LegalWriting institute

THE SECOND DRAFT

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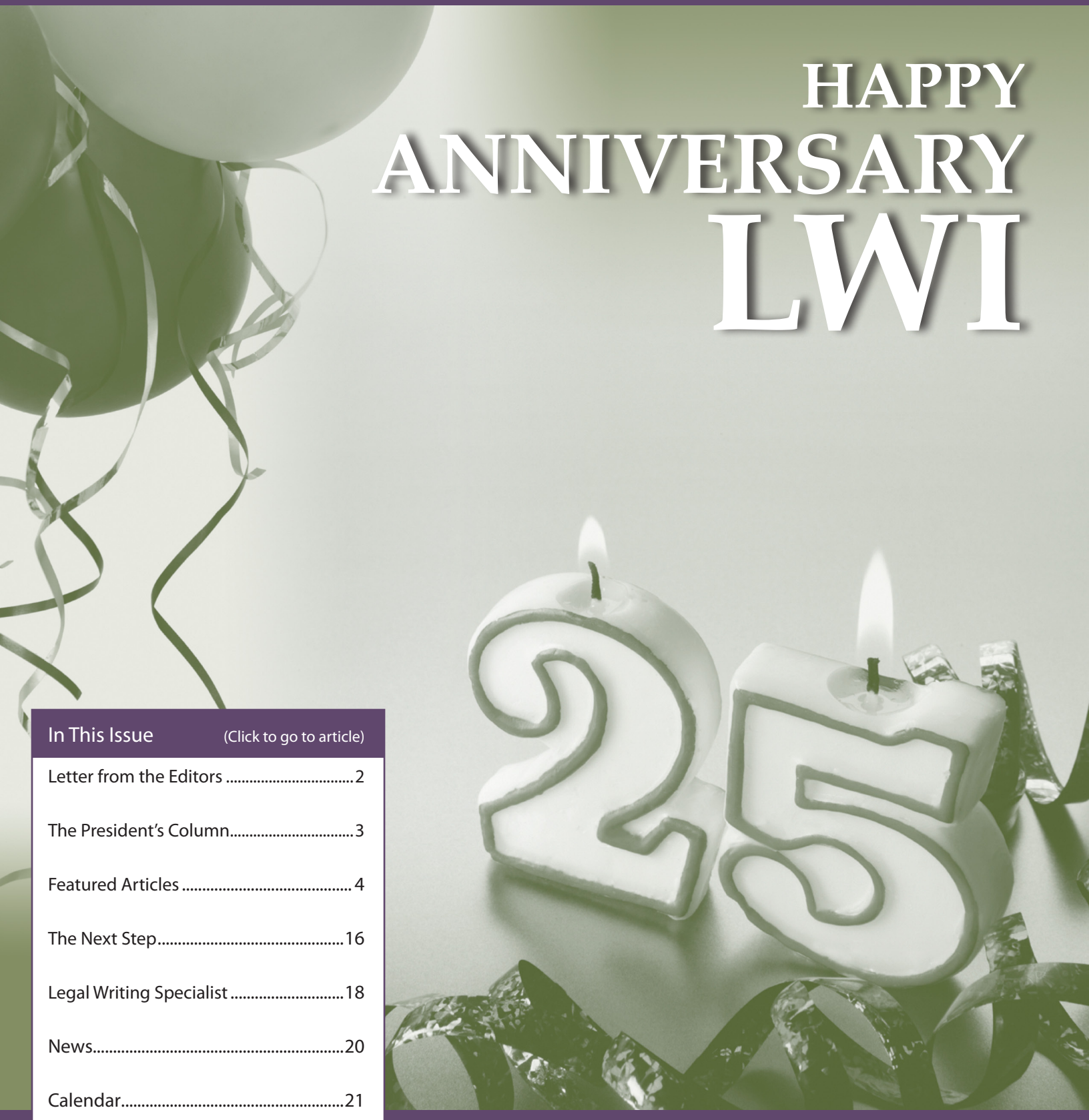

HAPPY ANNIVERSARY LWI

In This Issue (Click to go to article)

Please welcome the new members of The Second Draft Editorial Board:

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Letter from the Editors

We are happy to present this issue of The Second Draft, celebrating the 25th Anniversary of the Legal Writing Institute.

The submissions we received for this issue are a fascinating mixture of reminiscing about where we've been, reflecting on where we are now, and looking forward to what the next 25 years may bring.

In the spirit of looking forward, it is with mixed emotions that we bid you all farewell as the editors of The Second Draft, and welcome our new Editorial Board, listed at left. It has been our privilege in each issue to publish so many wonderful, useful submissions and to write about all the achievements of the many, many talented members of our community. While we will miss it, we are excited about the new talent and fresh ideas that the new Board members bring, and we look forward to seeing The Second Draft continue to grow and evolve as we all embark on the next 25 years.

Our thanks to all who have helped to make our tenure as editors such a successful and rewarding experience. Our best to all – and we hope to see you all poolside in June!

Kathy Vinson
Julie Baker
Stephanie Hartung
Samantha Moppett

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The President's Column

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It is with pride, tinged with sorrow, that I pick up my pen…or rather, type on my ergonomic keyboard… to compose my final president's column. I would like to take this time to thank everyone for the honor and delight of being the LWI president. It has truly been one of the most important and enjoyable aspects of my career to date.

I am the eighth LWI president. The others who came before me were, in chronological order, Chris Rideout, Steve Jamar, Mary Beth Beazley, Jane Kent Gionfriddo, Steve Johansen, Terry Seligmann and Susan Duncan. Each president first served two years as president-elect. By convention, the president-elect's main job is to make sure we have a biennial conference. So, if Ken Chestek seems a little dazed when you see him at Marco Island, you will know why. He will be overseeing the start of the conference the same day that he is handed the helm of LWI. It is a miraculous few days in the life of an LWI president – truthfully, the only few days of the past few years of my own life that have actually made it all the way into a photo album (don't tell my kids).

As LWI president my ability to do large-scale scholarship might have slowed down a bit. But my ability to mentor others has gone up, and I have found that to be personally and professionally rewarding unto itself.

But, perhaps most of all, it has been exciting to have had the opportunity to watch LWI continue to grow and mature as an organization. In the past two years LWI has introduced a new website that has been the model for others, we have been interviewed by the National Law Journal, we have sent informational letters to the ABA as it conducts hearings about accreditation, and we have hosted or sponsored several conferences: conferences in other countries and conferences about rhetoric or storytelling. Our Journal has published articles that have advanced the field and that are being assigned in our courses.

But, perhaps most of all, it has been exciting to have had the opportunity to watch LWI continue to grow and mature as an organization.

The legal writing community has likewise morphed. No longer are we those "other" people in the building. We are a vibrant and an integrated part of our law schools' whole (whether completely or not-yet completely). Our work is not confined to the 1L program. Rather, we are poised to become the leading scholars or magicians of legal writing theory among practitioners.

It has been a tradition on the legal writing listserv to write some thoughts in the form of a haiku. There was also a challenge at the Applied Legal Storytelling conference last summer to write a 6-word story. I am going to end with one of each.

Haiku:
Second Draft column:
Good bye and thank you for all.
Golly, hard writing.

6-word story:
LWI: onwards, upwards, legal writing magic.

Featured Articles

Acknowledging our Roots: Setting the Stage for the Legal Writing Institute

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One of the reasons that the Legal Writing Institute exists is because of what did not exist as support for Legal Writing professionals prior to the creation of the LWI. Most Legal Writing programs did not exist at all until the late 1940s and early 1950s. At that time, most law schools offered Legal Bibliography courses that introduced students to legal sources. Legal Writing programs sprung up in response to the belief that the writing skills of incoming students had deteriorated given that more "unqualified" students were able to attend law school as a result of the GI Bill.

Legal Writing programs tended to be staffed by third year students or adjunct professors. Almost all programs had "caps" on the amount of time an individual could stay at a school teaching Legal Writing. The cap tended to be, at most, two or three years. In addition, class sizes were enormous, and the instructors were poorly paid. Marjorie Rombauer first taught Legal Writing in 1960 at the University of Washington. She had 75 students and was paid $450. Ralph Brill also began teaching Legal Writing in 1960 at the University of Michigan. In 1961, Ralph's first year at Chicago-Kent, he had over 100 students in his Legal Writing section.

During the 1960s, law librarians often taught some type of Legal Writing in combination with Legal Research. There was an AALS Section named "Legal Research," but no Legal Writing section, nor any ABA standards related to Legal Writing in law schools. Additionally, there were no resources available for Legal Writing professors. The first textbook that became widely available was Marjorie Rombauer's Legal Writing text, self-published in 1970.[1]

In 1973, Shirley Bysiewicz, law librarian from the University of Connecticut, petitioned the AALS to change the name of the Legal Research section to Legal Research and Writing. The section was dominated by law librarians, and held only once-a-year sessions. During that time period, the field of Legal Writing began to grow. Many schools began hiring full-time instructors to teach Legal Writing, with several hiring full-time directors for their writing programs. These directors (such as Marjorie Rombauer) worked to convince their faculties that the best Legal Writing programs would include full-time Legal Writing professionals who had appropriate status and security. In 1978, Ralph Brill created the nation's first three -year Legal Writing curriculum at Chicago-Kent and also worked toward eliminating "caps." 1978 was also the year in which Mary Lawrence became the Director of Legal Writing at the University of Oregon. Mary immediately became active in the Legal Research and Writing section of the AALS.

Although the field of Legal Writing was growing, most individuals teaching at the time were completely unaware that there were so many others in the field. Legal Writing professors were not included in the AALS directory, and there was no internet to be able to find out what other schools might be doing.

1980 proved to be a seminal year for the profession of Legal Writing. Marjorie Rombauer, along with Albany Law School professor Norman Brand, petitioned the AALS to change the name of the Section to Legal Writing, Reasoning, and Research. That same year, Rombauer, Brand, Lynn Squires (from the University of Washington) and Ralph Brill were instrumental in organizing the first ever AALS Legal Writing workshop that was held in Louisville, Kentucky. Much to the surprise of almost everyone there, nearly 100 individuals showed up.

In 1984, Chris Rideout approached Laurel Currie Oates with an idea to use leftover National Edowment of the Arts (NEA) grant money to host a Legal Writing Conference at the University of Puget Sound. Over 100 professionals interested in the teaching of Legal Writing attended, most of whom received no travel money from their schools.

Although the 1984 conference was to be a one-time event, fortunately for the profession, in 1985, Ralph Brill organized a second AALS Legal Writing workshop at Chicago-Kent. During the course of the conference, the participants decided that workshops were far too valuable to hold only sporadically. In a now famous lunch meeting that included over a dozen individuals then active in the field, the Legal Writing Institute was officially born.

1. Marjorie Dick Rombauer, *First-Year Legal Research and Writing Then and Now,* 25 J. Legal Educ. 538, 539 (1973).

Featured Articles

Legal Writing History Timeline

by Karin Mika

1960: Ralph Brill begins teaching Legal Writing at the University of Michigan. Marjorie Rombauer begins teaching Legal Writing at the University of Washington.

1961: Ralph Brill is hired by Chicago-Kent.

1970: Marjorie Rombauer self-publishes the first Legal Writing textbook.

1973: Shirley Bysiewicz, law librarian at the University of Connecticut School of Law, petitions the AALS to establish the Section on Legal Writing and Research. Shirley Bysiewicz and Harry Bitner (law librarian at Cornell) are the first co-chairs.

1973: West Publishing contracts with Marjorie Rombauer to publish her Legal Writing textbook.

1978: Ralph Brill establishes a three year Legal Writing program at Chicago-Kent. Mary Lawrence is hired to direct the Legal Writing program at the University of Oregon. Helene Shapo is hired to direct the Legal Writing program at Northwestern. Richard Neumann is hired as a Clinician at Hofstra.

1979: The "Crampton Report" is issued, highlighting the lack of appropriate skills training in law schools.

1980: Marjorie Rombauer and Norman Brand (Albany Law School) petition the AALS to change the name of the Legal Writing section to "Legal Writing, Reasoning, and Research."

1980: Ralph Brill organizes the first ever AALS Legal Writing workshop held in Louisville, Kentucky. Attendees include Bari Burke, Chris Kunz, Mary Lawrence, Richard Neumann, Marjorie Rombauer, Helene Shapo, and Grace Tonner. Less than 100 are in attendance.

1980: Marilyn Walter is hired to direct the program at Brooklyn Law School.

1981: John Dernbach publishes the first edition of "A Practical Guide to Legal Writing and Legal Method."

1984: Laurel Oates and Chris Rideout organize the first LWI Conference at Puget Sound Law School. Attendees include Susan Brody, Anne Enquist, George Gopen, Jill Ramsfield, Teri Phelps, and Joe Williams.

1985: Ralph Brill organizes the second ever AALS Legal Writing Workshop held in Chicago, Illinois. After the workshop, the LWI is incorporated.

1985: The newsletter of LWI is renamed "The Second Draft."

1987: George Gopen publishes, "The State of Legal Writing: Res Ipsa Loquitur" in the University of Michigan Law Review. The article highlights the need for enhanced writing experiences in law school and focuses on the Chicago-Kent program as the ideal for what law schools could and should be doing.

1990: Jill Ramsfield tabulates the results of the first LWI Survey, a survey that was distributed by hand at the previous LWI Conference.

1991: The first volume of the Journal for the Legal Writing Institute is published.

1992: The MacCrate Report is issued.

1994: The LWI biennial conference is held at Chicago-Kent. Ralph Brill sets up an in-house online communication system that becomes the Legal Writing listserv.

1995: The Association of Legal Writing Directors (ALWD) is established.

1996: Ralph Brill, Richard Neumann, Helene Shapo, and Susan Brody are instrumental in lobbying the ABA to adopt the requirement that all law schools have a first year Legal Writing program, and that there be an additional "rigorous" writing requirement in the upper level. The team unsuccessfully lobbies to have the ABA include Legal Writing professors in Standard 405(c), but succeeds in having the ABA adopt 405(d) which provides a modicum of improved security for Legal Writing professionals.

1997: The first ALWD Conference is held in Chicago, hosted by Chicago-Kent and DePaul.

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1997: Ralph Brill, Richard Neumann, Susan Brody, Chris Kunz, and Marilyn Walter write the first edition of the Legal Writing Sourcebook, commissioned by the American Bar Association.

2000: The ALWD Citation Manual (written by Darby Dickerson) is published.

2002: The first volume of the Journal of the Association of Legal Writing Directors is published.

2004: LWI celebrates its 20th anniversary in Seattle. The LWI moves to Mercer Law School in Macon.

2005: The Legal Writing Prof Blog is established.

2006: The first LWI Conference hosted by Mercer is held in Atlanta, Georgia.

2006: The Carnegie Foundation releases its report entitled, Educating Lawyers: Preparation for the Profession of Law.

2006: The Second Edition of the Legal Writing Sourcebook is released with Eric Easton as lead editor.

2008: The LWI Conference is hosted by Indiana University School of Law at Indianapolis – the final time a biennial conference is to be held at a law school.

2009: Subscribers to the Legal Writing listserv grows to approximately 2100 members.

2009: Ralph Brill begins his 50th year of teaching.

2010: LWI celebrates its 25th anniversary.

Reflections on Nineteen Years in the Profession

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At my first Legal Writing Institute Conference in 1992, I seriously needed the moral support of colleagues from around the country.

In 1991, I had resigned my law firm partnership to join the faculty of a law school where I would teach a subject I loved, legal writing. At that time, many legal writing positions were capped, and there was only limited scholarship in the field. I was on a year-to-year contract, with no support for scholarship.

I should have seen it as an omen when, during my job interview, several professors asked with barely concealed disdain why I would ever want to teach legal writing. Then, as I attended my first faculty meeting, I was asked to leave the room while the faculty discussed personnel procedures. It was a shock to discover that, after handling large cases in practice, I was somehow not trustworthy with law school information. Soon a professor took me aside to emphasize that I should never let a student call me "Professor." He wanted to be sure I wouldn't forget that, unlike most of the other office doors, mine said "Ms.," not "Professor." Later I was told I should not attempt to teach legal analysis—I was to teach writing only. I found it hard to draw a line between analysis and writing, and my colleagues and I resorted to euphemisms to describe what we knew was really teaching analysis.

So when I arrived at a dormitory at the University of Puget Sound for my first LWI conference, I was eager to talk with colleagues. Although I was a bit intimidated by those with established reputations in the field, I made some acquaintances and came away invigorated by many stimulating presentations.

Another milestone was Terri LeClercq's 1994 Chicago-Kent conference talk, "We've Got Diamonds on the Soles of Our Shoes." That inspiring presentation

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lifted my spirits as I coped with low pay and status. At the same conference, I was awed by Ralph Brill's demonstration of computer use in the classroom. I didn't see how I could ever figure out that sorcery. Around that time, the LWI listserv was started, and it proved to be an invaluable way to exchange information with colleagues around the country.

In 1995, the year of the founding ALWD conference in San Diego, our field was bursting with energy and promise. Maybe it was Terri's talk that spurred me on to take a position at another law school. At last I had decent pay and status. I began producing scholarship and joined a panel for my first conference presentation. And with the help of an excellent technical staff, I soon learned to use the computer to project documents on the classroom screen.

Through the work of ALWD, LWI, and many individuals, our field continued to advance in the late 1990s. Our annual conferences always buoyed my spirits through interactions with our passionate and generous colleagues. In 2000, I moved to my present position at the University of Louisville. What was at first a contract position was soon put on the tenure track, with status equal to the rest of the faculty.

A 2005 article by Terrill Pollman and Linda Edwards[1] showed that the scholarship in our field is now voluminous and deep. Sue Liemer and Hollee Temple's 2008 article debunked an old canard by showing that the credentials of legal writing professors are impressive and even surpass those of doctrinal professors on some points—for example, on law review participation. I'm amazed and gratified by the progress that our field has made as a respected discipline since I first joined it nineteen years ago.

1.Terrill Pollman & Linda H. Edwards, *Scholarship by Legal Writing Professors: New Voices in the Legal Academy (with Bibliography)*, 11 Leg. Writing 3 (2005).

"You've Come a Long Way, Baby"

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I am old enough to remember when Virginia Slims introduced a cigarette marketed to women with that slogan in 1968, and way too old to associate it with an album by Fatboy Slim, as Wikipedia also identifies it. And I recall even then bristling at the slogan and the concept that a tobacco company was using the movement towards equality and empowerment of women to sell an unhealthy product on a sex-segregated basis. So why, then, was it the first thing to pop into my brain when I thought about marking the 25th Anniversary of the Legal Writing Institute by reflecting on where we have been and where we are going as an academic discipline?

Maybe it is because I have benefitted from the work of LWI and the rise of our discipline in the same way I benefitted from joining the ranks of women attorneys in the early 70's—I was the first woman law clerk to clerk for my judge, because he sensed it was time to hire a woman. I was appointed to a bar association committee because the upstart Women's Bar Association in my state pressured the major bar associations to make more appointments of women and supplied them with names so they could not claim there were no interested candidates.

I started teaching legal writing full time in 1993, at a school where I taught 55-60 students per semester; taught three sections, one of which met at 7:30 p.m. on Friday night; was rebuked if the students referred to me as "professor"; became subject to a three-year cap adopted by the faculty while I was there; and was paid $30,000 (less than half of my prior law firm job's salary) for the privilege. Now in 2010, I work as a tenured professor with colleagues on the tenure track; teach 30 students in the legal writing courses and others in doctrinal classes and seminars; have a "chair" attached to my job title; and am paid on an equal scale with other faculty.

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My experience is one microcosmic manifestation of what has happened over the large scale of our profession, as a look at the LWI/ALWD survey information over the years confirms. Programs show movement from one-year to three-year to five-year presumptively renewable contracts to clinical tenure, to full tenure-track status for directors and faculty. Faculty salaries have increased. Faculty are increasingly integrated into the fabric of the academy through governance, teaching, and other indicia. Scholarship has exploded. Can there be any doubt that it has been the work of LWI, the trailblazers who came before us, and the continuing work of all those entering our profession that have brought us here?

I am not so deluded as to think that the ERA for legal writing has become a part of the constitution of legal academia. But as a 60's liberal, I still believe that ideas like equality and (academic) freedom have unstoppable power and appeal. And I celebrate that we have come this far.

Things Have Changed, And For The Better

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I attended my first LWI Conference in the summer of 1988 on the campus of the University of Puget Sound. Instead of a catered dinner at a museum or an aquarium, the main dinner that year was a barbeque on the UPS campus where Laurel Oates and Chris Rideout cooked and served food and generally acted as both hosts and dogsbodies. There were few enough of us at that conference for UPS to accommodate us in a dorm; now we need a resort hotel. And just as the surroundings have changed, so have I and so has our profession.

As I thought about what I wanted to contribute to this issue of The Second Draft, I began thinking about the number of people who were present at that 1988 conference and the ones I attended in the early 1990s who are still members of LWI and still working in the field. And I realized yet again, that in the years since 1988 legal research and writing has gone from being a job to being a profession and a career.

The keynote speaker at lunch at that LWI Conference in 1988 was George Gopen. He exhorted us to behave like academic professionals if we wanted the respect of our law school colleagues. He assumed we wanted that respect. I listened to him while sitting at a table with teachers from across the country. Like me, all of them were women with young children at home. Their overwhelming response to the speech was that they didn't want to be professionals. They wanted a part-time job that gave them time to do the things with their families that they wanted to do. For them, teaching legal research and writing was an escape from the demands of the day-to-day practice of law, most likely a temporary escape until their children were grown. They didn't want a job with demands that equaled or exceeded those they had left in practice. I found the conversation distressing because they seemed so limited in their goals.

Looking back over 20 years later, I now understand that their reaction to the presentation expressed a view that was quickly becoming the past of legal research and writing, not its future.

Few people decide to go to law school so they can prepare for a career teaching legal research and writing. Rather, the majority of law students envision their futures as some form of law practice. I started teaching LRW because I needed a job that was temporary until my husband decided what he wanted to do. Others joined the field for precisely the reason my luncheon table companions had. But we have stayed because we found our work rewarding and saw that we could make a career of it.

I don't believe that change would have occurred in the absence of LWI. Through its conferences, its publications, and the work of its individual members, LWI has helped us all realize that we are professional academics. I fear that were it not for LWI and our other national organizations, I might still be sitting at a luncheon table or in an AALS section meeting listening to a discussion of how to keep our employers from asking more from us than merely meeting our classes and grading our papers. I'm so happy not to be having that discussion.

Memories of My First LWI Conference

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I've always felt very lucky that when I first began teaching legal writing I was given the opportunity to attend a Legal Writing Institute biennial conference.

I recall that immediately after I was hired in June 2000, my new colleague, who had been teaching for several years, mentioned that she was going to a conference in Seattle in mid-July. Based on what she told me about the conference, I thought it would be extremely helpful. I had no experience teaching and, although I had practiced law for several years with a legal services agency, I was feeling at a loss as to how exactly I would approach this new endeavor. Initially, it seemed extravagant for me to ask the Dean if I could also travel to Seattle (especially since the law school had just hired two legal writing instructors to replace a single position). My request would mean that the Dean would have to send three people instead of just one. But I did ask, the Dean agreed to send all three of us, and attending the conference turned out to be one of the wisest decisions I've made since I began teaching.

The sense of camaraderie that I immediately felt at the conference was overwhelming. Having worked in legal services for many years, I had always felt that sense of "we are in this together" while working there, but I was surprised to also find it in this academic community. Everyone at the conference was very supportive, and especially so when they discovered that I was just beginning my teaching career. I received sage advice from so many people there that I can't recall all of them. What I do remember is the feeling of having learned so much, and being so grateful.

While I was excited to begin teaching, I had lots of questions about exactly what that classroom experience would be like. Fortunately for me, I got many answers to those questions at the conference. I talked to many new teachers like myself who had similar questions and with whom I could share some of my fears. I also spoke to many experienced teachers who had many helpful suggestions about how to get started, how to approach my relationship with my students, and how to take the right tone in the classroom.

Those suggestions were all welcome, but there were two topics that had been keeping me up at night. I had reviewed work for new attorneys and law clerks, but the thought of crushing the egos of brand new law students with my comments was frightening. I was also intimidated by the prospect of coming up with problems that advanced the principles we try to teach students in the first year of law school.

I still recall the relief I felt when I discovered that the conference had a half-day workshop devoted to those topics. Dan Barnett of Boston College ran the program and had, judging from the quality of the program, done this for quite some time. I literally soaked up all the information provided at this workshop. Dan used a fact pattern that involved a covenant not to compete in an employment contract. I adopted Dan's fact pattern for one of my memo problems that first semester, and I still use it today.

Finding the Idea Bank was the other great discovery of that conference. Knowing that there were ideas out there to assist me in drafting problems helped me get over the other hurdle that I was facing as a beginning teacher. I didn't use any of the Idea Bank problems that first year, but I did get lots of ideas that I adapted into future problems for my students. I still have some of the problems from that year's 2000 Idea Bank packet in my file cabinet, and I pull it out occasionally to get inspiration when I need it.

Because of my experience at my first LWI conference, and the many positive experiences at national and local conferences since then, I feel a debt of gratitude to LWI and especially to the hard-working people who were there at the beginning. They have made it much easier for those of us coming after them to step into the classroom with confidence. Thank you!

The sense of camaraderie that I immediately felt at the conference was overwhelming. Having worked in legal services for many years, I had always felt that sense of "we are in this together" while working there, but I was surprised to also find it in this academic community.

Featured Articles

Visions

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The academic discipline of legal writing has traveled far over the past quarter-century. Where have we arrived, and where are we headed? Possible answers came, for me, from two recent experiences. The first was a dream: an unplanned vision during sleep. The second was a celebration, honoring 25 years of visionary action by the Legal Writing Institute ("LWI").

First, here is the dream:

At his bustling law school, a formally dressed male professor guides me—a visitor—to a gate. There, a guard checks my qualifications; satisfied, he lets us enter a fenced-in meeting area. Law professors mingle here with accreditors, but I see no legal writing professors. We sit down for a lunchtime talk. Two women step to microphones, and—hurrah!—here at last are writing professors, and they begin to speak enthusiastically and collaboratively. But my delight turns quickly to frustration because the sound system malfunctions horribly. Consequently, although the speakers articulate a full message, the audience hears only scattered words. This does not bother the audience around me. Unperturbed, they focus on their meals. My frustration crescendos into this thought: We must improve this system.

This dream mirrored no particular experience from my life, and of course it lacked literal truth. Dreams can hold figurative truth, however, as might a painting, song, or poem. Perhaps my dream portrayed my struggle to speak effectively in the legal academy. But might it also portray some broader, collective truth? Dreams can do that as well, and thus they often feature in religion, myth, legend—in any story that asks us to see and hear deeply, imaginatively. My dream seemed to ask questions relevant to legal writing's past, present, and future:

- To what extent is the legal academy a dauntingly fenced-off, male-dominated enclave?
- Are voices that explore legal writing heard, if at all, mainly as voices from a "pink ghetto"?
- How are these voices asking other law professors to look up from their traditional fare, to see beyond their own slice of the pie?
- Might these voices help law schools balance "feminine" and "masculine" aspects—yin and yang—in legal education's cultures and contributions?
- How can we best communicate within and with the legal academy generally?

My second experience was the November 2009 symposium organized by the Mercer Law Review and Legal Writing (LWI's journal) to honor LWI's twenty-fifth anniversary. This was no sleeper's dream. A quarter-century ago, however, it would have seemed a different sort of dream: a hopeful vision of a potential future. In 1984, no journals could—or would—have staged such a celebration and exchange of ideas. While welcoming the speakers and audience, Mercer's dean, Daisy Floyd, emphasized her start as a legal writing professor. Experts in our discipline then addressed:

- teaching, emphasizing facets such as student wellness, collaboration, and professionalism;
- scholarship, exploring rhetoric, metaphor, ethics, values, and other topics; and
- program design, noting the growing focus in the American Bar Association's accreditation standards on the kind of teaching that legal writing programs excel in delivering: teaching that (1) articulates goals, (2) helps students practice achieving those goals, and (3) regularly and closely assesses and critiques student performance.

The symposium at Mercer fittingly occurred in a law school building modeled after Philadelphia's Independence Hall. An independence—the emergence of a discipline—was the symposium's focus. Interdependence, however, was its primary theme. Writing-focused scholarship and teaching are not separate tack-ons to the legal academy. To the contrary, they coexist well, and increasingly symbiotically, with traditional and clinical counterparts. They offer useful counterweight in an academy that has teetered, unbalanced,

away from the practice-oriented needs of students and professionals, raising pressing questions about the expense and value of legal education.

Legal writing's voices have much to teach the legal academy and profession. Let us continue to improve the system.

Burnout in the Seasoned LR&W Teacher—"Be Careful What You Wish For" [1]

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There is no doubt that teaching Legal Research and Writing (LR&W) is labor-intensive. Just as any sports or music professional in training needs drilling and practice, the lawyer in training who is, among other things, a writing professional, needs drilling and practice. A quality program includes required drafts, written feedback on student papers, and individual conferences. All of this takes an enormous amount of focused time and effort. Over time, this intensity can be physically and intellectually draining, leading to teacher negligence, indifference, and eventual burnout. One of the many rationales for the teaching caps of yore was to avoid such teacher burnout. All agree that no one wants to go back twenty-five years to those old days of second-class citizenship in the academy—but where has that left us?

There is good news. Capped LR&W faculty is no longer the norm. "The number of schools that hire full-time legal writing professors, and then require them to leave after two or three years, is shrinking every year."[2] In addition, much to the delight of LR&W professionals, many schools have moved to tenure-track or ABA Standard 405(c) presumptively renewable contracts for LR&W faculty.[3] Finally, some schools are enriching their LR&W curriculum, moving to require more than the traditional first-year LR&W course. [4]

But there is a dark side. Along with this increased status come enhanced obligations for LR&W teachers. Such obligations include the time-consuming full involvement in faculty governance, from attending and voting at faculty meetings to serving on and chairing faculty committees. Teachers in uncapped programs with increased status now usually have more academic freedom to select textbooks, design syllabi, and choose the number and complexity of assignments. In addition, some teachers on tenure-track or under 405(c) contracts now have the freedom to teach a doctrinal course in addition to LR&W. Hand-in-hand with all of that freedom is an increased commitment of time and energy. Finally, the most time-consuming and intellectually challenging (draining?) obligation is the requirement for professional development, up to and including publication.

Just as with many other bittersweet events in life, for the newly secure LR&W professional who gains the security of the presumptively renewable contract or tenure, one cannot tap the blessings without the pinch. Yes, the job security is there. Yet, if nothing else changes in a program, except for lifting caps and increasing the obligations, the very real problem of teacher burnout not only continues, but increases. Something has to give—or at least stretch.

LR&W teacher burnout may manifest itself in several ways: increasing student complaints; diminishing teacher margin notes on student papers; decreasing number and complexity of assignments; inattention to the details of citation, grammar, and all but the bare essentials of teaching LR&W; dwindling attention to alternative and innovative styles for teaching and learning; decreasing numbers of office hours; LR&W teachers missing the very faculty and committee meetings for which they have long fought to be a part; teachers retreating from advising student competitions, caucuses, and journals; and, worst of all—teacher malaise or depression.

There is a solution. Stop the madness. We can enjoy the fruits of our long-sought labors for job security while relishing the immeasurable satisfaction that a skills teacher gets from seeing individual student growth. We need to focus our teaching practices and professional development on our unique role in the formation of the new lawyer, and understand that it is the nourished LR&W teacher who is successful, both personally and professionally. We need to herald who we are and what we do.

Some possible programmatic answers to the burnout problem include:

- First and foremost—manageable student/teacher ratios; regular sabbaticals and release time;
- Realistic professional development expectations,

Featured Articles

which includes valuing practice and skills-related writing, not simply scholarly writing;

- Professional development funding; and
- Research and teaching assistants.

Some possible teaching answers to the burnout problem include:

- Using peer evaluation for ungraded projects;
- Using live evaluation in short conferences for ungraded projects;
- Using e-commenting with accompanying master macro for both ungraded and graded projects; and
- Using self-guided evaluation from a teacher-produced master guide for components of ungraded projects.

Unless and until we value and champion ourselves as skills professionals, we will continue to hear stories at conferences of unbearable workloads and expectations. The time to do so is now, in this season of emphasizing "lawyering skills" in the Carnegie Report—which sounds a lot like the 1992 ABA MacCrate Report in its call to infuse skills training in legal education.

[1]First presented on July 18, 2009 at ALWD Conference at UKMC School of Law.

[2]American Bar Assoc. Section of Legal Education and Admission to the Bar, *Sourcebook on Legal Writing Programs* 160 (2d ed. 2006).

[3]The most recent figures tallied on the LWI listserv by Gail S. Stephenson at Southern University School of Law Center (updated as of 9/15/09) show 24 schools with tenure-track; 44 with 405(c) status; 23 with a hybrid security; and at least 4 working on some security.

[4]Forty-seven programs have a required component beyond the first year. 2008 Survey Results, Association of Legal Writing Directors/ Legal Writing Institute.

Notes from a Legal Writing Lifer: Celebration and a Concern

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I love teaching Legal Writing. From my first day as a Legal Writing Fellow at Mercer University, in the fall of 1990, I've never wanted to do anything else. Helping new law students find their way into the profession and teaching them the foundational working skills of the practicing lawyer satisfies me completely. My long history in our field and my focus on meeting the instructional needs of beginning law students provide the basis for the following thoughts.

What we do, teaching law students fundamental skills, is crucially important to the mission and effectiveness of legal education. Over the course of the last twenty-five years, we've learned how to do that job well. We've created and developed an academic discipline, and we've brought it to maturity. We're now beginning to see the fruits of our labors. Not only is the level of research and writing competence going up across the practice of law, but we are seeing our own place within the legal academy rise and solidify. We're starting to benefit in terms of status, salary, and the opportunity to take leadership roles at our institutions and beyond.

And frankly, this maturity, this success, has brought us to a danger point.

Now that we've reached maturity, now that we are at a place of success, temptations to make fundamental changes arise. As humans, it's natural for us to seek to progress, for our reach to exceed our grasp, but we must be careful and wise in choosing our path forward. The danger lies in the chance that we will define future progress in ways that take us away from our center, from our core focus on meeting the needs of the law students for whom our efforts exist.

Featured Articles

This danger arises because our students are not the only ones we must satisfy. The vision of those who control legal education (doctrinal faculties, Deans), combined with our own ambitions, creates the real risk of our assimilation into that vision. In that assimilation, our unique contribution to legal education, to our students' development, can easily be lost.

For example, consider the prevalence in recent position announcements of the "1/2 and 1/2" tenure-track appointment, where the professor will teach a section of Legal Writing and a section of something else, usually something within the doctrinal curriculum. Which section likely will get the bulk of the professor's attention, and which likely will get slighted? I recently had a conversation with a colleague who just took up one of these hybrid positions, and the talk immediately turned to the thrill of teaching Property. And this conversation occurred at a Legal Writing conference.

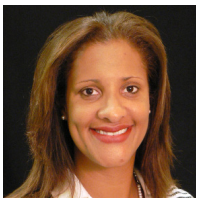
Also, recently, we've seen Legal Writing positions come open not because a member of the Legal Writing faculty left the institution, but because that faculty member completed the migration into the doctrinal curriculum full-time. And we've applauded the accomplishment. But should we?

Two decades ago, when I started teaching Legal Writing, such a migration was the goal and the expectation and the norm. Most who taught Legal Writing did so as a steppingstone to "real" law school teaching. Legal Research & Writing as a discipline was not wholly legitimate, and anyone with an ambition to be a career Legal Writing teacher faced a struggle in making that ambition a reality.

Back then we were just starting the effort to move away from that norm. In fact, this effort was a key impetus to the creation of the Legal Writing Institute. Through our work, individually and collectively, we've been successful in creating a new norm, a new career field, largely on our own terms. We should guard against the risk that our success and our ambitions will lead us back to a place we've worked long and hard to escape.

Let's remember who we serve. Let's keep our student-centeredness and our skills orientation. Legal Writing teachers bring something unique, something necessary, something beautiful to the table. No one else contributes what we do to legal education. Let's not throw that away.

A New Frontier for Legal Writing: Another Use for Online Chat Rooms and Discussion Boards



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I recently returned to teaching at a law school after a five-year hiatus and was surprised to be greeted by rows of square boxes with heads peering over them on the first day of classes. For a split second, I forgot I was in a classroom and imagined I had been transported to the control room of the fictional U.S.S. Enterprise from the Star Trek series. Admittedly, the last time I taught a legal writing course there were a few pioneers who tapped on the keys of a laptop during class. However, I was not prepared for 100% of my students to abandon the pen and paper for this mobile digital technology. I quickly realized that I had some catching up to do.

It was clear from the beginning that my students' growing reliance on this technology during class presented a few additional challenges for me as their teacher. For example, as I watched a student's fingers rapidly moving over the keyboard and eyes staring intently at the small screen, I sometimes wondered if the student was getting all the points from our discussion or was he or she surfing the web for the most recent funny video posted on YouTube. So, like you, I search for creative ways to keep my students interested. And, I admit, I also employ different tactics as a "check" on their computer usage. These tactics include, but are not limited to: walking up and down the aisle to catch a glimpse of a laptop screen or calling out the name of a suspected "laptop abuser" to answer the next question. However, I also learned that there are some great advantages to this new reality in our classrooms.

We are now teaching a generation of students who are intimately familiar with cyberspace and how to navigate this electronic medium of communication. Online chat rooms and discussion boards are a significant feature of this electronic communication. In a chat room, you can send text messages (and sometimes voice and

visual images) to a group of people in real time. One such chat room exists for those of us who are using The West Education Network (TWEN). West Publishing defines TWEN as an online extension of the law school classroom where law professors can create and manage their courses online. Through this virtual law school community, students can access your course material, take online quizzes, exchange emails, and submit written work.

One particular aspect of TWEN, the live discussion feature, has proven to be an innovative and engaging tool in presenting material that is not always the most gripping for our students. Although I am a competent computer user, I would not describe myself as particularly computer-savvy. However, the live discussion feature is relatively easy to use. The professor creates the parameters of the live discussion including who can log on (your students), and the specific time your students may join the discussion (during your class). It is also useful for your classroom to be wired to project what you access on your laptop to a large screen; perhaps, projecting the discussion on a smart board. You are now set-up to introduce the live discussion to your class.

One particular aspect of TWEN, the live discussion feature, has proven to be an innovative and engaging tool in presenting material that is not always the most gripping for our students.

So, how do we use the live discussion feature in our legal writing class? Remember back when you were a first-year law student and your legal writing professor introduced you to the complicated, and sometimes, frustrating world of bluebooking for the very first time. During this introduction, your professor may have chosen one or two of your peers to go to the blackboard and properly cite a case or identify the mistakes in an improper citation. The drawback to this process was that while the "chosen" students sweated it out at the blackboard, the rest of us had a few too many moments to "zone out." But, the days where only a handful of students are engaged in this type of exercise can now be obsolete with customized online discussion boards or chat rooms. Now all the students can be engaged simultaneously.

Here is how it works. Sometime during my class, I tell the students to log on my TWEN page and go to the designated live discussion area. It only takes a few seconds for everyone to log on. I then may, for example, instruct the students to correct a citation I just posted or create an original thesis sentence, question presented or brief answer. Simultaneously, the students type in his or her "corrected" citation or original thesis sentence. Each student's version is projected for us individually on the small screen of our laptops and on the big screen in front of the classroom for all to view. We then discuss the students' submissions. Interestingly enough, because each student has shared his or her opinion on the discussion board for all to see, the students seem to have an added incentive to actively participate in this discussion.

However, one of the most rewarding consequences of periodically using this cyber-tool is the ability to reach different types of learners -- your visual, auditory and kinesthetic learner. The visual learner has every student's written submission in front of him or her on both a small and big screen. The auditory learner is listening to and participating in our reading of the submissions and discussions concerning the strengths and weaknesses of the submissions. The kinesthetic learner is "doing" by pounding on their key board and submitting his or her written product. As a professor, you have covered all of the bases. But, best of all, after the first time my class used the live discussion feature on TWEN, a few of my students approached me after class and said: "Professor Pierce, let's do that again sometime; it was fun!" Imagine my delight to hear the word "fun" in relation to a citation and thesis re-write exercise!

Featured Articles

Missed Connections – Being Explicit About Relationships Between Authorities

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I arrived at the 1998 LWI conference completely unconnected. I left with a budding network of legal writing legends.

The transformation began on the way to breakfast the first morning of the conference. A lovely woman said good morning and asked me to join her for breakfast in the dorms at the University of Michigan, our host school. Her name was Katie McMannus, she directed the legal writing program at Marquette, and though I didn't know it yet, Katie knew everyone.

We had just sat down at our table when Charles Calleros came over to say hello to Katie, who introduced him to me. Charles Calleros! He was the plenary speaker for the conference! He was the author of a leading textbook on legal writing! And he was sitting at my table, chatting with Katie and me as we ate our breakfast!

After Charles left, Katie asked me about the job situation at my school. I admitted that I had been granted a brief reprieve from the three-year cap, but I wasn't sure whether I'd be able to continue teaching after this fourth year. She suggested I talk to Richard Neumann, one of legal writing's experts on the politics of law schools and the ABA's requirements for accrediting law schools. Richard Neumann?? THE Richard Neumann?? I was supposed to just walk up to Richard Neumann and introduce myself??

Yes, and he was as gracious and welcoming as Katie and Charles had been. He encouraged me to contact him after the conference, but also suggested I talk to Molly Lien. And with that suggestion, I had an entrée to another legend. Molly arranged to have the Sourcebook on Legal Writing Programs sent to me before I even knew that it existed.

The links kept coming. At some point, I realized that all of these legends were also nice people. They seemed to enjoy the role of mentor, and they seemed to really care about new colleagues, even those as unimportant and unconnected as I was.

This is LWI's legacy: connecting newcomers with legends. While some disciplines guard the door to the inner sanctum of collegiality, legal writing throws the door open and invites everyone in. The invitation may not come as blatantly as Katie's offer to join her for breakfast, and it may not come immediately. In an organization as large as LWI—now with well over 2000 members—newcomers may still encounter growing pains. If you're new, don't get discouraged! It took me several years, culminating in the 1998 conference, to be appointed to my first LWI committee. I didn't get elected to the LWI board until my third try, eight years later.

But the welcome mat has always been out. After 25 years, LWI's instinct is still to connect colleagues—legends and newcomers—and offer support.

At some point, I realized that all of these legends were also nice people. They seemed to enjoy the role of mentor, and they seemed to really care about new colleagues, even those as unimportant and unconnected as I was.

The Next Step

Celebrating Twenty-five Years of the Legal Writing Institute

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Throughout its existence and through the work of its members, the Legal Writing Institute (LWI) has enhanced the professionalism and quality of legal writing programs. The markers of the growth in professionalism include increased status, enhanced legal writing programs that include classes beyond the first year, and increased opportunities and expectations for LRW professionals as scholars.

Legal writing faculty members have increased their presence in the academy beyond the traditional first-year course offerings. The increased presence has taken many forms, including teaching upper-level writing classes and taking lead roles in moot court programs – both inter-mural and intra-mural.[1] Specifically, there has been growth in the number of upper-level legal writing courses. According to the ALWD/LWI survey, in 2002 nineteen law schools reported no elective legal writing course offerings.[2] By 2009, that number fell to eight.[3] During the same time period, from 2002 to 2009, the number of schools requiring students to satisfy an upper-level writing requirement – beyond the first-year required program – has also increased, from 126 in 2002,[4] to 154 in 2009.[5] The survey provides additional statistical information regarding what courses are being taught and by whom.[6] The LWI Upper-level Writing Committee will add to that information in the coming year.

Legal writing faculty teach upper-level skills in multiple contexts within the law school curriculum. Increasingly, Legal writing faculty work side-by-side with doctrinal faculty as moot court advisors; Western New England College Law School (WNEC) is no exception.[7]

This year, three members of the WNEC LRW faculty designed a new approach to the selection of appellate moot court teams. Three LRW professors designed a course that they taught collaboratively with doctrinal faculty.

The course served both to teach appellate advocacy and to select the law school's first appellate moot court board.

In designing the course, the legal writing faculty drew heavily on ideas garnered from a session for moot court advisors at the LWI Conference in Indianapolis.[8] The LRW professors designed the curriculum, wrote the syllabus, and selected the text. The class ran for the first time in the fall of 2009. The class modeled an appellate competition. The class went smoothly – no small feat, given that there were nine teachers. The newly-constituted appellate moot court board will assign its members to the various appellate teams that represent the law school in intra-mural competitions. The WNEC experience is but one anecdote regarding the ways in which legal writing faculty are making their presence known in moot court competitions.[9]

The enhanced professionalism and status of legal writing faculty has resulted in great strides for legal writing programs. Those strides come in many forms and include the increased scholarship of legal writing faculty and enhanced status. As legal writing in the academy has become increasingly professional, legal writing faculty[10] have broken barriers. In the past, legal writing "instructors" or "fellows" were limited by caps on their longevity. Currently, legal writing professors are attaining long-term contracts and, in some cases, tenure. Many legal writing programs – even director-led programs – function collaboratively, recognizing the contributions of legal writing faculty. In some law schools under appropriate conditions, the increased recognition of the contributions of legal writing professionals has led to alterations of the program structure, and director-led programs have become coordinated programs.

In sum, the Legal Writing Institute has much to celebrate. LWI members are teaching a wide array of courses, in addition to the traditional, first-year, required course. LWI members are producing scholarship. LWI members are enjoying hard-earned status improvements. In the next twenty-five years, LWI members may not always agree on the next steps to take, but LWI members will work collaboratively to set and reach goals.

The enhanced professionalism and status of legal writing faculty has resulted in great strides for legal writing programs.

The Next Step

[1]Recently, the New England Consortium of Legal Writing Teachers held its regional conference at the Western New England College Law School. In many ways, the conference was a reflection on the work of the Legal Writing Institute and a celebration of its twenty-five years. The theme was The Changing Landscape of Legal Writing Programs. The conference consisted of three parts: a presentation on the transition of the Boston College Law School's director-led program to a coordinated program; a presentation on the scholarship of legal writing professors; and multiple presentations on the roles that legal writing professors are playing in moot court programs.

As I write in my role as a co-chair of the Upper-level Writing Committee, I will focus on the relationship between LRW and Moot Court, which meshes LRW faculty with the teaching of upper-level writing skills.

[2]ALWD/LWI Survey 2005, at 20.

[3]ALWD/LWI Survey 2009, at 21.

[4]ALWD/LWI Survey 2005, at 20.

[5]ALWD/LWI Survey 2009, at 21. The number has decreased from a high of 165 in 2008.

[6]ALWD/LWI Survey 2009, at 23-24.

[7]LRW faculty members have coached the National First Amendment Moot Court Team and the Frederick Douglass Moot Court Team, with admirable results. This year, an LRW professor is advising the first WNEC team to compete in the Cardozo/BMI Entertainment and Communications Law Moot Court Competition.

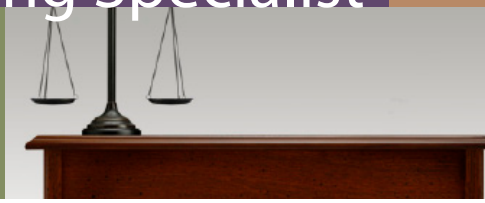
[8]Jeanne M. Kaiser returned from the conference with the basic idea for the class. The WNEC class modified that idea by teaming with doctrinal professors who also serve as moot court advisors.

[9]At the New England Consortium of Legal Writing Teachers regional conference, there were presentations from the following schools regarding LRW Faculty role in moot court programs: Boston University School of Law (Using outside Coaches to Train Students for Moot Court); The John Marshall Law School (Chicago)(Using Moot Court Competitions to Refine Advocacy Skills); Saint Louis University School of Law (Teaching Written and Oral Advocacy: an Integrated Approach from LRW I Through Appellate Advocacy II (Moot court II)); Vermont Law School (Moving Mountains: A New Model for Selecting Moot Court Teams); and Western New England College Law School (Collaborating with Doctrinal Faculty to Teach Moot Court Skills and Appellate Advocacy as a way to Select Appellate Moot Court Teams).

[10]See generally Terrill Polman and Linda H. Edwards, *Scholarship by Legal Writing Professors: New Voices in the Legal Academy*, 11 J. Legal Writing Institute 3 (2005).

Future themes for The Second Draft . . . look for details coming soon from the new editorial board.

From the Desk of the Legal Writing Specialist



The Role of Writing Specialists in the first 25 Years of the Legal Writing Institute

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In 1984, when we at Seattle University School of Law (then the University of Puget Sound School of Law) decided to host the first ever national conference for legal writing faculty, we wondered if anyone would come. As you undoubtedly know, they did. In fact, about 70+ legal writing faculty came from law schools all over the United States.

As the Writing Advisor at our law school, I was delighted by this turnout, but what I had not expected was that a few other people like me—English professors who did not have law degrees but who worked to support legal writing programs—also came. To be honest, I thought I was the only one, as did Mary Ray from Wisconsin, Michael Frost from Southwestern, George Gopen at Duke, and Teresa Godwin Phelps, who was then at Notre Dame.

Recovering quickly from our shock, we decided to find out if there were other writing specialists at other law schools, to figure out how we could support one another in our work, and to begin by creating an annotated bibliography of resources we had found particularly helpful in our work.

With the formal creation of the Institute shortly after that conference, our efforts to locate and support each other became easier. At each subsequent conference, we scheduled a time when writing specialists could meet, connect, and share ideas. Eventually, we decided to formalize the group and create the Association of Legal Writing Specialists and our own listserv so that we could stay in regular contact.

When the Institute's newsletter, the Second Draft, was established, we realized that it provided our little group an opportunity to contribute beyond our individual schools. With our knowledge of composition and rhetorical theory, the composing process, and writing pedagogy, we thought we had some specific expertise we could share with the larger legal writing community. We started writing a regular column for the Second Draft—"From the Desk of the Writing Specialist"—and that column has been written by many different writing specialists for the past 25 years.

As the Institute grew, the roles of the writing specialists within the Institute grew. In fact, for a small group of now approximately 54 members at 43 law schools, writing specialists have had a tremendous impact on the Institute. We have served as members of the Board of Directors, editors of the Second Draft, editors and board members of Legal Writing: the Journal of the Legal Writing Institute, chairs of Institute national and regional conferences, and chairs of many Institute committees. Writing specialists have served as keynote speakers at Institute national conferences, and we are well represented as speakers and panelists in the concurrent and poster sessions.

Writing specialists have also been some of the Institute's most prolific authors. In addition to the column in the Second Draft, writing specialists have written an impressive array of books and articles, many of which expand on our knowledge base in composition theory and pedagogy, and apply it to areas within the field of legal writing, including critiquing student writing, designing assignments, and conducting effective student conferences. Some have done ground-breaking work in legal reading and academic legal writing. Others have introduced the insights of the fields of English as a second language and English for special purposes to the world of legal writing.

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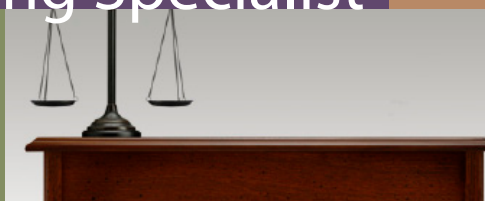
From the Desk of the Legal Writing Specialist



By 1999, the work of the Association of Legal Writing Specialists had become well enough known that many of us were fielding calls from deans and directors of legal writing programs interested in what a writing specialist was, what contribution a writing specialist could make to a legal writing program, and how a law school should go about hiring one. In part to address these questions, but also to synthesize the information for ourselves, Jessie Grearson (then at The John Marshall School of Law-Chicago) and I co-authored an article "A History of Writing Advisors at Law Schools: Looking at Our Past, Looking at Our Future."

The article reported the wide range of contributions individual writing specialists were then making in their own schools. From the outset, writing specialists were serving their schools by conducting one-on-one writing conferences with law students, offering students workshops on writing issues, and sharing their expertise about writing and teaching with the legal writing faculty. Many began collaborating with or directing academic support programs; others served as faculty advisors to student-edited journals, taught classes, often in legal drafting or language and the law; and held positions as directors or associate directors of legal writing programs. More recent responsibilities include co-directing faculty development at one law school and creating international programs at another.

For their hard work and service, many writing specialists have received an impressive array of awards, from both the Legal Writing Institute and other national organizations associated with legal writing. When we lost one of our own members, the writing specialist at Touro, to an untimely death, the Association of Legal Writing Specialists proposed the Deborah Hecht award to the Board of Directors and provided its initial funding. That award is now given annually to the best article produced by a writing specialist for the Second Draft. When one of our most prominent and inspirational members, Terri LeClercq, received the AALS Section award, she in turn created the Courage Award, which is now given annually by the Institute to a member who has shown extraordinary personal, moral, or civil courage. One of the original writing specialists, Teresa Godwin Phelps (now at American Washington College of Law), recently received the LWI Courage Award for her groundbreaking work in international human rights.

Today, the Association of Writing Specialists is still a relatively small but mighty component of the Legal Writing Institute. Writing specialists will be well represented at the upcoming Institute conference at Marco Island with no fewer than eight speakers and panelists coming from the group. The last edition of the Second Draft included a wonderful "From the Desk of the Writing Specialist" column by Jeremy Francis (Michigan State) and the next edition will include a column by Lurene Contento (The John Marshall Law School-Chicago). The most recent issue of the Institute's Journal of Legal Writing Institute included the article "Untold Stories: Restoring Narrative to Pleading Practice," co-authored by writing specialist Elizabeth Fajans from Brooklyn Law School.

It is not an exaggeration to say, then, that writing specialists have been instrumental in the first 25 years of the Legal Writing Institute. I think it is safe to say that these contributions have exceeded even our own expectations. It will be exciting to see what writing specialists will do for our field in the next 25 years and beyond.

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Publications, Presentations and Program News

Hillary Burgess (Hofstra) co-presented Designing Effective and Efficient Peer Reviewing Assignments with **Susan Keller** (Western State) at AALS in New Orleans in January 2010. At AALS, she also presented a poster sponsored by the AALS Section on Minorities entitled, "http://prof.hillaryburgess.com/presentations/BurgessCommunicationStyles.pdf" \t "_blank" *Thank You for Adding Diversity, Now Conform: Understanding Diversity of Conversational Styles in Classroom Participation, Advising, and Mentoring.* With her teammate **Corie Rosen** (ASU), she co-edited, published, and re-introduced the AALS Section on Academic Support newsletter, "http://www.lawschoolacademicsupport.org/LearningCurve/LearningCurve200912Fall.pdf" \t "_blank" The Learning Curve, and was pleased to have LWR faculty, **Susan Joffe** (Hofstra) submit and publish an article. In October, Hillary presented *Deepening the Discourse in Law School Classrooms: Experiential Exercises with Flowcharts Facilitates Learning Law at Complex Cognitive Levels* at the 2009 Central States Regional Legal Research and Writing and Lawyering Skills Conference & Scholars' Forum, Marquette University and owes many thanks to the AWLD-sponsored forum organizers, **Dan Weddle** (UMKC) and **Melissa Greipp** (Marquette), and to her forum teammates. In September, Hillary presented *Structured Peer Feedback: Creating Experts From Novice Learners* and co-presented *Encouraging Self-Assessment: The Essential Skill* with **Margaret Martin Barry** (Catholic), **Catherine Klein** (Catholic), and **Beryl Blaustone** (CUNY) at the Legal Education at the Crossroads v. 3.0: *Assessment Demystified, Demonstrated, and Deployed: Driving Curriculum Reform at Your Law School* at University of Denver, Sturm College of Law.

Susan Joffe (Hofstra) published *Learning to Write or Writing to Learn* in The Learning Curve (Fall 2009).

In July, 2009, **Jo Ellen Lewis** (Washington–St. Louis) was invited to Seoul, South Korea, by Seoul National University School of Law, in cooperation with the Korean Association of Law Schools, to present a three-day workshop to law faculty who will be teaching legal writing in the graduate law schools recently approved by the Korean Ministry of Education. The workshop was entitled *"Developing and Implementing Effective Legal Writing Programs in Korean Law Schools."* Topics covered during the workshop included designing assignments and a course syllabus, teaching techniques, critiquing assignments, conferences with students and program structures. Law faculty from over a dozen law schools in South Korea attended the multi-day workshop.

Ann Shields, **Jane Moul** and **Jo Ellen Lewis** (Washington-St. Louis) participated as panelists for the One-Day Workshop for Adjunct Professors and New Legal Writing Professors sponsored by the Legal Writing Institute. **Ann Shields** served on the "Grading Papers and Handling Student Conferences" panel and **Jane Moul** served on the "Thinking Forward" panel in Chicago. **Jo Ellen Lewis** served on the "Nuts and Bolts" panel in New York.

Gabriel Teninbaum (Suffolk) wrote an article, *Reductio ad Hitlerum: Trumping the Judicial Nazi Card*, which is forthcoming in the Michigan State Law Review. It is available on SSRN at: "http://ssrn.com/abstract=1445423" http://ssrn.com/abstract=1445423. This article was written with funding from an ALWD/LWI scholarship grant.

Kathleen Elliott Vinson (Suffolk) was elected Secretary of the AALS Section on Legal Writing, Reasoning, and Research. She also published an article, *What's On Your Playlist: The Power of Podcasts as a Pedagogical Tool*, in the University of Illinois Journal of Law, Technology and Policy (Fall 2009).

As of July 1, 2009, **Washington University in St. Louis – School of Law** promoted Bill Dorothy, Denise Field, Mike Koby, Jo Ellen Lewis, Jane Moul and Ann Shields from Senior Lecturers to "Professors of Practice" in recognition of their expertise in teaching legal analysis and writing.

New job?
New title?
New status?
New article?

Don't be shy!

Please send in your publications, presentations, and program news.

Calendar

May 14, 2010: First Annual Empire State Legal Writing Conference

Hofstra Law School in Hempstead, New York, will be the location for the first annual Empire State Legal Writing Conference, to be held on May 14, 2010. The Conference will be a one-day event, timed in such a way that people in the greater NYC area can easily travel to the Law School and back on the conference day. The Planning Committee includes Robin Boyle, St. John's; Ian Gallacher, Syracuse; Tracy McGaugh, Touro; John Mollenkamp, Cornell; and Marilyn Walter, Brooklyn, as well as Amy Stein, Scott Colesanti, Susan Joffe and Frank Gulino from Hofstra. Richard Neumann has also offered his expert assistance. Hope to see you there!

Biennial LWI Conferences

June 27-30, 2010: 14th Biennial Conference Information:

The Marco Island Marriott Beach Resort is the site of the 2010 Biennial 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: "http://www.marcoislandmarriott.com" www.marcoislandmarriott.com

For the conference website please go to "http://indylaw.indiana.edu/LWIconference/" http://indylaw.indiana.edu/LWIconference/.

May/June 2012: 15th Biennial Conference Information:

The 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 "http://www.desertspringsresort.com."