LegalWriting institute

THE SECOND DRAFT

Teaching Through Technology

The articles in this issue discuss techniques for using technology effectively in legal writing courses.

Call for Submissions

THE SECOND DRAFT

Fall 2009

"Teaching Implicit Reasoning"

Submissions are due by Monday, June 1st to seconddraft@suffolk.edu

Please go to **www.lwionline.org** for details

Letter from the Editors

We are nearly a decade into the new millennium, and the explosion of technology is staggering. As consumers, it is difficult to keep up with the new options for everyday products, such as TVs, phones, and portable music devices.

As teachers of legal writing, the array of technological tools available to us is equally as overwhelming. Our Millennial students frequently expect that material will be presented to them in a multi-media fashion. And yet, as teachers our goal is more than just to use the latest technology because we can, or because our students like it. Instead, we realize that we should narrowly tailor the use of these tools to achieve the goals of a particular class.

In this issue, we present an impressive array of suggestions as to how to effectively use technology in the classroom. From podcasting to PowerPoint, video clips to wikis, the authors in this issue have creative ideas for incorporating a wide array of technology, new and old, into the classroom. We hope that you'll find these articles as helpful as we have.

The topic of our next issue is *Teaching Implicit Reasoning*. We invite your thoughts on how to effectively teach this critical but difficult concept to novice legal writers. Please go to **www.lwionline.org** for details regarding submission formats and deadlines.

We wish you all a successful spring semester and a productive summer.

Kathy Vinson

Julie Baker

Stephanie Hartung

Samantha Moppett

SUFFOLK
UNIVERSITY
LAW SCHOOL

The President's Column

Ruth Anne Robbins,
Rutgers University School of Law—Camden

Happy 25th Anniversary LWI!

Dear LWI Members:

In my last column I wrote about the vision of LWI over the next several years. Our vision is to use our resources to facilitate development of our field and to simultaneously build more bridges with others in the legal and academic communities. We are making progress towards both of those goals.

And now for an alphabet soup update . . . . Representatives from several like-minded organizations now speak regularly and meet annually at the AALS conference. Those groups include LWI, ALWD, SALT, CLEA, AALS-Clinic, AALS-Balance in Legal Education, AALS-Academic Success, and AALL. Our organizations are also sharing documents with each other. For example, when writing a letter to the ABA Council on Legal Education, CLEA specifically quoted and cited the earlier-submitted letter written by LWI. Why is this important? Because it demonstrates that LWI is becoming known as an important member of the academic legal community. It also reveals that LWI is actively seeking to protect the interests of its members within the academic legal community.

As of January 1st we have begun LWI's 25th anniversary celebrations. We began with two kinds of events in January. First, LWI provided support to our host school's Law & Rhetoric conference held in San Diego just prior to the annual AALS conference. We also feted our Golden Pen and Blackwell award winners: The National Association of Attorneys General and Professor Linda Edwards.

Let me speak first about Mercer's Law & Rhetoric conference. Over the past several years the legal writing community has developed a series of specialty conferences designed to focus on the theoretical and scholarly underpinnings of our field. By better understanding the psychology, sociology, and rhetorical aspects of persuasion and communication, the legal writing rhetoricians claim we are wiser teachers and stronger scholars. First imagined as the Notre Dame Colloquia, the movement has grown to include several

other conferences including the annual conference at American University, the LWI Applied Storytelling Conferences, and now the Mercer Law & Rhetoric conference. Organized by the legal writing department at Mercer, the two plenary speakers were noted scholars and named chairs at their respective universities, Professor Steven Mailloux (Chancellor's Professor of Rhetoric, University of California—Irvine) and Professor Francis Mootz II (William S. Boyd Professor of Law at the William S. Boyd School of Law, University of Nevada, Las Vegas). Legal writing professors spoke in the afternoon on panels, relating our field to the morning presentations. More about that conference can be found on the Mercer website, **http://www.law.mercer.edu/lawandrhetoric/**.

The next LWI-supported specialty legal writing conference is the second Applied Legal Storytelling Conference, taking place at Lewis & Clark School of Law from July 22-24, 2009. That conference brings together speakers from the worlds of legal writing, clinic, casebook law, and practice. That conference is another way that we are working on the twin goals of developing our field and building bridges across disciplines.

January is awards month for LWI. Each year LWI and ALWD select a leader in our field to honor Professor Thomas Blackwell, a professor slain in his law school. This year the committee chose Professor Linda Edwards. We all know Professor Edwards as one of the leaders in our legal writing community—someone who is devoted to advancing our field both with her writings that inform our teaching and thinking about legal writing, and with her mentoring of scholarship through the LWI Writers Workshop.

LWI also presents an annual award to people or organizations that support legal writing excellence in the "real world," so to speak. This year the committee selected the National Association of Attorneys General (NAAG). That organization provides resources, mentoring, and mooting to state attorneys general around

The President's Column

the country. Celebrating 102 years, NAAG serves a function that LWI members can easily relate to: providing resources to legal writers and sponsoring mentoring sessions as well as conferences. I urge you to peruse their website **http://www.naag.org/**. The Golden Pen Committee (Susan Thrower, Leah Christensen, Kirsten Davis, Sonia Green, Hether MacFarlane, Lou Sirico, Mark Wojcik, and Christopher Wren) did a wonderful job both in terms of selecting the recipient and in organizing the event. Special thanks also to the Blackwell Committee (Coleen Barger, Mary Beth Beasley Lisa Blackwell, Susan H. Duncan, Terrill Pollman, Diana Pratt, and Lou Sirico), chaired by Ruth Vance.

Ultimately, the progress and outreach of LWI results from the dedication and volunteer hours of our members. All of the successes that I have talked about in this column belong to you. Congratulations to each of you for what we have accomplished.

Blackwell Award Recipient Linda Edwards with Judy Stinson, president of ALWD, and Ruth Anne Robbins, president of LWI

Linda Edwards, recipient of Blackwell Award, and and Richard Neumann, recipient of AALS Section on Legal Reasoning, Writing, and Research Award

Recipient of Golden Pen Award, Dan Schweitzer, representative of National Association of Attorneys General (NAAG)

Featured Articles

Fall Break is Only a "Click" Away: Using an Audience Response System To Merge a Pre-Break Legal Research and Legal Writing Review

Jan Baker &
Terrye Conroy,
University of South
Carolina School of Law
bakerjm3@law.sc.edu
conroyt@law.sc.edu

Each fall, our first-year law students trudge through the first eight weeks of classes with one goal in sight: fall break. What has become abundantly clear, is that as the long-awaited two-day vacation draws closer, the students' abilities to concentrate on anything other than the break is significantly diminished. In an effort to hold our substantive ground without risking a revolt, we decided to use some creative technology to send our students away with a solid eight-week review.

In the last few years, the use of audience response systems, affectionately known as "clicker" systems, has become increasingly popular. We decided that using a clicker system would be a great way to engage our students in a review of everything they should have learned in the first eight weeks of Legal Research and Legal Writing.   We created twenty-five PowerPoint slides with multiple choice questions. The questions ranged from basic citation questions to more complex questions about appropriate legal research finding tools and hierarchy of authority.   For example, we asked which court's opinion was mandatory authority in a particular jurisdiction, and followed that question with one asking the students to identify which digest they would use to find cases in that jurisdiction. To complete this trio of questions, we asked the students to identify the correct citation to a case from the same jurisdiction.

Because one of us suffers from acute technology phobia, we practiced the presentation to make sure we had the transitions between slides well-timed, and we tested the transmitters to make sure the student responses would be accurately recorded. We then scheduled the review as a joint class meeting and provided hearty snacks. At the start of the presentation, we distributed hand held remote transmitters (clickers) to the students and made sure they all registered.[1] The students responded slowly at first, but when they saw their responses posted on the screen, the pressure to be in the correct answer column became a great motivator. The students began to think through the questions. To our delight, they performed very well. The percentage of correct answers was very high—at least ninety percent on all questions

One downside (a caveat to those who might use this type of review)—if the system allows you to write five answers, write five answers. For some questions, students could choose one of four answers. Towards the end of the session, when their brains got tired or their silliness got the best of them, they started choosing "e" when "e" was not an option.

We got terrific feedback from students on the review. They enjoyed the opportunity to do something different. From a teaching perspective, using the audience response system allowed us to reinforce critical skills components in a way that tested the student's abilities to integrate research and writing. The technology served as a great tool for engaging the students with the materials, and provided for us a terrific medium for compiling information from our two courses.

This year, we prepared another combined Legal Research and Legal Writing review for the day before fall break. We modified the questions to focus on a change in the order of skills taught in Legal Research and to include a shift from objective to predictive writing. The review gave us a chance to see how well the students handled the material and helped us prepare for the second half of the semester.

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1   The audience response system we use is manufactured by iclicker. For more information visit **www.iclicker.com**.

Using Webcasting to Expand the Classroom Walls

Alison Julien,
Marquette University Law School
Alison.Julien@marquette.edu

During my seven years of teaching, I have discovered that there are more topics to cover than there is time to cover them, and that some topics are more difficult than others to teach effectively to the entire class. In particular, I have a hard time covering topics like grammar, punctuation, and sentence level-editing in class. First, it is difficult to find class time to do so. Second, because students come into my classes with a wide range of abilities, I invariably had students who looked like they were bored from the first minute of class, and students who looked like they were frantically trying to take notes and were unable to keep up. To remedy what I perceived as inefficient use of class time, I decided to try to expand my classroom to the web and cover some topics in webcasts.

I experimented first with podcasting—creating audio files in which I explained concepts to students. I used a very simple (and free) program called Audacity. I pushed "record," talked about the relevant concept, pushed "stop," saved the file, and uploaded it to my TWEN course page. Students could listen to the podcast any time outside of class, either on their MP3 players or on their computers.

I struggled with podcasting, however, because I am a very visual person. I have difficulty teaching without visual aids, and I had similar difficulty podcasting without them. To add a visual component to the podcasts, I started uploading documents or PowerPoint presentations to my TWEN site and referencing them as I recorded my podcasts. But when I created the podcasts, I found myself dictating things like "advance the slide," and I was reminded of filmstrips in elementary school, when a beep would remind the instructor to advance the film. I wanted a better way to combine the audio with the visual, but my technology skills did not include a solution.

Though my technical skills are limited, I am lucky to work with a terrific instructional technology group who suggested that I use a screen capture program called Camtasia. (There are many other programs on the market that allow you to accomplish the same thing.) In essence, the software allows me to create a visual using PowerPoint, my word processor, or anything else I can put on a computer screen, and to add a voice-over to whatever is on the screen. So, for example, I created a series of PowerPoint presentations covering my students' most common grammatical errors. I then recorded my commentary over the top of the PowerPoint presentations, and I ended up with a series of webcasts on grammar. If I want to draw students' attention to something on the screen while I am recording, I can point to it with my cursor. If I want to demonstrate how to edit something, I can edit it on my screen, and the software captures that editing, along with my oral explanation of the edit, in real time. When students open the files, they click "play," and the webcast runs just as a short film would run; the students do not need to advance slides or pull up documents. They see the visual and hear the accompanying audio.

Webcasting has two major benefits. First, I can cover material that I might not otherwise get a chance to cover in class. Second, students can use the webcasts to work at their own pace. If a student already understands pronoun-antecedent agreement, for example, that student never has to view the webcast on that topic. Students who do not understand why the court is an "it," however, can view the webcast as often as they need to understand the material. I now teach grammar, punctuation, and citation using a series of short webcasts. I also created webcasts covering passive voice, nominalizations, precision, and conciseness. I suspect that webcasting could be used effectively to cover virtually any topic if the primary goal is simply to deliver information or reinforce material.

The obvious downside of webcasting is that you lose the interaction with students in the classroom. That loss of the give-and-take in class, however, can be remedied if you use the webcast simply to deliver information and then follow up the webcast with an in-class activity or exercise. The instructor and the students can use the exercise to determine whether the students understood the concepts in the webcasts, and the students have an opportunity to practice using the material and ask questions.

For me, moving some of my course coverage to webcasts has given me a way to make my class time more interactive and productive.

Can You Hear Me Now? Using Voice Comments to Provide Feedback on Students' Memoranda

Sabrina DeFabritiis,
Suffolk University Law School
sdefabri@suffolk.edu

As a legal writing professor, one of my principal goals (and challenges) is to provide students with concise, yet comprehensive, comments on their writing. If I expect my students to use each piece of writing as a stepping stone to produce a superior final product, then I must do my part in accentuating their strengths and addressing their weaknesses. In the past, I have provided students feedback through the use of extensive written comments on a separate sheet of paper supplemented by margin comments within the text of each memorandum. Additionally, I have provided one final comment at the end of each paper drawing the students' attention to the "big picture" of what they need to do to improve their legal writing skills.

This method has resulted in many grateful students thanking me for the time and effort I expended in providing them with such thorough comments. However, their appreciative attitudes have not always correlated with improved final products. Consequently, this semester I decided to put the pen and paper aside and try voice comments.

My expectations were high as I made the commitment to provide my students with voice comments on their first objective memorandum of the semester. I anticipated that voice comments would allow me to provide detailed and articulate feedback which the students would then listen to, take notes on, and implement in the re-writing process. Instead of simply reading a brief comment on a particular analytical flaw contained in their memoranda, students would now be required to listen to, and take notes on, a more detailed voice comment which not only addressed that flaw but also instructed the student to

review specific class lectures, reading assignments, and handouts that would provide assistance in the re-writing process.

As I began reading through each paper, I made minor edits within the text itself. On the right-hand margin I assigned a number to each section, whether it was an individual sentence or entire paragraph. This number corresponded to the voice comment for that section.

The technology I used to record and provide these comments was simple to use, even for the less-than-technically-savvy. For recording the comments, all I needed was a voice recorder and headset. I spoke into the headset microphone in a relaxed conversational tone, much as I would to my student during an individual conference. On average, I assigned nine to fourteen comments for each four-page memorandum.

The comments were then transferred to my computer and converted to MP3 files by using voice editing software. I saved each student's comments in an individual folder. The final step was getting the comments to the students. To complete the process, I transferred each student's folder of comments onto a flash drive which I handed back to the student along with the graded memorandum.

> *As opposed to just telling the student that some material facts were missing, I was able to explain to the student why an incomplete explanation of the outcome-determinative fact would leave a reader confused as to the court's holding and reasoning.*

Having completed my first round of voice comments, I am pleased with the overall quality of the comments I was able to provide versus the written comments which I had provided in the past. For example, as opposed to just providing a brief written comment on the flaws in the student's explanation of the precedent cases, the

voice comment allowed me to identify the flaw and clearly articulate for the student why the explanation was incomplete. As opposed to just telling the student that some material facts were missing, I was able to explain to the student why an incomplete explanation of the outcome-determinative fact would leave a reader confused as to the court's holding and reasoning. Additionally, I was able to provide suggestions on how the student should go about drafting the explanation section in the future so as to provide the reader with a more complete picture of the precedents.

I also provided voice comments on the sections of their papers that were well-written. So now, instead of just seeing a "Good Conclusion" next to the conclusion section, students receive a brief comment telling them why that conclusion is effective based on the way they have drafted it and the information they have included therein. This comment not only shows students that they are able to write a good conclusion for this particular assignment, but also that they have the skills to write an effective conclusion in the future, because they know exactly what it is that made this conclusion "Good."

To date, the voice comments appear to be a favorable method of providing and receiving feedback on written memorandums. Some students have taken the time to mention what a "cool" way this is to receive feedback, noting what a powerful effect audio comments have versus hand-written comments. I am pleased with these results, although I suppose the true test of the voice comments' effectiveness will only be shown through the final product of the students' memos.

Using Classroom Technology to Teach Oral Argument

Tonya Kowalski,
Washburn University School of Law
tonya.kowalski@washburn.edu

Using technology to teach oral advocacy stimulates the classroom. Using clips from real cases reduces anxiety, reaches different types of learners, provides context for current writing assignments, and can even employ peer learning. Here are some ideas on how to get started.

Breaking the ice. From the perennial posts on the LWI listserv, many of you already know the classic "bad oral argument" clip[1] from the Seventh Circuit, in which defense counsel panics when the court informs him that the United States Supreme Court has overturned his key case. The drama piques student excitement, and it also allows the teacher to show that at oral argument, even rookie, student attorneys can sometimes perform better than seasoned lawyers.

Contextual learning. Each year, I play an argument from a top-cited case in the students' appellate brief problem. It is usually the first time that students have heard lawyers and judges talking about a case in which they have a deep professional interest. One year, my class was analyzing whether an asylum-seeker from Tibet had been firmly resettled in Nepal, which would bar her asylum in the United States. We listened to a leading firm resettlement case from the Ninth Circuit. I have never seen such furious note-taking. Light bulbs went on all over the room as the students listened to experienced judges and attorneys dissect and debate the very rules they were struggling to analyze in their own writing. The argument also contained much more policy debate and statutory construction than the opinion that later resulted.

To locate recordings from relevant cases, you will probably have the most success with the four federal courts that make selected oral arguments available on

the Internet: the United States Supreme Court[2] and the Seventh,[3] Eighth,[4] and Ninth[5] Circuit Courts of Appeal. Many states also provide appellate arguments in audio or video format, although they often use live, streaming video rather than archived files. To help the students relate to the argument participants, teachers can find judges' and lawyers' photographs on their employers' websites and add them to a PowerPoint slide.[7]

Active learning. We all know that students are often anxious about public speaking and about their grades. After discussing the do's and don'ts of oral argument, it can help to let them critique and discuss a recorded argument in class using your judging score sheet or guidelines.

> *The drama piques student excitement, and it also allows the teacher to show that at oral argument, even rookie, student attorneys can sometimes perform better than seasoned lawyers.*

Peer learning. We know that students often "buy in" to a lesson better when they can learn it from a respected peer. Although I have not yet used this tool, it might be worth contacting your moot court advisor to see whether competitors would be willing to let a first-year class see their videotaped practice rounds. Moot court recordings have the added benefit of showing students how to argue in two-person teams and how to receive pointed critique from judges.

Planning for Murphy. To ensure a professional appearance, be sure to arrive early and make sure that the technology is turned on and working. Open websites and load the clips. Consider bringing a backup file on your flash drive. If web traffic is heavy, the video may freeze or garble because it cannot load fast enough to play smoothly. If not too much picture quality will be lost, consider enlarging video clips to full screen mode.

Your IT department or library staff may be willing to assist you with these technical issues.

1 U.S. v. Johnson, 123 Fed. Appx. 240 (7th Cir. 2005) (unpublished) (available at http://www.ca7.uscourts.gov/fdocs/docs.fwx?caseno=04-2732&submit=showdkt&yr=04&num=2732). The Legal Writing Law Profs Blog archives a post with leads on good argument recordings at http://lawprofessors.typepad.com/legalwriting/2007/01/videos_of_oral_.html.

2 Available at http://www.oyez.org/.

3 Available at http://www.ca7.uscourts.gov/.

4 Available at http://www.ca8.uscourts.gov/case/csFrame.html.

5 Available at http://www.ca9.uscourts.gov/ca9/media.nsf/Media+Search?OpenForm.

6 The National Center for State Courts keeps a list of Internet recordings and broadcasts at http://www.ncsconline.org/WC/CourTopics/StateLinks.asp?id=39&topic=IntCts.

7 Throughout each recording, Oyez.org flashes the photo and name of the justice currently speaking.

Featured Articles

Using Video Clips to Teach Legal Analysis

Robert Somers,
Whittier Law School
rsomers@law.whittier.edu

When I began teaching legal research and writing in the 2003-2004 school year, my cutting-edge technology was the copy machine. Although I was computer literate, I had decided that students needed to learn as I learned: a dry-erase board and handouts. My intentions were good: modern students needed to extract the important information from a lecture without aid from modern technology. However, after staring into vacant faces during one too many lectures during my first two years of teaching, I resolved to make my classes more interesting, enjoyable, and educational via technology.

While I experimented with PowerPoint—a popular and effective tool--I decided that to be innovative, I must move beyond PowerPoint. Enter video. Students love video. It gives them a break from the professor. If I can demonstrate a topic via a short video, I do; if the video is funny, even better. The United States Supreme Court discussing the importance of legal writing likely holds more weight with students than me preaching on its importance.[1] A video deposition of Michael Jackson is far more entertaining than only a lecture on the subject.[2] Students actually enjoy watching attorneys argue to the court of appeals and absolutely relish watching attorneys get scolded by the court of appeals. YouTube is a goldmine! In a two-hour class, even five minutes of video can boost student morale.

> *Very early in the students' first semester, to introduce IReAC, I do a modern incarnation of the apple-banana-orange comparison using video clips. I show short clips of mountain biking, auto racing and surfing.*

Video also has practical applications. Very early in the students' first semester, to introduce IReAC, I do a modern incarnation of the apple-banana-orange comparison using video clips. I show short clips of mountain biking, auto racing, and surfing. I then divide the class into two halves. One half of the class brainstorms similarities and differences between surfing and mountain biking. The other half of the class brainstorms similarities and differences between auto racing and mountain biking. The video clips continue to play while the class brainstorms.

I then ask whether auto racing or surfing is more similar to mountain biking. The students usually answer "auto racing" reasoning that both sports use vehicles with tires that participants steer. This is where I demonstrate the importance of legal rules: "What if a statute states that two sports are similar if they occur on natural terrain?" This "statute" inevitably changes the students' original opinion because the auto-racing clip occurs on a paved track. Next, I explain that statutes are rarely this outcome determinative and introduce a more realistic "statute": "Two sports are similar when the participants receive similar levels of enjoyment performing the sports." Though not based in reality, this rule requires a rule explanation to have meaning.

My hypothetical precedent case holds that mountain biking and skateboarding are the most similar sports because the enjoyment levels of the participants are equal. Students then realize that to conclude on whether surfing or auto racing is more similar to mountain biking, they must compare their facts to skateboarding. Once the students perform the analysis and reach a conclusion, they have performed an IReAC using video clips. Students actually seem to enjoy learning IReAC in this manner.

In conclusion, technology can make class more enjoyable and educational for the students. Consequently, I am more excited about teaching because student writing has improved and I do not look out at vacant faces.

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1   Bryan Garner, *Interviews of United States Supreme Court Justices*, http://www.lawprose.org/supreme_court.php (last accessed September 5, 2008).

2   YouTube, *Deposition Mexico* 1993 _Part 1, http://www.youtube.com/watch?v=6dMysUSpviw&feature=related (last accessed September 5, 2008).

Featured Articles

The Case for Limiting the Use of Technology to Teach

Patricia Grande Montana,
St. John's University School of Law
grandep@stjohns.edu

There has been much discussion recently over how best to integrate technology into the classroom to meet the needs of our students, many of whom use computers, the Internet, and other technology to take notes, draft and revise assignments, and conduct research. Before exploring what technology to use to teach, we must first decide how to use technology in the classroom in a way that will benefit our students. Just because students rarely use pen and paper does not mean that they now learn differently. Thus, we might not need to dramatically change our teaching methods, especially when teaching through technology has definite drawbacks.

Let's take PowerPoint, for example. Even though PowerPoint is far from an innovative technology, it is still the predominant way many professors teach through technology. Now PowerPoint can be an effective tool to communicate information to students, particularly when it is used to outline a lesson and key concepts or pose questions and hypothetical problems. By highlighting important information on the screen, the students, especially the visual learners, benefit from seeing how the discussion fits the big picture. As a result, they should be able to better understand the material and take more organized notes. Also, PowerPoint gives professors a chance to be more engaging and devote additional time to substance because it often replaces the use of a whiteboard, which requires a professor to turn his or her back on the students while writing on the board.

On the other hand, when a professor packs his or her PowerPoint presentation with detailed information, including, for example, definitions of concepts and answers to questions or hypothetical problems, it can easily become an ineffective tool. The more information the professor fills in for the students, the less engaged the students are. This type of presentation fails to challenge the students to come up with the answers on their own and to follow the class instruction to learn the material. In essence, students are free to "check out" of the discussion because all they have to do is transcribe the information. They can study and learn it at a later time, if ever. And, more sophisticated PowerPoint presentations typically include pictures, sounds, highlighting, video clips, or other extras. While these additions might enliven an otherwise boring topic and might emphasize important concepts or terms, they often distract and confuse the students.[1] Not all of our students are visual learners; those who learn by doing, speaking, and writing, for example, are not covered by this presentation method. In fact, anecdotally, many of my students have commented that they lose focus when a professor's use of technology is too intricate or gimmicky. Therefore, teaching through technology is only beneficial to students if it allows them to stay active in their learning.

Since PowerPoint is now old technology, we are faced with learning new multimedia applications and applying them to our teaching. Though the technology might be different, we must recognize that the benefits and drawbacks are similar. For example, some professors are appealing to students' affection for their iPods by creating podcasts. In short, they are recording their instruction in a digital-media file that students can then download onto their computers, iPods, or other device, and listen to at their convenience. Just like in the case of PowerPoint, if the professor does not lecture but rather asks questions that motivate the students to engage in critical thinking, it can be an effective method to communicate to students, especially the aural learners.

Regardless of the technology, students who merely receive knowledge in a passive way will not learn effectively. Thus, in our attempt to dazzle our students with technological innovation, we must be careful not to overuse or misuse the technology. We must limit our teaching through technology to instances in which we can still encourage active learning.

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1   Additionally, technology oftentimes fails to work properly or at all. When that happens, it is very disruptive to the flow of the class discussion and has the potential to make the professor look like he or she has lost control.

Featured Articles

Wikis While You Work: Incorporating Wikis in the Classroom

Samantha A. Moppett,
Suffolk University Law School
smoppett@suffolk.edu

Technology can be an effective teaching tool, yet many of us struggle to find new ways to incorporate technology in the classroom. Last year, I incorporated technology by using wikis in my first year legal research and writing curriculum. Put simply, a wiki is a Web site that allows numerous people to contribute to and edit the content of the site.[1] The most well known wiki is probably Wikipedia, the collaborative online encyclopedia that is the word's largest wiki site.[2] A wiki can be either public or private, and it allows all users to write a document collaboratively using an online editor, often referred to as a WYSIWYG editor ("What You See Is What You Get"). Most wikis also keep track of the changes that are made and, therefore, it is possible to revert back to an older version of the page if necessary.

As a starting point, I decided to introduce the wiki during the spring semester. Like many programs, our spring semester legal research and writing class focuses on persuasive writing and oral advocacy. When discussing oral advocacy, I spend a considerable amount of time discussing how to prepare for an oral argument. Recognizing that the purpose of oral argument is to answer any questions that the judge may have, I encourage my students to try to anticipate the questions and to practice answering those questions.

To facilitate this process, I ask my students to draft one question that they think the judge will ask each party. In the past, the students have emailed the questions to me and I have created a master list for the students before practice oral arguments began. Last spring, instead of having the students email the questions to me, I had the students compile their questions in a wiki that I created for each class.

When I decided to use a wiki in class, I had never seen a wiki apart from Wikipedia. With the help of our computer services department, I opened an account on Zoho Wiki—**http://wiki.zoho.com**. Zoho Wiki is a free hosted wiki service that allows users to create two free wikis.

For each class, I created a private wiki that would be limited to the students in the class. To do this, I created a group list consisting of the students' email addresses. Then, Zoho sent an email to each student inviting them to participate in the wiki, with instructions on how to subscribe. Once the students had subscribed, they could log on to the wiki.

> *…the wiki provided an opportunity for students to work together, and the pedagogical benefits of cooperative and collaborative learning are vast.*

Once the students logged on to the class wiki, they could access the wiki page that I created for the oral argument questions. In the Oral Argument Questions wiki page, they were provided with instructions at the top of the page telling them to insert their questions into the space allotted. Adding questions to the wiki was simple because Zoho Wiki provides basic word processing capabilities. After each question, the students were asked to place their name in parentheses. In addition, students were encouraged to edit their peers' questions, indicating the edit by placing their name in parentheses after the original author's name in parentheses. The wiki also provided a place to provide comments about the process.

Featured Articles

Wiki Page

Instructions

Place to insert questions
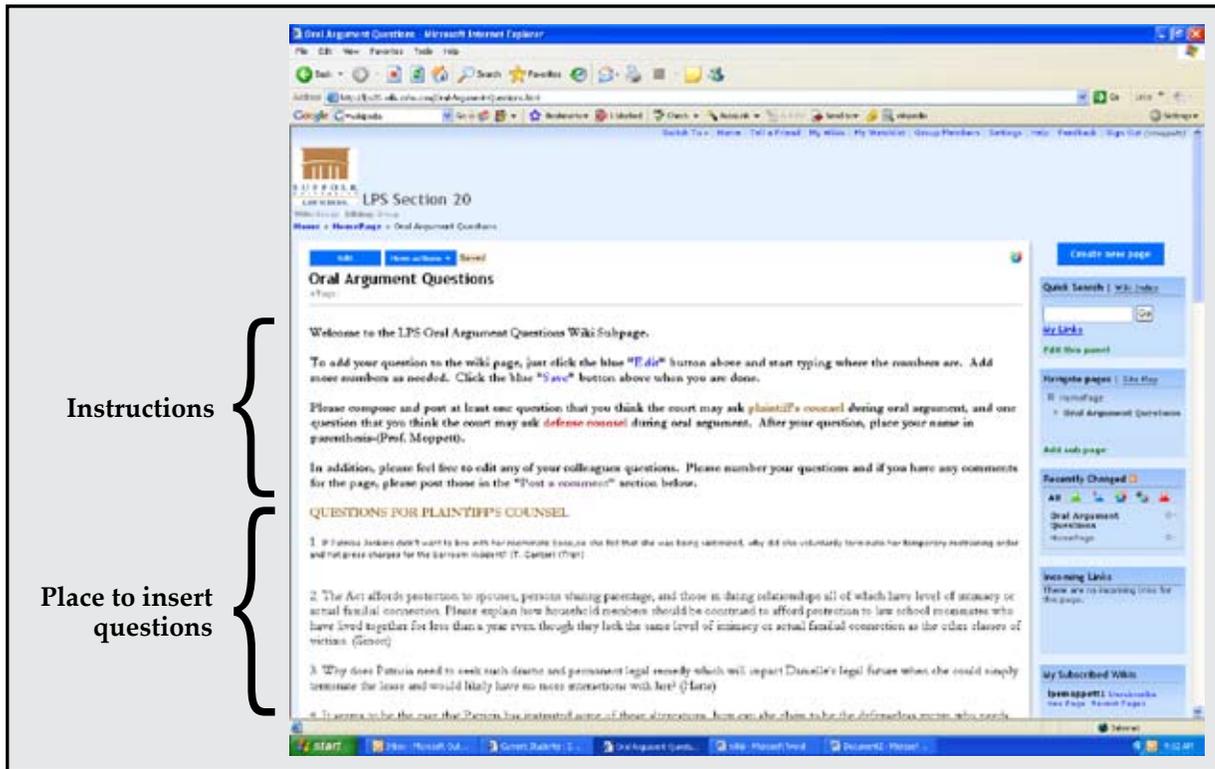
Using a wiki to compile the oral argument questions was a successful teaching strategy for four reasons. First, it allowed me to incorporate new technology in the classroom, which is important because today's students grew up using computers and "may learn most effectively when they receive information through an electronic medium."[3] Second, the wiki provided an opportunity for students to work together, and the pedagogical benefits of cooperative and collaborative learning are vast.[4] Third, it was beneficial to introduce the students to wikis because it is increasingly likely that students will be using wikis in law practice.[5] Finally, using a wiki rather than compiling the questions from emails allowed for a better list of questions and created less work for me. In the past, when the students emailed the questions to me I invariably got the same questions over and over again. With the wiki, the students were able to see what questions had already been asked and avoid repeating them; and the questions were better because the questions were no longer anonymous. The wiki was also easier for me because I did not have to keep track of 47 emails and cut and paste the questions into a new document.

My students confirmed that using the wiki was a positive educational experience. They remarked that "the wiki was an excellent tool in preparing for oral argument," and that the exercise "forced me to think of questions that I might not have otherwise." Based on the feedback that I received, I plan to continue incorporating wikis into my curriculum.

1   Wikipedia, "Wiki," available at **http://en.wikipedia.org/wiki/Wiki** (last visited August 21, 2008). The term "wiki" is a Hawaiian word for "fast." *Id*.

2   *Id*.; see also John Sirman, *The Year of the Wiki*, 68 Tex. B.J. 114, 114 (2005).

3   Marie Stefanini Newman, *Not the Evil TWEN: How Online Course Management Software Supports Non-Linear Learning in Law School*, 5 J. High Tech. L. 183, 183 (2005).

4   Elizabeth L. Inglehart, Kathleen Dillon Narko & Clifford S. Zimmerman, *From Cooperative Learning to Collaborative Writing in the Legal Writing Classroom*, 9 Leg. Writing 185, 187-188 (2003).

5   Sirman, *supra* note 2, at 114.

The Next Step

Get a (Second) Life

*Lisa Penland
(aka in Second Life as Jaki Xue),
Drake University Law School
Lisa.penland@drake.edu*

Teaching legal writing and contract drafting, along with having a real life, is challenging enough. Even so, lately I've been asking myself whether it's time to get a Second Life and incorporate it as part of my teaching.

Second Life defines itself as a "3D virtual world created by its residents."[1] It was created in 2003 by Linden Lab and it is similar to massively multiplayer online role-playing games, but is unscripted and resembles living a life, more than playing a game.[2] The residents of Second Life are avatars, characters created by people who participate in Second Life.[3] Second Life has a currency known as the Linden dollar,[4] which residents can use to purchase land and other items. Linden dollars convert to U.S. dollars[5] and a substantial amount of real money is being made in Second Life.

There are numerous lawyers, law firms, bar associations, and professional legal groups in Second Life.[6] Additionally, Simteach Second Life Education Wiki lists a variety of educational institutions active in Second Life, including in excess of 100 colleges, universities, and other institutions.[7] The SimTeach wiki also provides numerous resources for teaching and learning in Second Life.[8]   Law professors and law schools have incorporated Second Life into law school courses, including Harvard Law School, which teaches a full online law school course in Second Life;[9] Elizabeth Townsend Gard's a first year property course at Seattle University School of Law;[10] and Rob Hudson's International Research Skills course at Nova Southeastern University Law School.[11]

The question for legal educators is whether the advantages of using Second Life as a pedagogical method outweigh the obstacles. There is no doubt that Second Life can create unique and beneficial opportunities for students.   For example, one would be hard pressed to recreate the experience of virtual tours and global connections available in Second Life.

In his research course, Rob Hudson provided a tour "to virtual offices of international law firms, courts, libraries, and government agencies with Second Life presences" and Professor Hudson indicated that "it was powerful for students . . . to meet within Second Life lawyers practicing international law from Europe."[12] In addition, Professor Hudson was able to provide the students with a guest lecture by a member of the European Parliament.[13] Another commentator has noted that "Second Life's sense of presence can enhance distance education" because it creates a stronger connection in the classroom.[14] That is, the avatar representation of the students and professor create a virtual presence that enhances the classroom relationships.[15]

> *There is no doubt that Second Life can create unique and beneficial opportunities for students. For example, one would be hard pressed to recreate the experience of virtual tours and global connections available in Second Life.*

The biggest drawback of using Second Life is the steep learning curve. To this I can speak personally. My only foray into Second Life has been a two-hour stint on "Orientation Island" where I learned the bare bones of Second Life. (I spent an indeterminate amount of that time trying to acquire brown hair . . . unsuccessfully). As Rob Hudson noted, "[t]he overwhelming inexperience of . . . law students in accessing Second Life require[s] more hand-holding than [is] really possible to effectively provide."[16]

Based on the inexperience of today's students, it is likely that the best use of Second Life in the legal writing classroom is to use it as a distance education tool in

advanced writing courses to serve existing residents of Second Life.   However, the fast-growing trend of children and adolescents participating in virtual worlds[17] indicates that while today Second Life may be useful primarily as a distance learning tool, it is likely that, in the future, students will be not only be prepared for its incorporation into the classroom, but expect it. So should we get a Second Life? It's certainly worth thinking about.

1   Second Life, *What is Second Life?*, **http://secondlife.com/whatis/** (last accessed December 10, 2008).

2   Meg Kribble, *A Law Librarian's Second Life*, AALL Spectrum 13 (November 2007).

3   Second Life, *Create an Avatar*, **http://secondlife.com/whatis/avatar.php** (last accessed December 10, 2008).

4   *Id., Economy*, **http://secondlife.com/whatis/economy.php** (last accessed December 10, 2008).

5   *Id*.

6   Lawspot Virtual Worlds Law Library, *Galileo Law Directory*, **http://www.lawspotonline.com/lawspot/vwlaw/galileo_dir.jsp** (last accessed December 10, 2008).

7   SimTeach, *Second Life Education Wiki*, **http://simteach.com/wiki/index.php?title=Institutions_and_Organizations_in_SL#UNIVERSITIES.2C_COLLEGES_.26_SCHOOLS** (last accessed December 10, 2008).

8   *Id*., **http://simteach.com/wiki/index.php?title=Second_Life_Education_Wiki** (last accessed December 10, 2008).

9   Kribble, *supra* n.2, at 13.

10 *See* Elizabeth Townsend Gard & Rachel Goda, *The Fizzy Experiment: Second Life, Virtual Property and a IL Property Course*, 24 Santa Clara Computer & High Tech. L.J. 915 (2008).

11 Rob Hudson, *A Little Grafting of Second Life into a Legal Research Class*, **http://www.llrx.com/features/secondlife.htm** (published May 9, 2008) (last accessed December 10, 2008).

12 *Id*.

13 *Id*.

14 Kribble, *supra* n.2, at 14.

15 *See id*.

16 Hudson, *supra* n.11.

17 An eMarket report noted that by 2011 over one-half of children on-line will be residents of a simulated world. Joseph Rosenbaum, Powerpoint Presentation, *Marketing to Children in Virtual Worlds*, **http://www.virtualworlds2008.com/presentations/Joseph_Rosenbaum_Marketing_to_Children_in_Virtual_Worlds.pdf** (last accessed December 10, 2008); *see also* Michelle Slatalla, *Today, I Think I Will Be Hippohead*, The N.Y. Times (May 8, 2008), **http://www.nytimes.com/2008/05/08/fashion/08Cyber.html** (last accessed December 10, 2008).

Assessing Student Learning Through PowerPoint "Games"

Johanna K.P. Dennis, Touro College, Jacob D. Fuchsberg Law Center
jdennis@tourolaw.edu

It is undisputed that technology has the potential to change the law school classroom and to impact the educational experience. In the legal writing classroom, the use of PowerPoint-based "games" can create a dynamic learning environment enabling a professor to better assess student progress.

Technology permits a more flexible teaching and learning experience, and can change how a teacher interacts with the students and how the students interact with the materials and each other. However, technology should not be used simply for technology's sake; it should remain an aid—a supplement to the primary objective or substance of the class.[1] For technological aids to confer positive benefits, teachers need to be committed to integrating a specific kind of technology for an identified and limited purpose.

Learning in the Legal Research and Writing classroom involves less "learning that," a relatively sudden impartation of knowledge, and more "learning how," a gradual process involving practice of a skill.[2] Throughout the course, students need opportunities to reinforce research, analysis, communication, and citation skills, and there are many kinds of exercises which teachers can use for these purposes. Though the students develop their skills over time, there are certain points at which the teacher may seek to know whether the students have sufficiently grasped the material, so that the next skill can be developed or the prior skill can be revisited.

Using either traditional or authentic assessments, the teacher can determine what the students have learned. Traditional assessments are those that gauge a student's retention of information in a set environment at a distinct point in time, i.e., "learning that." By contrast, authentic (or alternative) assessments are those means of determining a student's collective abilities over a period of time.[3] Authentic assessments involve determining whether a student has "learned how" to do a tangible task. Authentic assessments are more applicable in the legal writing classroom than traditional assessments, because the former tests what the student truly knows, as opposed to what he or she is able to recall.[4]

The integration of technology into teaching lends itself more to authentic assessment than to traditional assessment. By using technologically enhanced authentic un-graded assessments, a LRW professor stands to gain a realistic view of what each student has learned as a whole, while the students are individually able to self-analyze. The students can even enjoy the learning experience. Below, I discuss two technology-based authentic assessments that I have used in my classroom.

Touro Trial

I use a PowerPoint jeopardy type game called Touro Trial as a collaborative authentic assessment midway and three-quarters of the way through the fall semester to gauge what skills need further reinforcement and what the students have learned. Touro Trial serves to assess a student's ability to think through a problem, answer citation questions, and explain how to do research, while presenting the answer to each question in a courtroom manner. Students work in teams to answer questions of increasing difficulty presented on PowerPoint slides, and the students compete against other teams to answer the question correctly first. Questions range from "write the cite" to questions asking about how to research an area of law or how to find a case or statute. Students earn "Touro Trial dollars" for correct answers and the ultimate goal is to be the team with the most money.

> *Touro Trial also lends itself to the "teachable moment" — that is, when the class segues from the assessment to actively engaging in learning by reinforcement of some skill or topic.*

Medals are awarded as recognition of the students' performances. When I play Touro Trial with the students, they are excited and engaged in the game, and sometimes they do not realize that it is in effect a review exercise and a learning tool. Even students that may appear to be not actively participating, i.e., just watching the questions come up, take notes and keep track of the questions and their answers, thus forming their own study guides. The assessment is fluid in its format and I add, delete, or skip questions to reflect the material covered or hone in on an area on which I want the students to focus. Touro Trial also lends itself to the "teachable moment"—that is, when the class segues from the assessment to actively engaging in learning by reinforcement of some skill or topic.

Bluebook Bingo

To focus more on assessing citation skills, I use another PowerPoint game, Bluebook Bingo, again with incentives for correct answers. Here, the class is divided into two teams, but each student has his or her own Bingo card. Two students, one from each team, represent the team at the whiteboard and each student has to write the correct cite for each question presented on a PowerPoint slide corresponding to a letter-number combination, such as "B7." The team with the correct answer earns the right to cover that letter-number combo on all cards for the team's members. The aim is for the individual student to get Bingo in a straight line on the Bingo sheet. Each individual student's "Bingo" earns that student's team points. Students play for team prizes. Significantly, a team cannot get Bingo without answering questions correctly, and the students at the whiteboard rotate after each question. Thus, Bluebook Bingo involves a higher level of individual student engagement than Touro Trial. Similar to Touro Trial, Bluebook Bingo offers many teachable moments, which tend to arise when neither student has the correct answer after the time has elapsed. I find that not only does this use of technology in my classroom reinforce the practical skill of proper citation, but it provides a fun practice exercise as well.

As neither Touro Trial nor Bluebook Bingo involves a grade assessment, the students are more candid and willing to participate. Also, students are able to determine their own performance (or self-assess), while I am able to see how well my students have grasped a concept or skill. Both assessments involve the use of skills that the students have acquired over time. Overall, using these technological aids in assessment has been beneficial in my LRW classroom. Though technology is not useful by itself, using technology effectively in teaching has the potential to spice up the law school classroom and create many memorable learning experiences.

1   Danny Kathriner, *Educational Relevance: Can Technology Make a Difference?* 29 English Leadership Q. 6-8 (2007).

2   *See* Gilbert Ryle, *The Concept of Mind 58* (U. Chi. Press 1949).

3   *See* James Hartley, *Learning and Studying: A Research Perspective 18* (Routledge 1998) (discussing learning through building on prior knowledge).

4   *See* Paul Ramsden, *Learning to Teach in Higher Education 4* (Routledge 1992) ("Many students can juggle formulae and reproduce memori[z]ed textbook knowledge while not understanding their subjects in a way that is helpful for solving real problems. Merely being able to repeat quantities of information on demand is not evidence of a change in understanding—at any level of education.").

The Benefits of Podcasting

Karin Mika,
Cleveland-Marshall College of Law
karin.mika@law.csuohio.edu

In 2005, I participated in CALI's inaugural podcasting project. Each participant was given a complimentary MP3 recorder, and our directive was to record our classes and then post them to a CALI website. The website could also include blogs, downloads, or other class guidance, but the most important objective was to record our classes and then have the students participate in surveys where they assessed the usefulness of the recordings. The evaluations were uniformly positive, and since that year I have used podcasts to enhance the learning experience.

There are numerous benefits to recording classes. First, students have the opportunity to review what was said to ensure that they understood the material. This has made for more "informed" questions after the class, rather than questioning that necessitated I re-explain something in its entirety. Second, students who missed class could hear what they missed without having to ask peers (who might give misinformation) or to ask me to repeat the material in its entirety. Third, I could point to the podcasts (during or after class) when I felt that the students weren't understanding portions of the material that were overly difficult, or when we had to move through some material quickly because of time. Fourth, I could use the podcasts as a way to re-affirm something I had said about a due date or a page limitation, especially when a student insisted that I had never made such an announcement.

Since I began recording classes, I have become much more sophisticated in strategic usage. Early on, I was informed by several students that many of their peers felt that they could skip class because it would be recorded. While attendance was not a major problem even though all of the classes were being recorded, attendance definitely dwindled when there were midterms or projects due for other classes. In response, I decided that I would record most, but not all, classes, and that I would record only one session of material that was repeated twice in a week.

I also learned early on that a general announcement at the beginning of the year about the site was not sufficient to inform the students that the podcasts were available. I decided to consistently remind students about the podcasts and routinely send out the link to my class listserv. I especially emphasized that a review of the class might be in order when I knew we covered a particularly perplexing subject (like citation format) in class, or when I was aware (by either the blank looks or because of the questions I was getting) that there was confusion about some of the material.

Finally, because I have been recording classes for a while, I am now able to point students to podcasts from previous years as supplemental material, especially when we are unable to cover a topic not necessarily specific to a given year's assignment (such as administrative law sources) but important nonetheless. I have also been able to suggest that students listen to presentations made in previous years by practitioners or other guest lecturers.

Many more students each year tell me what a benefit the podcasts provide. From informal surveys, I have learned that about 25% of the students "sporadically" reviewed podcasts in 2006, while in 2008, about 65% "routinely" reviewed material in the podcasts. Although there are some potential problems with the podcasts (such as technological glitches, and some rare problems with accessibility), the benefits far outweigh the problems. The podcasts give the motivated students the ability to access information 24/7 and allow me to have a supplement to my classroom in the form of repetition that need not necessarily take place in the limited classroom time or in conferences. This in turn allows me to use the time I have more efficiently and not concentrate on repeating basic information before getting into more in-depth matters.

Featured Articles

Teaching Through Technology: Technologies and Resources to Enhance the Legal Writing Classroom

Nancy Soonpaa,
Texas Tech University School of Law
nancy.soonpaa@ttu.edu

Recognizing the value of technology, I offer here sundry thoughts and specific tips on its use in the LRW classroom.

Embrace the Devil, or How Not to Teach by Negative Example

I'm not a big fan of PowerPoint. I think that it either implies to students that any topic can be reduced to no more than a handful of points on a slide or that bells and whistles (often literally) are as important as substance. But if I use PowerPoint, I try to follow these guidelines:

- Accept that students are going to perceive as valuable and try to copy down everything on the slides, and accommodate them in that activity. Either provide a handout, give them access to the slides beforehand, or give them 20-30 seconds to jot down the main points on a slide before you address the content. Talking against the writing tide is pointless.

  Conversely, refuse to put everything of value on the slides. The slides should complement the presentation, but should never represent the total content to be provided.

- If you want to wrest the audience's attention from the screen, hit the "B" or "W" keys to black out or white out the screen. Sometimes the most appropriate focus is the presenter.

- Accept the limits of vision and technology. Densely packed paragraphs of text, whether narrative or tabular, don't read well on a slide or on a handouts sheet. In order to work effectively with such information, the presenter has to distribute it in some other easier-to-read format.

- Defy the often static nature of a PowerPoint presentation. Use the "Ctrl-P" combination (or click on the little pen icon at the bottom left corner of the slide show) to use the cursor as a pen, adding to and modifying the content of a page.

- If you teach your students not to read prepared notes to a court at oral argument, apply an analogous rule to your use of PowerPoint in the classroom.

Seek Out the Websites That Practitioners Use

My students appreciate learning about a variety of web resources.

- Court websites are invaluable, both in introducing the legal system and in introducing the realities of practice.

  Some websites have helpful information about a jurisdiction's court system.

  http://www.uscourts.gov/images/CircuitMap.pdf
  (U.S. Courts of Appeals and District Courts)

  http://www.courts.state.tx.us/
  (chart of court system of Texas)

  http://www.courts.state.ny.us/courts/structure.shtml
  (chart of court system of New York)

- To introduce the realities of practice, have students use court websites to research local rules for filing documents and appearing in court, as well as the special requirements for a specific judge. They are often astonished to learn of this additional layer of rules and of the rules' detailed, idiosyncratic nature. Having them find and then discussing with them those rules is a useful exercise when transitioning from memo to brief writing and examining the judge as audience. Not only do the rules constrain how they write and present written information, but they also constrain attorney behavior and sometimes appearance. Most students have no idea the extent to which the judge controls his or her courtroom. Seeing real-life expectations makes the rules of the LRW classroom seem much more understandable as

preparation for practice!

http://www.txnd.uscourts.gov/rules/localrules.html
(local rules for the Northern District of Texas)

http://www.txnd.uscourts.gov/judges/scummings_req.html

http://www.txnd.uscourts.gov/judges/tmeans_req.html

http://www.txnd.uscourts.gov/judges/robinson.html#req
(requirements for appearing before a specific judge)

• Some states have excellent, free, online availability of statutes and cases. These sources are useful not only in discussing where to find free, accurate online authority, but in addressing why states have an interest in providing that authority in a non-vendor-based manner and sometimes in a medium-neutral case citation format. For example, free primary authority can be found at:

http://tlo2.tlc.state.tx.us/statutes/index.htm
(Texas statutes)

http://www.court.state.nd.us/search/opinions.asp
(North Dakota Supreme Court opinions)

• Blogs can serve as a valuable exposure to a specific area of law. Whether students look for cutting-edge article ideas or for insights into life at a major law firm, blogs are both a personal resource and a potential basis for classroom discussion (e.g., on the job expectations).

http://www.lawprofessorblogs.com/
(law professor blogs on a range of specialty areas)

http://wombleconstruction.blogspot.com/
(construction industry blog)

http://skaddeninsider.blogspot.com/
(life at a big law firm)

Don't Abandon Low-tech Technology

Sometimes, in an effort to be cutting-edge, it's easy to focus on the delivery system rather than the goals of the class. The document camera (or even the overhead projector) does a fine job of showing the page of a book or draft material created by small groups in class. The whiteboard or blackboard is a fine way to develop a chart or brainstorm ideas that evolve with the class's contribution and requires no software or keyboard. Clickers (handheld individual response units) are great, but index cards held up by the students often serve the same immediate-feedback function. And low-tech technology just doesn't break down or require the intervention of IT staff the way that hi-tech technology might.

So while technology can enhance the classroom experience, variety and creativity are more important than technology. I saw a perfect example of the creative marriage of technologies at a recent teaching conference. The presenter gave participants four minutes to write a response. Rather than admonish them to watch the clock or call out the time herself, she set an old-fashioned kitchen timer for four minutes and placed it face-up on the document camera. A perfect marriage of low technologies to meet her teaching goals.

A Potpourri of Technology

*Ariana Levinson,**
University of Louisville
Brandeis School of Law
a.levinson@louisville.edu

Yearly, I experiment with the technologies in my legal writing class. Whether you like plain vanilla or lavender, I hope you will find something fitted to your personality here.

Document Projector: On the first day of class, I use the document projector to show the chart from the *After the JD* study that demonstrates the importance of the legal writing class to new practitioners.[1]

LWI Listserv and TWEN: I utilize the Legal Writing Institute listserv to stay current in the field. I also use TWEN for a variety of purposes. I post links to websites, decisions, or video that will interest my students.

Movies: I show the clip on editing from *A River Runs Through It*. My hope is not only to reach visual learners but to impress upon the class the importance of multiple drafts. I have also used *A Few Good Men* to emphasize the importance of chronology.[2]

Downloading Video Clips: To teach oral argument, I show video of someone I know well. While it may not demonstrate the perfect oral argument, it invests the class in the presentation and serves as a good starting point for discussing what is or is not effective.[3] I also recommend a clip available from LEXIS where Marcia Clark failed to Shepardize.[4] Additionally, Bryan Garner's interview of Justice Roberts, Part 3, contains some excellent tips on preparing for oral argument.[5]

Blogging: Last year I began to blog on legal writing issues with the aim of aiding practitioners.[6] To create a bridge between my classroom and practice, each week I shared a tip from that week's class discussion. Several times, I mentioned students by name. The students were enthusiastic about being part of a dialogue with practitioners. Other uses of blogs might include blogging in response to students' questions or having students guest blog.

Google Docs: I have used Google Docs successfully in several ways. For one in-class activity, I had the students outline the application of a case to a set of facts, following the IRREAC structure. For another, students rewrote a sample string citation including parentheticals. I also had volunteers respond to in-class citation exercises using a Google Doc rather than the chalkboard. For an out-of-class activity, the students drafted an oral argument checklist. The students were enthusiastic about making it publicly available so that future first-year students, and others, can benefit from their experiences.[7]

Podcasts: Suffolk University Law School posts informative podcasts on legal writing topics.[8] I link to the site on my TWEN page and plan, in addition, to play one or two podcasts in class next semester.

From the Desk of the Legal Writing Specialist

Easy Chili: A Recipe for Writing Success

Debra M. Schneider,
University of Richmond School of Law
dschnei3@richmond.edu

How cooking chili relates to writing a legal memo: When learning how to write an analysis of a case in a legal memo or brief, most students are taught to follow a formula. Known by several acronyms, the formula instructs students to follow this organizational format: a concise statement of the conclusion, the rule of law supporting the conclusion, an explanation of the rule of law, the application of the rule to the present case, and a restatement of the conclusion. CREAC is the acronym I use with my students, which stands for Conclusion-Rule-Explanation-Application-Conclusion.

Students readily learn to apply CREAC to a single case. However, many students have trouble discussing multiple cases because CREAC says nothing about the overall organization of a multi-case discussion. That's where chili comes in.

The recipes for Easy Chili below represent three different templates for organizing a multi-case discussion. The same recipe appears each time, just presented differently. While each format has its advantages and disadvantages, the chili—which, by the way, is quite delicious—turns out the same with any of the three formats. Similarly, under any of the three organizational templates for a multi-case discussion, the legal argument turns out the same, just arranged differently.

Each component of the chili recipe corresponds to one of the components of CREAC, as follows: The recipe title, "Easy Chili," is the Conclusion. Each ingredient (ground beef, beans, and so forth) represents a Rule drawn from a case. The short notes about each ingredient, such as "lean beef is best," represent the Explanation of the rule. The instructions about how to assemble the ingredients represent the Application of the rule to our facts. The final word in the recipe, "Serve," is the restatement of the Conclusion.

The Three Formatting Options: In each format the recipe begins with the title Easy Chili and ends with serving the finished dish. In the same way, CREAC begins with a statement of the point being asserted (the first "C" of CREAC) and ends with "serving" the finished dish (the final "C" of CREAC). These two "C's" remain fixed in each of the three formats. While the two "C's" of CREAC remain static, the "R", "E" and "A" appear in different order in the three formats.

The elements of each recipe are labeled with a C, R, E, A or C to show how they correspond to the components of writing a multi-case discussion. R-1 designates the rule drawn from precedent Case 1; R-2 designates the rule from precedent Case 2, and so on.

Option 1. Here the ingredients are listed one after the other, along with a brief explanation of each one. After that, the recipe explains in detail how to assemble *all of the ingredients* to make the chili.

[C] EASY CHILI

[R-1] Ground Beef: [E-1] 1-1.5 pounds. Lean beef is best, preferably less than 7% fat. [A-1] Get a large pot and put about 1 Tablespoon of olive oil in the bottom. Begin browning the beef over medium heat.

[R-2] Onion: [E-2] 1 large yellow onion. Peel and dice. [A-2] Add to the beef. Cook the onion and the beef together, stirring occasionally, until the beef is brown and the onions are translucent.

[R-3] Beans: [E-3] 2 cans. Any firm bean, or combination of beans, is fine. Examples include Pinto, Light or Dark Red Kidney, Black Beans. Do not use Great Northern Beans because they are too mushy. [A-3] Add the beans with their liquid to the beef/onion mixture. Stir.

[R-4] Salsa: [E-4] Two medium sized jars. Select the spiciness suited to your taste, mild, medium or hot. Chunky salsa is best.

[A-4] Add the salsa to the pot. Stir.

[A-Summarizing Statement(s)] Bring to a low boil. Lower heat and simmer for about 15 minutes until the flavors are blended.

[C] Serve.

Option 1 works well with precedent cases that are few in number; factually similar; logically-connected; or nearly identical in their holdings.

Option 2. The first ingredient is listed followed by a short explanation of it. Detailed instructions follow each ingredient.

From the Desk of the Legal Writing Specialist

[C] EASY CHILI

[R-1] Ground Beef: [E-1] 1-1.5 pounds. Lean beef is best, preferably less than 7% fat. [A-1] Get a large pot and put about 1 Tablespoon of olive oil in the bottom. Begin browning the beef over medium heat.

[R-2] Onion: [E-2] 1 large yellow onion. Peel and dice. [A-2] Add to the beef. Cook the onion and the beef together, stirring occasionally, until the beef is brown and the onions are translucent.

[R-3] Beans: [E-3] 2 cans. Any firm bean, or combination of beans, is fine. Examples include Pinto, Light or Dark Red Kidney, Black Beans. Do not use Great Northern Beans because they are too mushy. [A-3] Add the beans with their liquid to the beef/onion mixture. Stir.

[R-4] Salsa: [E-4] Two medium sized jars. Select the spiciness suited to your taste, mild, medium or hot. Chunky salsa is best. [A-4] Add the salsa to the pot. Stir.

[A-Summarizing Statement(s)] Bring to a low boil. Lower heat and simmer for about 15 minutes until the flavors are blended.

[C] Serve.

Option 2 works well with precedent cases that are fairly numerous; factually-distinct; or disparate conceptually. It also works nicely for conflicting cases.

Option 3. Here the recipe groups ingredients thematically. Each discussion follows the same format: All of the ingredients that fit within the theme are named and explained. Instructions follow showing how all of the like-themed ingredients are to be assembled together.

[C] EASY CHILI

[Theme I]

Cooked Ingredients: The cooked ingredients include [R-1] ground beef and [R-2] onion. [E-1] Use 1.5 pounds of lean ground beef, preferably less than 7% fat. [E-2] Use 1 large yellow onion, peeled and diced. [A-1 and A-2] Get a large pot and put about 1 Tablespoon of olive oil in the bottom. Begin browning the beef over medium heat. Add the diced onion to the beef and cook the two ingredients together, stirring occasionally, until the beef is brown and the onions are translucent.

[Theme II]

Canned Ingredients: The canned ingredients include [R-3] 2 cans of beans and [R-4] 2 jars of salsa. [E-3] Use whatever type of beans and salsa you prefer. Any firm bean, or combination of beans, is fine. Examples include Pinto, Light or Dark Red Kidney, Black Beans. Do not use Great Northern Beans because they are too mushy. [E-4] For the salsa, select the spiciness suited to your taste: mild, medium or hot. Chunky salsa is best. [A-3 and A-4] Add the beans with their liquid to the beef/onion mixture. Stir. Add the salsa to the pot. Stir

[A: Summarizing Statement(s)] Bring to a low boil. Lower heat and simmer for about 15 minutes until the flavors are blended.

[C] Serve

Option 3 works well where the precedent cases naturally divide into conceptual themes, especially where the like-themed cases present similar facts or harmonious holdings.

Recommendations: I suggest that students try different organizational formats to see which format works best for a particular problem. Through the process of thinking through these options, students clarify and deepen their substantive understanding of the issues and the law.

I also recommend that students try the chili. It's good!

Publication Spotlight

Scholarship Focusing on Technology

What's on Your Playlist? The Power of Podcasts as a Pedagogical Tool

by Kathleen Elliott Vinson

Abstract

It is six in the morning and a law student is walking her dog before beginning a full day of classes. Across town a few hours later, a classmate rushes onto a crowded subway train, forced to stand sandwiched between strangers during his commute to school. That afternoon, an evening student sits in rush hour traffic, hoping to make it into the city in time for class. Later that night, a student jogs on a treadmill at the gym after a long day of school. What do all of these students have in common? They are learning by listening to their professors' podcasts. Even though they are located in different places, at different times of the day, while their hands or eyes may not be free to open a book to study, they can still listen and learn. This Article discusses how and why professors can use podcasts to supplement their classroom instruction to enhance their students' education. Podcasts provide students with an opportunity to listen to their professor outside of the time and space constraints of the classroom. This Article discusses the accessibility, portability, and simplicity of using podcasts. Whether a student is a night owl or a morning person, whether she prefers to listen to a podcast on her iPod or MP3 player, burn a CD, or listen to it on her computer, the student decides when, where, and how she will listen to the podcast on her own terms and timetables. The Article also examines the benefits and challenges of using podcasts. Finally, it illustrates how professors can use podcasts as a teaching tool to reach today's multi-tasking, technology-savvy student in a different way than traditional classroom teaching methods. Now instead of just listening to rock, pop, jazz, country, or any other musical genre, students can add their law school podcasts to their playlist.

The full paper is available at:

http://papers.ssrn.com/abstract=1337737

The Publication Spotlight highlights the increase in publication of law review and other articles and texts by members of the legal writing community.

If you know of any books or articles that we should include here, please let us know.

Classroom Technology and the Iterative Process

Lucy Jewel,
Atlanta's John Marshall Law School
ljewel@johnmarshall.edu

Last year in my legal drafting class, I conducted an exercise that used classroom technology in a way that I thought was very simple and basic. However, the wildly successful results of the exercise prompted me to realize that I was onto something big–I had stumbled on a tool that engages students and makes perfect sense, both in terms of learning theory and in terms of simulating the way writing gets done in practice.

I had students work in groups on a contract drafting assignment and then solicited volunteers to bring me their work on their jump flash drives, which I loaded into a Microsoft Word document on my laptop computer. I displayed the document, via the classroom projector, for all students to see. As a class, we then edited the pieces of the contract–from an organizational, macro standpoint and from a more micro standpoint.[1] The entire class became highly involved in looking at the draft on the screen and calling out suggestions to improve the text. After each suggestion, I acted as the scribe and modified the text or the organization and we continued to discuss the pros and cons of the suggested changes.

I was particularly surprised that students were suggesting both macro-organizational changes and small-scale edits. In most of my legal writing teaching, I have struggled with encouraging students to see how to improve their work from a more distant vantage point. It is much more common for students to see and make changes on a smaller scale, for example, at the sentence level. I cannot say for sure, but I think the students' interest in fixing the document on the macro level may have resulted from seeing the entirety of the document in large scale on the screen.

The classroom atmosphere that I created, with every student involved and thinking of ways to improve the document, felt very close to the collaboration that I experienced in law practice. I am speaking of those rewarding and satisfying experiences where I worked closely with my colleagues to build an impressive end work-product. I realized that this experience is often missing in law school, where so many projects are atomized and based on individual performance. This classroom exercise was probably the closest I had ever come to simulating the satisfaction that can come from working collaboratively in law practice.

I did not think too much about how I used this technology until I read the latest report on legal education sponsored by the Carnegie Foundation (the "Carnegie Report").[2] The Carnegie Report authors identified the iterative process as a promising teaching tool that integrates legal analysis, practical skills, and professional identity.[3] The iterative process involves working continuously on a project, seeing it through numerous drafts, and molding it until it becomes an acceptable end product.[4] The authors of the study point out that judges employ the iterative process to formulate judicial opinions and that practicing lawyers use the iterative process to create law firm work products.[5] From a learning theory standpoint, introducing the iterative process into the classroom provides a way for students to learn theory, practice from seeing and doing, and acquire a professional identity by participating "in the ways of a community of practice."[6]

After reading this part of the Carnegie Report, I realized why this classroom exercise worked so well. I had used basic classroom technology to realistically simulate the iterative process with my students. My students were able to learn drafting skills by contributing to the evolution of a work product on the screen. But I also gave them a taste of the satisfaction that comes from collaborating in a professional community of writers to produce a high-quality work product.

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1   At the end of the class, I uploaded the draft document to the course TWEN site and allowed students to continue to work from the document to complete the final assignment.

2   William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond, and Lee S. Shulman, *Educating Lawyers* (2007).

3   *Id*. at 97.

4   *Id*. at 98.

5   *Id*.

6   *Id*. at 97-98.

Digital Video Annotation Software and Oral Advocacy Feedback: Teaching + Technology = Student Success!

LSU Law Center Professional Practice, Instructional Technology, and Information Technology Departments,[1] Louisiana State University
mark.hoch@law.lsu.edu

Oral arguments strike fear in the hearts of many first-year law students. Reviewing all those argument tapes does the same thing to professors. No more. For years, Digital Video Annotation Software ("DVAS") has been used successfully to help businesspersons hone their presentation skills. Now, DVAS has been successfully used in law schools to help law students hone their oral advocacy skills.

The Back Story on DVAS

Several years ago, the LSU Law Center's Departments of Professional Practice, Instructional Technology, and Information Technology sought to improve oral advocacy teaching through better use of technology. Using analog cameras and VHS tapes was a drag: lugging all those heavy VHS cameras around to tape the student arguments; the endless stopping and starting of argument tapes to provide meaningful feedback; and VHS tapes were becoming increasingly unknown to a digital generation. Something had to change.

At a CALI Conference, we were introduced to the use of DVAS in law schools, specifically in interviewing, counseling, and negotiation.[2] The program was then in the early stages of development; now it is called "MediaNotes," the current DVAS offering through CALI.[3]

What is DVAS? It is a computer program that allows a reviewer to upload a student video, watch the video, stop it at any point to capture a segment, and then make specific feedback points on that segment. The reviewer may designate different comment areas (e.g., Introduction, Roadmap, Questions, Use of Authority,

Conclusion) and compose standardized feedback points, make global feedback comments, and print out the comments. The student may then watch the video, read the comments, and respond to the professor, all in the program. The program may be either web-based, so it can viewed anywhere a web connection is available, or non-web-based, so the program must be available on all user computers and the commentary shared back and forth through some external means.

Success in Practice

As MediaNotes wasn't available yet, we integrated a personal presentation review program used in business education called "Communicoach" into our first-year, second-semester oral advocacy curriculum.[4] The program was used to record both practice and final 1L oral arguments; feedback was only given on the practice arguments. For the first year, for student feedback, a few faculty members captured segments and wrote specific comments, while most used global comments for the entire argument. The students were very excited to have virtually instantaneous access to their videos and the comments were generally well received. Technologically, the students and faculty all did very well. Overall, the student feedback was 95% positive on using DVAS and recommended using it again.

In the second year, using DVAS improved further. More of the faculty used segmented feedback, the students remained excited about viewing the videos quickly, and all became more engaged in a dialogue about skills development. All faculty and students were now comfortable with using the technology. Moreover, the use of the technology with the previous year's class and with the current Moot Court teams began to show real dividends in terms of moot court competition preparation and performance. The student feedback was over 88% positive and there has been no turning back.

Servicing PC and Mac Users

Generally, PC users have no difficulties with DVAS as Communicoach is set up for PCs. Unfortunately, there have been an increasing number of Apple Mac users who could not fully access the technology as Communicoach could not be run on a Mac. These students were able to watch their video and feedback either on a law school computer or on a friend's computer. This year we have been working closely with Communicoach on their Mac upgrades to meet the needs of these students, now numbering over 20% of the first-year class. We have

Featured Articles

also been looking at several possible installations that can be provided to Mac users. There are no comparable difficulties for either PC or Mac users on MediaNotes, although MediaNotes is not a web-based program, so there are other downloading requirements that must be addressed.

Looking Ahead

This spring we will further expand our use of either DVAS program, Communicoach or MediaNotes, improve our exemplar use, and increase faculty and student exchanges during the feedback process. Honestly, using DVAS has revolutionized our oral advocacy curriculum. Please contact us if you'd like to discuss and good luck!

1   This article is based on the collaborative work of all the members of the LSU Law Professional Practice Faculty from the years 2005 to 2008 (Grace Barry, Director; Marlene Allgood; Todd Bruno; Mark Hoch; Kathleen Miller; Elizabeth Murrill; Kathy Simino; and Heidi Thompson) with Will Monroe, Director of the LSU Law Instructional Technology Department, and Michael Sparks, Director of Information Technology.

2   *See* Larry C. Farmer & Gerald R. Williams, *The Rigorous Application of Deliberative Practice Methods in Skills Courses*, **http://www.law.ucla. edu/docs/farmer__williams-_deliberate_practice_methods.pdf** (date of article or date accessed) (draft document on enriching clinical education).

3   See **www.cali.org** for more information on MediaNotes.

4   See **www.isoprime.com** for more information on Communicoach.

The Many Faces of Online Courses: Using Online Courses to Facilitate Faculty Interaction

Adrienne Brungess & Stephanie Thompson, Pacific McGeorge School of Law
abrungess@pacific.edu
sthompson@pacific.edu

Most of us probably use an online course such as TWEN or Blackboard to supplement our work in the classroom. Used effectively, online courses promote communication, give students a one-stop resource for course materials, and provide an accessible forum for questions and discussions.

These online courses, however, have many more uses. We are using an online course to develop a new level of faculty interaction. Here are two of our most successful uses of online courses:

1. Legal Writing Faculty Course

A few years ago, we realized that an online course would be a great resource for us as a legal writing faculty; as such, we created a legal writing faculty TWEN course. It is a password-protected course that only legal writing faculty may join, and it is technologically set up so that all course participants may post discussion topics and documents.

Through this course, we share our syllabi, handouts, lecture notes, PowerPoints, memo problems, and course ideas. We also keep a class-by-class "blog" discussion of what worked and what did not. Not only does this online course allow for discussion and the sharing of ideas, but it also maintains a record of the course for the entire year, and thus an easy way to track and archive course materials and discussions.

The legal writing faculty course has also proven to be a valuable resource for new and adjunct professors. It provides these faculty members with a one-stop resource where they can access and download syllabi, handouts,

lecture notes, PowerPoints, memo problems, and course ideas; ask questions; and participate in discussions.

2. First-Year Faculty Course

The legal writing faculty online course has been so successful that we thought we would apply the functionality of this course to a broader audience. This year, we created a First-Year Faculty TWEN course. All members of the faculty who teach a first-year course, as well as our Academic Support faculty, are invited to participate. It, too, is a password-protected course. All first-year faculty members may post syllabi, due dates of assignments, and any "client" problems that faculty members revisit repeatedly throughout the semester/year.

Although this is a new course, it allows better coordination of assignments among the first year courses, assists in developing class expectations, and allows all of us to reach across the curriculum. For example, if we know that our students have Professor X for Civil Procedure, we can go to the first-year faculty TWEN course and see what topic the students are covering in their particular Civil Procedure section that week, or read about the "client" problem" for that class and reference it in one of our classes. Additionally, the other first-year faculty can see when the legal writing courses have papers due, what topics the papers will address, and when students will have just turned in an assignment.

Additionally, this course allows us to reference topics and cases in our legal writing courses in a manner that parallels how the topic or case is addressed in another substantive course. For example, through the online course we can determine whether our students have covered negligence in their Torts course before creating a writing problem that involves a negligence action. We can then anticipate how much substantive information we may have to introduce, or can instead choose a topic more closely related to substantive material that the students have covered, or are concurrently covering, in another course.

Overall, these Faculty TWEN courses are an effective way to communicate and collaborate across the first-year curriculum.

Teaching Effective Legal Writing Through Annotated PDFs

Jennifer Murphy Romig,
Emory Law School
JROMIG@emory.edu

Bryan Garner got it right when he argued that legal writing courses should use more examples of what good writing looks like.[1] But the problem with using examples is that students may mindlessly copy them.[2] One technology-driven approach can help to alleviate this tension: Give the students examples, but also provide detailed analysis of why the samples are effective—and do it in the form of annotated PDFs.[3]

Annotated examples of effective legal writing have many benefits whether the examples are low-tech or high-tech. Many writing texts[4] use annotated examples as appendices. In these traditional documentary examples, the annotations appear in the margins next to the text of the example. These annotated examples accomplish their fundamental pedagogical objective, which is to explain to a new writer **why** a passage is effective. Annotations can also help students by simply describing **what** the passage is doing—a valuable feature for the reader who may not understand the functions of a legal memo or brief. Annotations can also address other reasonable alternatives for approaching a particular writing situation as well as common errors that inexperienced writers tend to make in similar situations.

Annotated PDFs add to these pedagogical advantages because of their medium. Most importantly, the comments to the PDF are not visible upon first glance at the PDF. In the program I use, Adobe Acrobat Professional, the comments appear as icons that look like small word bubbles. The substantive text of each comment is not visible until the student actually places the cursor over that icon. Thus, when a student first encounters an annotated PDF, all the student sees is the original text with a lot of generic word-bubble icons scattered around the margins and in the text.

The student does not immediately see the comments themselves, and thus can choose to read the example's text from beginning to end without looking at the annotations.

The required act of placing the cursor over the word bubble to see the substance of the annotation is another PDF advantage. Students have to seek out the comment, and this kinesthetic act of moving the cursor represents a small but real form of engagement with the annotations. Moreover, when students move the cursor away from the comment, the comment "disappears" and reassumes its format as a generic word-bubble icon. Thus, students can focus on one comment at a time.

The distinction between the underlying PDF text and the annotations provides another advantage. Because the PDF is a separate uneditable[6] document and the annotations almost literally sit on top of that document, the PDF medium distances the text from the reader. Thus, the medium subtly discourages mindless copying by creating a layer of interpretation between the student and the example being studied. Traditional documentary examples also distinguish text from commentary by using visual cues, but the PDF format makes the distinction even more obvious. My hope, then, is that to the extent that these examples encourage any form of copying, they will encourage "mindful" copying—thoughtful use of similar language adapted for analogous and appropriate rhetorical situations.

Annotated PDFs are easy to create. I use Adobe Acrobat Professional, but other forms of PDF makers such as Foxit Reader also allow comments. You can import almost any form of document into Acrobat Professional, thus turning your original document into a PDF document. Once you have a PDF, you can add annotations to it by pointing, clicking, and typing. To add a comment, click on the "review and comment" button and choose to "show commenting toolbar." Then click on the "sticky note" option and place your cursor wherever you want the comment to appear. The sticky note format allows comments of approximately 20 textual lines. (Annotations of longer than 20 lines can be entered, but the text after line 20 will not immediately visible to the reader upon accessing the sticky note.) This space limitation has benefited me by forcing me to refine and condense my comments. Acrobat Professional also allows several formatting options for the sticky notes, such as changing their color–a feature

that could be useful for delineating different categories of annotations such as analysis, organization, and grammar.

Annotated PDFs can be used for many other purposes as well, such as annotating a case to show its parts and to provide comments on critical reading skills, and annotating typical student work to analyze its strengths and weaknesses. All in all, I have found annotated PDFs to be a valuable, flexible, and relatively easy technology tool that encourages students to engage with examples of legal writing.

1 Bryan A. Garner, *Find and Use the Best Models of Legal Writing*, 36 Student Lawyer 14 (March 2008).

2 *See id*.

3 PDF is short for Portable Document Format.

4 Richard Neumann, *Legal Writing: Structure, Style, and Strategy* (5th ed., Aspen Publishers 2005)

5 Diana R. Donahoe's online legal writing textbook, **http://www.teachinglaw.com**, contains several examples annotated with sophisticated and in-depth commentary. This source uses programming not available to the typical academic or consumer user, but the content of those annotations is instructive even for typical users.

6 Students can convert a PDF back into a Word document but must take extra steps to do so.

> *The required act of placing the cursor over the word bubble to see the substance of the annotation is another PDF advantage. Students have to seek out the comment, and this kinesthetic act of moving the cursor represents a small but real form of engagement with the annotations.*

Publications, Presentations and Program News

Publications, Presentations, and Promotions

Mary Garvey Algero (Loyola, New Orleans) was named the Warren E. Mouledoux Distinguished Professor of Law at Loyola University, New Orleans, College of Law. The investiture for the professorship was held at the law school on November 7, 2008.

Kimberly Boone (Alabama), **Christine Nero Coughlin** (Wake Forest), **Joan Malmud** (Oregon), **Sandy Patrick** (Lewis & Clark), and **David Walter** (Florida International) served as guest panelists in a chapter of Professor Andrew McClurg's publication, *1L of a Ride: A Well-Traveled Professor's Roadmap to Success in the First Year of Law School* (University of Memphis) (West, forthcoming 2009), a book that prepares students for the rigors of law school. The chapter, "Legal Research and Writing: An Interview with Five Experts," examines the importance of legal analysis, research, and writing as a foundation for legal education and the most effective ways in which students can build a strong foundation.

In December, the LWI Board of Directors elected **Robin Boyle** (St. John's) to the position of Secretary.

Hillary Burgess (Hofstra) presented a poster, *Flowcharts Facilitate Learning Law* at AALS, sponsored by the Section on Legal Writing. She also published *Beginners Brief Best By Briefing Backward* in the Teaching Methods Newsletter. She joined Hofstra Law School as an Assistant Professor of Academic Support.

Larry Cunningham (St. John's) has established a blog on New York Criminal Law and Procedure, www.nycrimblog.com.

Scott Fruehwald (Hoftstra), wrote an article, *Reciprocal Altruism as the Basis of Contract*, which will be published in the University of Louisville Law Review in 2009.

Rebekah Hanley, **Megan McAlpin**, and **Suzanne Rowe** (Oregon) have all recently contributed articles to the Oregon State Bar Bulletin in a monthly column entitled *The Legal Writer*. Archives of the articles are available at http://www.osbar.org/publications/bulletin/archive.html.

Tracy L. McGaugh (Touro) was appointed Dean of Academic Advising at Touro Law Center this past summer.

Patricia Montana (St. John's) was promoted to Professor of Legal Writing. Also, her most recent article, titled *Lessons from the Carnegie and Best Practices Reports: A Look at the Street Law Program as a Model for Teaching Professional Skills*, was accepted for publication in the Thomas M. Cooley Journal of Practical and Clinical Law.

In November, **Elyse Pepper** (St. John's) presented her junior associate training program, *Where Do I Begin? Legal Reasoning and Writing in the Early Years of Practice*, for the New York litigation department of Winston & Strawn LLP.

Jane Scott (St. John's) was reappointed to Assistant Professor of Legal Writing.

Program News

This year **Lewis & Clark Law School's** Legal Analysis and Writing Program saw many positive changes. The faculty voted to award indefinite contracts to all Legal Analysis and Writing Faculty who have worked at the law school for more than five years, to allow writing faculty equal eligibility for summer research grants, and to provide writing faculty yearly travel stipends equivalent to those of tenured faculty members. The faculty also voted to employ a part-time Writing Specialist to further the school's goal of better writing across the curriculum. Finally, after two years of effort by our Curriculum and Writing Committees, the faculty approved the requirement that students take a third semester of a writing-intensive course. The program now requires seven credit hours of writing intensive instruction (five in the first year and at least two in the upper division years). With this change, the Legal Analysis and Writing Faculty will have more opportunities to teach diverse upper-level courses in addition to Advanced Legal Writing, Contract Drafting, Advanced Statutory Interpretation, and Rhetoric courses.

St. John's University School of Law hosted a legal writing conference titled "Practice Meets Pedagogy," on December 5, 2008 in Manhattan. Over 100 law professors from more than 50 law schools across the country attended. The conference explored how legal research and writing as taught in law school can best prepare new lawyers for practice in today's workplace.

Publications, Presentations and Program News

Speakers and panelists were primarily from the world of practice. The day's program opened with a roundtable discussion on the judicial perspective of the legal research and writing skills of lawyers. The panelists included the Honorable P. Kevin Castel, United States District Court for the Southern District of New York, the Honorable Charles Ramos, Chief of the Commercial Division, New York County Supreme Court, and Rosa Castello, law clerk to the Honorable Walter Stapleton, United States Court of Appeals for the Third Circuit.

The second panel, comprised of a law librarian from Sullivan & Cromwell, and lawyers in private firms as well as a public interest organization, addressed, among other things, changes in the nature of writing tasks assigned to beginning lawyers and the advanced training in legal writing now made available by many legal employers. The speakers were James Castro-Blanco, Valerie Fitch, Richard Greenberg, and Kristine Kreilick—all of whom offered invaluable insight into how beginning lawyers can improve their research and writing.

Mark Herrmann, Partner at Jones Day and author of the very straightforward and whimsical book, *The Curmudgeon's Guide to Practicing Law*, gave a very engaging keynote address. His advice on what an associate needs to know to survive in the world of law practice was instructive and practical. The program concluded with a panel of distinguished legal writing professors—Jan Levine, Tracy McGaugh, Tina Stark, and Kathleen Vinson. They addressed the interface between the academy and the world of practice, and provided many useful ideas for improving the legal writing curriculum.

St. John's University School of Law's faculty voted unanimously to change the course titles of its required first-year legal writing courses to include the word "Analysis" in them. The first semester course is now titled "Legal Analysis and Writing" and the second semester course is now titled "Legal Analysis, Research and Writing."

The Legal Practice Skills Department of **Suffolk University Law School** hosted the 2008 regional conference of the New England Consortium of Legal Writing Teachers. The focus of the conference was *"Teaching Through Technology."* The morning program featured three interactive presentations exploring

innovative methods for teaching legal writing and research through the use of wikis, clickers, and podcasts.

- Professor Samantha A. Moppett presented on the use of wikis in the classroom. Her workshop introduced the use of wikis as a collaborative learning tool. Her presentation addressed what a wiki is, discussed how wikis can be incorporated into the legal research and writing curriculum, and demonstrated how to set up a wiki.

- Associate Professor Shailini Jandial George presented on the use of clickers in engaging and assessing students. Her presentation focused on the advantages of using clickers, both to engage students and to assess what they are actually learning. Her presentation demonstrated how to create and use clicker presentations in the classroom.

- Assistant Professors Gabriel H. Teninbaum and Sabrina DeFabritiis presented on the use of podcasts and voice comments to supplement classroom teaching. Gabe Teninbaum presented on how, when, and why to use podcasts to complement classroom teaching. His presentation provided concrete advice to help a beginner get started, as well as training on how to create, edit, and publish podcasts. Sabrina DeFabritiis presented on the use of voice comments in providing students' feedback on their written memoranda. Her presentation focused on the advantages of using voice comments instead of traditional written comments. She also demonstrated how to create voice comments and provide them to students.

The luncheon featured a talk by Professor Andrew Beckerman-Rodau, Professor of Law and Co-Director of the Intellectual Property Law Concentration at Suffolk University Law School. Professor Beckerman-Rodau spoke on the Pedagogy of Teaching Through Technology.

New job? New title? New status? New article? Don't be shy!

Please send us your publications, presentations and program news.

Calendar

International Conferences

June 3-5, 2009: Global Legal Skills Conference IV will be held at Georgetown University Law Center in Washington D.C. June 3 to 5, 2009. For information on the call for papers for this conference **click here**.

July 1-4, 2009: APPEAL Conference on Promoting the Teaching of Legal Writing in Southern Africa will be held in Pretoria, South Africa, from July 1 to 4, 2009. The conference will focus on the development of curricula in legal writing for law faculties in Southern Africa, with a particular emphasis on handling large, undergraduate class loads and teaching to students with a variety of language and educational backgrounds. More details to follow.

July 22-24, 2009: "Once Upon a Legal Time, Chapter 2: Applied Storytelling in Law" will be held at Lewis & Clark Law School, Portland, Oregon on July 22-24, 2009. Building on the success of the first conference, held in London in 2007, this conference seeks to foster collaboration and dialogue about the skill of storytelling in law and about teaching storytelling and other skills to law students and practitioners. This conference will bring together academics, judges, and practitioners to explore the role of narrative in legal practice and curricular strategies that will prepare students to use story and narrative as they enter the practice of law. More information and the call for proposals can be found **here**.

Regional Conferences

March 13-14, 2009: 2009 Rocky Mountain Legal Writing Conference. The Sandra Day O'Connor College of Law at Arizona State University announces the 2009 Rocky Mountain Legal Writing Conference. The conference will be held March 13-14, 2009. The keynote address will be by Linda Edwards, the 2008-2009 Blackwell Award Winner, Professor of Law at William S. Boyd

School of Law at the University of Nevada-Las Vegas. The conference will include sessions on both days and will feature sessions for both new and experienced legal writing professionals.   For more information, including details about the call for proposals **click here**.

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May 29-30, 2009: 2009 Lone Star Legal Research & Writing Conference. Texas Tech University School of Law will be hosting the 2009 Lone Star Legal Research & Writing Conference. More details and a call for proposals will follow.

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Other Conferences

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July 16-18, 2009: 2009 ALWD Conference.
Site host: University of Missouri-Kansas City School of Law.
Event hosts: Washburn University and University of Kansas Schools of Law.

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Biennial Conference Information
Future Biennial Conferences

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June 27-30, 2010: 14th Biennial Conference Information:
The LWI Board of Directors has selected the Marco Island Marriott Beach Resort for the site of the 2010 Biennial Conference and appointed the Conference Site Committee to begin planning the conference. The Resort is located on three miles of pristine Southwest Florida beaches. With over 225,000 square feet of indoor and outdoor function space, a full-service event planning staff, several renowned restaurants, championship golf, a world-class spa, and a wide range of activities and amenities, the Resort seemed like an ideal setting for the first LWI Conference to be held at a non-campus site. The impressive meeting space, beach location, and affordable accommodations should entice members to not only attend the 2010 Conference but also to combine it with a family vacation, especially since the

LWI special rates have been extended to before and after the conference dates. For more information about the Resort, please visit the resort's website: **www.marcoislandmarriott.com**

May/June 2012: 15th Biennial Conference Information:
The LWI Conference Site Evaluation Committee and the LWI Board of Directors are pleased to announce that 2012 LWI Biennial Conference will take place at the JW Marriott Resort & Spa in Desert Springs, California, from May 29 to June 1, 2012. For complete information about the resort, please visit **www.desertspringsresort.com**

If you have any news or calendar items
for the Fall 2009 issue of The Second Draft,
please send them in!

Contact us at: seconddraft@suffolk.edu