **Mary R. Falk** and **Helene Shapo** (Brooklyn) announce the publication of *Writing for Law Practice* (Foundation Press 2003).

Amy Gajda (Illinois University) won both first and second place awards for Best Commentary from the Illinois Associated Press Broadcasters Association. Her legal commentaries air weekly on National Public Radio stations in Illinois and are published in *The News-Gazette*, the local Champaign-Urbana, IL newspaper.

Deborah Hecht (Touro), director of the Writing Resources Center, was awarded a Dean's Grant for Summer Research last summer, and she will present her research paper, *Private Letters and the (Nineteenth Century) Law*, at an upcoming faculty colloquium. This fall, she also presented two seminars: *Put Your Best Words Forward* and *Getting Published: How and Where Law Students Can Publish Their Work*.

Maureen Straub Kordesh is stepping down as director of the Lawyering Skills Program at John Marshall. She is not retiring from the faculty and will continue to teach in the program.

Legal writing director **Pamela Lysaght** (Detroit-Mercy) was awarded the James T. Barnes Sr. Memorial Faculty Scholar Award by unanimous vote of the selection committee. This award is given annually for outstanding scholarship, teaching excellence, and public service.

Lisa McElroy (Roger Williams University) recently published a new children's book, *Sandra Day O'Connor: Supreme Court Justice* (Millbrook Press 2003).

Marcia McCormick (Chicago Kent) is publishing an article, *Federalism Re-Constructed: The Eleventh Amendment's Illogical Impact on Congress' Power*, ___ Miss. L. J. ___ (Nov. 2003).

Joe Morrissey's (Chicago Kent) article, *Catching the Culprits: Are the Securities Fraud Laws Any More Effective After Sarbanes-Oxley?*, will be published in the Columbia Business Law Review in December.

Michael D. Murray (University of Illinois) recently signed a contract to publish a book, *Art Law: Cases and Materials*, with William S. Hein. He will also publish his article, *Jurisdiction Under the Foreign Sovereign Immunities Act for Nazi War Crimes of Plunder and Expropriation*, in the New York University Journal of Legislation and Public Policy, which will be forthcoming in either the Winter 2003 or Spring 2004 issue.

Terrill Pollman (University of Nevada-Las Vegas) received tenure in October.

Suzanne Rabe (Arizona) received a favorable tenure vote in November.

Jane Richmond, writing specialist and director of the writing program at Jones Day in Cleveland, OH, published *Legal Writing: Form and Function* (NITA 2002).

Sarah E. Ricks (Rutgers-Camden) jointly launched the Pro Bono Research Project with the Director of the Rutgers-Camden Pro Bono Program, Eve Klothen. The Project assigns upper-level students to discrete legal research projects solicited from regional public interest law practitioners. Students provide free legal research while developing their research, writing and oral presentation skills.

Judy Rosenbaum (Northwestern) was promoted from clinical associate professor to clinical professor. She is the Director of the Communication and Legal Reasoning Program.

Suzanne E. Rowe (Oregon) published a new book, *Oregon Legal Research*, with Carolina Academic Press.

CONTINUED ON PAGE 26

Publications and Promotions

Continued from previous page

Sheila Simon's (Southern Illinois University) article, *Greatest Hits: Domestic Violence in American Country Music*, will be published by the Oregon Law Review in Spring 2004. A separate article on bicycling in France appeared in the November 2003 issue of the *League of American Bicyclists* magazine.

Nancy Soonpaa (Texas Tech), associate professor and Director of the Legal Practice Program, received the Texas Tech Alumni Association New Faculty Award for 2003. She was awarded tenure at the law school in November.

Alex Tsesis (Chicago Kent) has several articles recently accepted for publication: *Contextualizing Bias Crimes: A Social & Theoretical Perspective*, 27 Law & Soc. Inquiry 315 (2003); *Justice at War & Brown v. Board of Education*, 47 How. L.J. ___ (forthcoming January 2004); *Furthering Freedom: Civil Rights and the Thirteenth Amendment*, 44 B.C. L. Rev. __ (forthcoming Mar. 2004); and *Regulating Intimidating Speech*, 41 Harv. J. on Legis. __ (forthcoming July 2004).

Nancy Wanderer (Maine) is proud to announce the addition of a new legal writing faculty colleague, **Angela Caputo Griswold,** who was selected to be the Legal Writing Fellow at the law school.

◆ ◆ ◆ ◆ ◆ ◆

Program News

The faculty at the **University of Maine School of Law** recently voted to increase the number of credit hours for the second semester of Legal Writing from two to three. To do this, the faculty voted to increase overall graduation requirements from 89 to 90 credits.

At the request of the dean of the law school, the president of **American University** has approved the extension of long-term contracts to Instructors in the Legal Rhetoric: Writing and Research Program.

Upcoming Events

AALS: On Sunday, January 4, 2004, at the AALS Annual Meeting in Atlanta, the AALS Section on Women in Legal Education will present a panel discussion on "Occupational Segregation by Sex in the Legal Academy." Legal writing professionals have been instrumental in organizing this presentation and will serve on the panel. The presentation is scheduled from 8:30 to 10:15 a.m., just before the presentation of the Section on Legal Writing, Reasoning and Research. The Section on Legal Writing, Reasoning and Research will present "Can We Be Too Accommodating? Probing the Outer Limits of the ADA" at 10:30 a.m., with a business meeting to follow. The panel will include attorneys, professors, and law school administrators, and will be moderated by Suzanne E. Rowe (Oregon).

The Fourth Annual Rocky Mountain Legal Writing Conference will be held this year on March 5-6, 2004, at the William S. Boyd School of Law, University of Nevada Las Vegas. No registration fee is required for the conference. For the conference schedule, activities, and information on housing, contact Terrill Pollman, William S. Boyd School of Law UNLV, 4505 Maryland Parkway, Box 451003, Las Vegas, NV 89154-1003, pollman@ccmail.nevada.edu, or call 702-895-2407.

News items relating to publications, promotions, program changes, or upcoming conferences and meetings can be sent throughout the year. Please e-mail news to patrick@lclark.edu. The LWI website also has a "member news" page which welcomes information about publications, promotions, changes in programs, or other events; news for the website can be e-mailed to Kenneth Chestek, kchestek@iupui.edu.

2004 LWI Board Meetings

AALS Meeting: Saturday, January 3, 2004 at 7:30 a.m.
2004 LWI Conference: Wednesday, July 21, 2004

2004 LWI Conference

Wednesday, July 21 through Saturday, July 24, 2004
Seattle University School of Law, Seattle, WA

Board of Directors Elections

Call for Nominations: January 2004
Elections: March 2004

Legal Writing: The Journal of the Legal Writing Institute

Status of Volumes 8 & 9: Delivery anticipated in January 2004
Status of Volume 10: Publication anticipated in Fall 2004
Status of Volumes 11 & 12: Currently accepting submissions; one volume will include Proceedings from the July 2004 conference
For information, contact Kathryn Mercer, Editor-in-Chief, at 216-368-2173 or klm7@po.cwru.edu

The Second Draft

Deadline for submissions for Spring/Summer issue: March 15, 2004
Deadline for submissions for Fall/Winter issue: October 15, 2004

Special thanks to Mike Horgan, of FSU Printing & Mailing Services, for production assistance; and to Professors Jennifer LaVia and JoLen Wolf, FSU, for assistance with proofreading.

The Second Draft: **Bulletin of the Legal Writing Institute**
From: The Florida State University College of Law
Tallahassee, Florida 32306-1601

Legal Writing (& Related) Events at AALS

Friday, January 2
6 p.m.: ALWD Board Meeting
Saturday, January 3
7:30 a.m.: LWI Board Meeting
8:45 a.m.: Workshop on Technology and Pedagogy
6:30 p.m.: Golden Pen Award Reception; Blackwell Award
Sunday, January 4
8:30 a.m.: Section on Women in Legal Education (Occupational Segregation by Sex in the Legal Academy)
10:30 a.m.: Section on Legal Writing, Reasoning, and Research (Can We Be Too Accommodating?); business meeting following program
Monday, January 5
8:30 a.m.: Section on Academic Support (Exploring the Scholarship of Teaching and Learning)

Golden Pen Award

On Saturday, January 3, LWI will host its fourth Golden Pen Award Reception. The Golden Pen Award recognizes persons who have significantly advanced the cause of better legal writing. This year, the award will be presented to Judge Robert E. Keeton. In 1991, as chair of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Judge Keeton created the Committee's first Style Subcommittee. He recognized that clarity promotes accuracy, and that sharpening the drafting of federal rules would sharpen their content. His decision led directly to greatly improved Rules of Appellate and Criminal Procedure and the current restyling of the Rules of Civil Procedure. Bryan Garner will be a guest speaker at the Golden Pen presentation. The event will begin at 6:30 p.m. in the Champagne Room of the Marriott Atlanta Marquis Hotel.