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The Legal Writing Institute is committed to a policy of full citizenship for all law faculty. No justification exists for subordinating one group of law faculty to another based on the nature of the course, the subject matter, or the teaching method. All full-time law faculty should have the opportunity to achieve full citizenship at their institutions, including academic freedom, security of position, and governance rights. Those rights are necessary to ensure that law students and the legal profession benefit from the myriad perspectives and expertise that all faculty bring to the mission of legal education.



“You get what you get and you don’t throw a fit.” That’s what my mom used to say, and I’ll admit I’ve used it a few times on my own kids. Well, it applies to this issue of *The Second Draft*.

The call for submissions for this issue sought articles about doing more with less—or just coping with less. In light of declining law-school enrollments and budgets, we hoped we’d get ideas and insights from you, our readers and writers. And we did get ideas and insights, lots of them. But they weren’t about doing more with less; they were about doing more. Period.

So we threw no fits. We adapted, which is what legal research and writing teachers do. Thus, we’re pleased to offer you what *The Second Draft* always offers: great ideas to help you teach better, serve better, and write better.

We’ve also been busy producing a new mission statement for *The Second Draft* and re-formulating its goals—ever so slightly—to be sure we’re aligned with the expectations of the LWI Board and to better meet the needs of our readers. Look for our poster at the LWI Biennial Conference this summer at Marquette.

And with this issue we welcome two new editors: Lindsey Blanchard from McGeorge School of Law and Wayne Schiess from Texas Law.

Your issue editors,

Steven Schultz
Lindsey Blanchard
Tammy R.P. Oltz
Wayne Schiess

Scaffolding on Steroids: Meeting Your Students Where They Are Is Harder Than Ever . . . And Easier Than You Think



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Here are some of the safe assumptions I could make about my legal writing students fifteen years ago:

- Most were drawn from a narrow band of law school applicants and so had similar grade point averages and LSAT scores.
- Almost none were nonnative English speakers.
- Before law school, their writing experience did not include years of composing texts and social media posts.
- None brought a tiny television/virtual shopping center/portal to a gang of chatty friends into the classroom.

Needless to say, I stand before a very different group of students today. You likely do, too. It's taken me a while, however, to identify what has changed and a while longer to find effective pedagogical responses. Here, I will first try to name and describe the challenges today's students present, and then describe four changes I have made to more effectively teach them.

THE PROBLEM: SCATTERED STUDENTS

In the last fifteen—even ten or five—years, economic and reform pressures on law schools have unquestionably affected admissions. As law schools scramble to secure students from a shrinking applicant pool, the makeup of entering classes has changed. Students come to us with less homogeneous credentials. Add in the swift increase in international J.D. students, and there are few skills—particularly writing skills—we can safely assume all students will bring to law school.²

Moreover, technology is now so impactful, and moves so fast, that the 22-year-old student is dramatically different from the 27-year-old student is dramatically different from the 35-year-old student. Of my current students, those who came to law school straight from college have lived comfortably with iPhones and social media since their early teens. Those just a few years older have a very different experience of technology. This matters because, as I have come to appreciate, the technology students use as they move through school (and learn to write!) greatly impacts what kind of learners (and writers) they become.³

In short, changes in legal education mean that, from day one, your students are all over the place. They come to law school with a much wider range of writing, communication and analytical skills than we are used to managing.

Furthermore, the scattering problem doesn't stop when the 1L class forms. Today's law students also proceed through the learning curve of first-year legal writing at very different paces, and they do so for two reasons. First, because their starting positions are so varied, it is much harder to get them on the same page. Five or ten years ago, I could spend two weeks acclimating my class to a set of beginning concepts, key vocabulary, and core learning goals for the course. Because ninety-five percent of the students were ready and able to stay with me during those two weeks, the class coalesced. Early on, I was positioned to guide the class *as a group* through two semesters of work. I was Julie McCoy, they were my new batch of nervous-but-excited passengers, and everyone was on the Legal Writing Boat⁴ for the full cruise. If I had a straggler or two (and I usually did), I could catch them up with extra conference time and TLC. Now, for the reasons discussed here, more students start 1L year with a deficiency in something (often basic writing skills). I can no longer describe my class as "coalesced" by week three, and it has become harder and harder to "catch up" those who start behind.

The second reason our students proceed at such different paces is because they are So Very Distracted. I don't know about yours, but my teaching is now plagued by what I call Black Hole Syndrome: mysterious gaps in understanding that surface constantly, both in and out of the classroom. Black Hole Syndrome happens when a student raises her hand and asks a perfectly thoughtful and relevant question, the answer to which was plainly covered a few minutes ago.⁵ This rarely happened in years past; now, it happens all the time. Other students used to roll their eyes at these questions, but, curiously, they do so less and less. My theory is that today's students just "get" how their colleagues might have missed something the group just covered. Toggling back and forth between "rl" (real life!) and virtual life has become automatic for our students; it's hardly a stretch to compare phone checking to breathing.⁶ Our students are toggling all the time, and they are missing things.

Those with the worst cases of Black Hole Syndrome end up with feedback like this on their papers: *I'm seeing a lot of weakness related to X. We talked extensively about X in class, and I'm concerned that the concept doesn't make sense to you. Let's talk about this in conference.* Needless to say, these students are not progressing

as they should be. Indeed, some students bring such fragmented attention to their work that they never really get with the program or catch up to the class.

THE TOOL: SCAFFOLDED INSTRUCTION

Either instinctively or formally, every teacher knows the importance of scaffolding.⁷ To facilitate learning, to move learners from a novice level of understanding into new and more sophisticated territory, the instructor must meet learners where they are.⁸ Educational theorists call this using the "zone of proximal development."⁹ If I wish to teach Z and my students know only X, all my creative ideas and active learning exercises for Z are useless. I need to teach *from X and through Y* to teach Z. Scaffolding.

The problem is, as I have argued, we've gone from teaching a mostly unified group of students to the classroom equivalent of herding cats. Your students—with their disparate entry skills, various languages, and hit-and-miss powers of concentration—*will never be in one proximal development zone*. You cannot count on students to be similarly situated at start of the year, nor can you expect them to be where you thought you left them after your last class/assignment/semester of work. Hidden in your class may be as many zones of proximal development as there are students. In short, far from being clumped at X, needing to be brought to Z, our students are at A, F, Q, and all points between.

The good news is that scaffolding is an excellent pedagogical tool that still works with today's new teaching challenges. The interesting news is that we must scaffold differently. First, I suggest we stop tilting at the windmill of forcing all of our students to learn at the same pace. I spent a few tiring years trying to march my students in lockstep formation through my learning goals for them (and complaining bitterly about how hard it was). When student work revealed that one wasn't grasping basic organization in October, or another couldn't put together a passable issue question in December, or another was making egregious agreement errors in spring semester, I despaired. Wasted energy.

I had to accept that my class was no longer a collective singular. My students were, at any given time, scattered all over the learning path I was plotting for them. Some were stuck on concepts we covered weeks ago; some were with me, but had missed things; some



had learned everything well and were ready for more. Plunging forward at my planned pace when some students were stuck meant leaving those students scaffoldless, unable to move forward and acquire the skills I was purporting to teach. Not a great outcome.

On the other hand, slowing the whole class meant stalling the progress of the students who were ready for more, who were also in need of scaffolding, just at a more sophisticated level. Also, and importantly, I was loath to lower my standards or water down my course goals. I wasn't about to knowingly release students from first-year Legal Writing without the analysis, organization, research, writing, and citation skills needed for success in practice. But how can I move all of my students all of the distance when they refuse to get into *my* preferred proximate learning zone and stay there?

In other words: Just how many scaffolds am I expected to provide around here, anyway?

The answer, it seems, is: as many as are needed to get the job done. My students were clearly in different places, so I had to figure out how to teach them from

all those places, all at once. And I had to figure out how to do this for most of the year. So I resolved to try to meet any student wherever she may be at any given time, while keeping my list of goals for first-year legal writing the same. Their pace; my finish line.

THE TWEAK: PEDAGOGICAL TIME TRAVEL

Luckily, this is not as impossible as it sounds. Like you probably do, I have a list of skills I want students to acquire by the end of the year, and I use assignments, classes and conferences to move through the list as the year progresses. What's new is *I've learned how to be here, there, and everywhere on my pedagogical timeline, depending on individual students' progress.* Below are four changes I've made to my teaching to meet the challenge of working with a more diverse and distracted law student learning community:

- **I conference more and differently.** When I conference with students, I listen first and I listen more. I make no assumptions about what they "should" have learned but scan for clues about what

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they *have* learned. When I think I've identified the edge of their learning, I go there with them. I pull out a blank sheet of paper and diagram a paradigm pattern for analyzing an issue if that's what they need (no matter that it's a skill they should have mastered months ago). I re-explain how the common law works, or what jurisdiction is, or how to know a case is still good law.¹⁰

The time travel goes both ways. In another conference, I might work with a student on explanatory parentheticals before introducing it in class because it perfectly solves a writing problem for her. Or I might hash out an argument with a student that is beyond most of the class, but that, done well, is great lawyering. In short, I do in conferences what I've always done, but, depending on the student in front of me, I might be doing September work in April, or April work in September. And because one-on-one time is best suited to sussing out where a specific student is, I do more of it than I used to, adding five or ten minutes to conferences and offering extra rounds of optional conferences each semester.

- **I have them do even more group work.**

I've always been a heavy user of group work, but in recent years, I've developed a classroom rhythm that constantly moves between full class discussion and small group discussion. I do this because my class is full of students who are better positioned than I am to teach their peers.

The most effective teacher is one who has just learned the skill herself.¹¹ Because I know my students are always in different places, I also know that a lot of learning will happen when they talk to each other. The utterly lost student will learn from the student just starting to figure it out will learn from the student who's mostly got it figured out will learn from the student who's mastered it. For sheer

volume of learning, nothing gives you more bang for your buck than small group discussion.¹²

Group work is easy to incorporate. I often use it for two or three minutes before covering something complicated; I assign a small group discussion question as a warm up. This loosens tongues and ideas, coaxing out the "dumb" questions students will ask their peers (but never me) and honing them for the full class discussion to follow. I also do at least one longer, formal group exercise during almost every class, which supplies a more extended opportunity for the same kind of learning. Finally, I've turned one of my major assignments entirely into a group project. I assign the groups randomly, which avoids the strong and weak students grouping with each other and ensures that peer teaching will happen.

- **I have a class website.** For years, I used TWEN to post class materials. Three years ago, I moved to my own website, created and maintained with ample help from our technology librarians.¹³ It has greatly improved my teaching effectiveness. My site looks like a chalkboard scrawled with nine links with names like *Organization*, *Research*, *Memo I*, *Writing*. The links lead to folders of handouts and slides from class. Wonderfully, the materials are all Google docs and Google slides, which means I can update them any time and my students have continuous and instant access to the latest version of everything.

Why does this help with the problem I've identified? It lets me "teach" my students 24/7.¹⁴ The site is an intuitive, comprehensive, fully updated repository of everything we've covered in class.¹⁵ The student who tuned out during our intermediate citation skills session last week can tune into the session the night before a deadline.¹⁶ He can easily find the PowerPoint, the group exercise we did, and the

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answers to the exercise we constructed together in class. When I detect Black Hole Syndrome while supplying feedback on a paper, I can refer the student to a specific document on the site and encourage her to teach herself a skill or concept she didn't learn the first time around. The website has become my virtual doppelganger, available 24/7, ready to repeat concepts from class whenever the more distracted students are ready to listen.¹⁷

- **I module-ized the teaching of writing mechanics.** For years, I told my students that I expected them to have solid writing skills, and if they lacked those skills, they would need to acquire them on their own because lawyers must be able to produce error-free, readable writing. Several years ago, that approach to mechanics became inadequate for enough of my students that I began teaching grammar, punctuation, and style lessons in class.

Even as I saw the need to do this, I wanted to limit class time spent on writing so as not to crowd out more advanced topics. While many students needed the writing instruction, others did not. Per the new normal, calibrating my instruction to best meet students' needs (not too much, not too little) was tricky. I landed on the idea of breaking the instruction into roughly 15 mini-lessons, which I sprinkle through class.¹⁸ The lessons take five to fifteen minutes, and I generally get to all of them by the end of the first semester. I call them NMMA's, which stands for Never Make That Mistake Again.¹⁹

For stronger writers, the in-class refresher on semicolons or apostrophes or passive voice is enough. Other students will struggle with the skill long after the ten minutes of in-class instruction has passed. For the latter group, the NMMA's have

proven a very sturdy learning tool. I can flag a writing problem on a paper and simply refer the student to NMMA #5 or NMMA #11. The student can go to the website, look up the slides from class, and review—and do this as many times as needed over the year. I find if I persist in pointing out he's making the same mistake (easy enough to do with the lessons online and my quick NMMA nickname), I usually eventually wear down his resistance enough²⁰ that he puts in the effort and learns the lesson. As long as this happens before he leaves my classroom,²¹ I figure I've done my job.

None of these strategies are particularly groundbreaking; you likely use some or all of them yourself. But I recommend intentionally cultivating these sturdy teaching tools at this particular time because all four essentially allow you to deliver teaching in more diverse ways, at more diverse times, than you have needed to before. A more expansive approach to conferences reclaims time wasted talking past lost students, time you can use instead to essentially create a miniature classroom, in which to tutor students over the course of a year at whatever pace is best. In group work, you can set up opportunities for more advanced students to teach less advanced ones, which moves all students forward more efficiently than big room teaching alone can do. With a user-friendly, up-to-date website and easy-to-find mini-lessons on writing mechanics, you can take one-and-done in-class teaching lessons and stretch them out over the entire year. The lessons are there and available to students long after (and sometimes before) you hit them in class. Students can learn at their own pace and access what they need when they need it.

Some will say I am coddling my students, but I don't think so. In my experience, the alternative to this flexible approach is not more rigorous learning but no learning. The reason I abandoned the Julie McCoy teaching style was because I was leaving students on the shore (and, at the risk of taking the metaphor into morbid territory, losing them along the way). There was no way for those students to catch up. Now there is.

Moreover, the changes have not lessened the rigor of the course for those who are ready for and capable of top-level work from day one. In class, students get a mix of learning experiences, many pitched to the middle-to-high performers. The group exercises

provide a chance for me to reach those a bit behind through the stronger students, and the latter also advance by taking on that teaching role. Outside of class, I can provide learning experiences—whether in person (conferences) or virtually (website)—that are even more narrowly tailored to individual students’ progress along the learning curve.

Finally and importantly, the changes have not made me crazy. I do see my role now less as cruise director than Sherpa guiding thirty mountain climbers. However, surprisingly and happily, I do not feel like I spend two semesters frantically racing up and down a mountain. Recalibrating my teaching really took two forms: 1) upping my technology game, and 2) letting go of my one-size-fits-all timetable for my students’ progress. With better tools and a more flexible mindset, I’ve gotten much better at meeting students at the growing edge of their understanding, wherever it happens to be. Turns out, building thirty scaffolds isn’t all that hard to do. ’

NOTES

1. Professor of Research and Writing, Chicago-Kent College of Law. wjohnson@kentlaw.iit.edu
2. See generally Courtney G. Lee, *Changing Gears To Meet The “New Normal”* In *Legal Education*, 53 *DUQ. L. REV.* 39 (2015).
3. See generally Janna Anderson & Lee Rainie, *Main Findings: Teens, Technology and Human Potential in 2020*, PEW RESEARCH CENTER REPORT, 8-13 (2012).
4. Decidedly less sexy than its 80s counterpart.
5. For an alarming but realistic glimpse into your students’ experience of your class, read about Lara Law Student in the opening paragraphs of Shailini Jandial George, *Teaching the Smart Phone Generation: How Cognitive Science Can Improve Learning in Law School*, 66 *ME. L. REV.* 163, 164 (2013).
6. As I write this, a new cell phone distraction study is in the news. Subjects who heard a lecture and took a test with their phones nearby (face down and silenced) performed a full letter grade below those entirely without access to their phones. Experts surmise that the mere proximity of the phone drains one’s complex thinking ability. Nicholas Carr, *How Smart Phones Hijack Our Minds*, *WALL ST. J.*, Oct. 6, 2017.
7. Christine M. Venter, *Analyze This: Using Taxonomies to “Scaffold” Students’ Legal Thinking and Writing Skills*, 57 *MERCER L. REV.* 621, 635 (2006).
8. Shaun Archer et al., *Reaching Backward and Stretching Forward: Teaching for Transfer in Law School Clinics*, 64 *J. LEGAL EDUC.* 258, 265, 283 (2014).
9. Educational theorist Lev Vygotsky’s term for the edge of a student’s understanding where learning is both possible and dynamic. See Elizabeth M. Bloom, *A Law School Game Changer: (Trans)Formative Feedback*, 41 *OHIO N.U. L. REV.* 227, 235 (2015).
10. Last week, I conferenced with a student who brought in a folded pile of papers containing handwritten, fragmented notes related to the office memo she’d been assigned. She was terribly behind, and in the past I might have used conference time and energy frantically trying to get her up to

speed, and in the process entirely overwhelmed and discouraged her (and me). Instead, I found a few places where I could help her take what she had and move it forward. The memo she handed in reflected the progress we made in conference and some improvements she was able to make extrapolating from the feedback. And while she’s still behind, she’s working and improving, I believe because she knows she’s on a learning path.

11. Bloom, *supra* note 9, at 246.
12. Elizabeth L. Inglehart et al., *From Cooperative Learning to Collaborative Writing in the Legal Writing Classroom*, 9 *LEGAL WRITING* 185, 189-95 (2003).
13. Shout out to Emily Barney and Debbie Ginsberg, resident library technology wizards at Chicago-Kent.
14. While I am now, in a sense, always teaching different versions of my class to different students at different paces, the richest, most organic, and best version of the class is still the one I pace via the syllabus and lead in scheduled classes. I do not think the changes I describe here have weakened the effectiveness of the traditional experience of class for students who are consistently prepared and attentive, nor do I think the changes have discouraged students from coming to class (at least, attendance hasn’t fallen off).
15. And many things we have yet to cover because I keep my core materials on the site at all times. I can and sometimes do refer students to materials or concepts they may be ready for before the rest of the class is.
16. Without emailing me!
17. In fact, the site allows me to extend my teaching beyond the end of my class, a nice perk. My former students can access the site any time and take a look at my slides on dangling modifiers, or reread a handout on “Tips for an Effective Email Memo,” or review my “Paradigming Part II” lesson for guidance when organizing a troublesome section of a brief.
18. As a bonus, the lessons have become a great aid to class planning. I can always and easily reach for one to change the pace of a low-energy class or to stretch a class that ends up being too short. The lessons are available here: <https://drive.google.com/drive/folders/OB5lGdL0gsEU5fnlSazkyd1BCWlNLVFRielBoNmRmUXlrY1R4UFIMZFp0NGtNcU93Q-jVzN2s?usp=sharing>.
19. Spoiler alert: they do.
20. Or pique his curiosity enough (what IS this mysterious NMMA #3 of which she speaks so insistently?).
21. Or even after; *supra* note 17.



Freedom in Structure: Helping Foreign-Trained and International Graduate Students Develop Thesis Statements by Component¹



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“[C]oming at things backward, awkwardly and in uncertain steps can lead to unanticipated and astonishing breakthroughs.”³

Any writer finds crafting a clear thesis statement to be a challenge, but even more so when one has to write with limited language proficiency, for a different writing culture, or in an unfamiliar genre. At the University of Washington School of Law, our foreign-trained and international graduate students⁴ tend to face all three of these challenges in their legal writing projects, and these become particularly burdensome for students when they write their final required LL.M. papers.⁵ Similar to a typical master’s thesis, this paper requires students to state and defend a narrow, novel, non-obvious, and useful claim.⁶ Finding and articulating this claim—or thesis—is not only key to guiding the research project and keeping the paper under control, but also requires a complete and nuanced understanding of the parts of a claim and how they fit together.⁷

This article explains how I help students gain this understanding and control through the use of a thesis development template. I created this template to reinforce key lessons from the two texts our students read for their advanced research and writing courses at UW Law: Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review* (5th ed. 2016) (now Volokh) and Joseph M. Williams and Joseph Bizup, *Style: Lessons in Clarity and Grace* (12th ed. 2016) (now Williams). The template asks students to state the thesis in three discrete, interrelated components—*condition, cost, and solution*.⁸ It works well because it helps students examine the connections among the components of the thesis, and it also gives them the freedom and agility they need to incrementally develop from the component on which their thinking is most clear—either by working backward from solution to condition, or through an iterative process that develops all three components through repeated cycles.

This article begins by discussing special issues that typical foreign-trained or international graduate students face when writing the LL.M. paper. Next, it explains the origins of the components on the template and the thesis development processes they enable. It ends by presenting some illustrations of how students have used the template to shape their own thinking by component.

PARTICULAR CHALLENGES FOR FOREIGN-TRAINED OR INTERNATIONAL STUDENTS

To successfully state and defend an academic claim (or thesis)—in any language—writers must do much more than write clearly; they must also understand and write in a way that conforms to the rhetorical expectations and writing conventions of the academic writing genre for a particular academic discipline. Because our foreign-trained and international LL.M. students tend to be non-native speakers of English, they have to work hard just for clarity in English sentences, and many of them have received little to no training in academic writing conventions in any discipline—let alone law. Another subset of them come from developing and post-conflict nations, or nations with governments or economies in transition.⁹ While many of these students have a wealth of professional experience and skill, they typically have had little opportunity to build the academic research and writing skills that students develop in institutions of higher education in the U.S. or in countries with more stable governments and education systems.¹⁰

Our students' challenges do not stop there. Many of them also trained in countries that have historically had different rhetorical preferences from those expected by typical U.S. legal readers.¹¹ For example, writers and readers in other discourse communities may tolerate or expect more digressions and side discussions;¹² they may use cohesive connectors in ways that differ from what typical English speakers and writers expect;¹³ or they may be accustomed to writing that values more indirectness¹⁴ or builds to a thesis revealed at the end.¹⁵ They may also bring different perspectives on the ownership of ideas, including the need for citation and attribution with the frequency and detail that U.S. legal discourse communities typically expect.¹⁶ With these different perspectives and approaches to the task of writing, our foreign-trained and international students are in particular need of direct, clear instruction on some of the writing forms and expectations that U.S. trained writers may take for granted: the ability to craft a clear thesis statement—positioned prominently and early in the introductory material of a piece—being among the most fundamental of these skills and rhetorical preferences.

Finally, many of our students come from developing or post-conflict nations, countries facing urgent problems that need multidimensional socio-legal solutions. Students from these countries often come to our program determined to write about issues as deep and wide as ending poverty and fighting corruption. When students are motivated to tackle these kinds of complex problems, it may be difficult for them to see a path to a narrow claim that can be defended in a relatively short academic piece like the LL.M. paper.¹⁷ It was these students, in particular, that helped me see the need for a template to help students articulate their important ideas.

COMPONENTS OF THE THESIS DEVELOPMENT TEMPLATE

The three components of the thesis development template—condition, cost, and solution—stem from writing advice by Volokh and Williams. At a base level, these components reflect Volokh's reminder that a good academic paper both states a problem and offers a solution.¹⁸ These two parts reflect what Volokh calls a *descriptive claim*, describing "the world as it is or as it was," and a *prescriptive claim*, suggesting

THESIS DEVELOPMENT TEMPLATE

- I. **CONTEXT** [The background your reader would need to understand the problem; historical background; recent event; common belief; anything else that reminds readers of what they already know. **Aim for 1-3 sentences.] AND**
- II. **PROBLEM** [Thesis Part 1—descriptive—either conceptual or practical]:
 1. **CONDITION:** [A situation, a recurring event, an important shift, or anything else that is causing or has the potential to cause trouble or concern. It could be anything from a lack of legal protection; a lack of coordination among laws or related services; a loophole that enables corruption or another injustice; a complexity or ambiguity in the law that few understand; a change in the direction of the law; etc. It should answer the question, “what is happening?” **Aim for 1 sentence] AND**
 2. **COST:** [The resulting harm, predicament, or change that is or will be caused by the condition above (or for conceptual problems, e.g., the pattern or potential for bad law or policy). It should answer the question, “why should we care about the condition?” **[Aim for 1 sentence] AND**
- II. **SOLUTION** [Thesis Part 2—prescriptive] **[Aim for 1 sentence]**
 1. [conceptual→ how should we change our thinking?] AND/OR
 2. [practical→ how should we change what we do?]

Above is the full thesis development template, including an additional component for “context” consistent with the structure Williams recommends for successful introductions.¹⁹ The context component helps students consider not only the context for their problem, but also the background knowledge of the reader. To support students’ effort to focus, the condition-cost-solution components are limited to one sentence each.

“what should be done.”²⁰ While Volokh concedes that not all papers will have both, he suggests that the best papers usually offer some kind of directive to readers about what they should do or think in light of the problem the paper exposes.²¹

To this basic structure, the template draws from Williams to add another dimension to the task of articulating problems.²² Williams posits that “for readers to think that something is a problem, it must have two parts”—a *condition* and a *cost*.²³ Under this schema, a *condition* is a situation, recurring event, or anything else that is causing or “has the potential to cause trouble.”²⁴ He explains that this condition, in turn, should result in a demonstrable *cost*—“the *intolerable consequence* of that condition,” or the resulting harm, predicament, change, or trend that is or will be caused by the condition.²⁵ In essence, he challenges writers to answer two questions when stating problems: *what’s going on?* (the condition) and *why should we care?* (the cost).

Williams also emphasizes that the nature of the solution (like Volokh’s prescriptive thesis) will be different depending on whether the descriptive thesis identifies a *practical* or *conceptual* problem—whether the problem calls for a practical solution

(such as legislative reforms or changes to programs or systems) or a conceptual solution (such as changing the way people think, especially when it helps answer a larger, unanswered question).²⁶ As such, I incorporated this nuance into the template as a reminder to students that they should be thinking about the nature of the problem they are addressing and how that will affect the solution they recommend.

USING KNOWN COMPONENTS TO SHAPE AND TEST OTHERS

By developing a thesis by these three components (condition—cost—solution), students gain the freedom to start from whichever component they understand best, developing the claim from the angle that helps them discover the scope and point of the other components. It also gives students a framework for testing how well the components fit together. Most importantly, this approach prevents students from feeling stymied by a gap in their understanding—allowing them the freedom to set aside the unknown components, instead of being tied to a linear process. Ultimately, the progress students make on honing a known component can increase their ability to find and develop any unknown components.

While some students are able to work forward in a standard progression from *condition* → to *cost* → to *solution*, other students may benefit from a working-backward strategy, tracing a path back from a *solution* to a focused statement of the *problem* (*condition* and *cost*). This approach resembles common problem-solving strategies in science and math, strategies that can help a problem solver gain a new perspective or use what is known or understood to derive the unknown.²⁷ It also evokes the more mundane analogy of finding the end of a pulled thread and following it back to the site of the snag. This working-backward approach is particularly useful when students see multiple solutions for a large unwieldy problem, like corruption for example. If they pick one solution—like the end of the thread or the projected outcome of an equation—they can work backward to find the specific condition and cost that give rise to the need for that particular solution.

Most students, however, seem to benefit from a more iterative, less linear process. This process might be likened to the iterative and incremental development methods widely used in software development, processes that approach work incrementally, allowing for the development process in repeated cycles, working and reworking pieces of a project as needed.²⁸ Using an iterative approach to developing thesis components, LL.M. students can start from any component and work forward or backward, cycling through the components, adapting and shaping each component in response to the evolving depth and specificity of the other components. They can do this until the entire thesis becomes sufficiently clear and specific.

As an example of iterative processing, I had a student from Indonesia who knew her basic *condition* component from the outset: while, in general, Indonesia had been making great progress on combatting corruption, it had no useful framework for prosecuting government officials who were illicitly enriched by illegal gifts. The *cost*, naturally, was the continuation of this type of corruption. As the student did her research on this topic, she learned about specific, indirect methods of investigation, such as the net worth method, which produces evidence of illicit enrichment by comparing actual wealth with information reported on tax documents. After identifying this *solution*, she was then able to narrow her condition statement to articulate that the Indonesian approach to investigating illicit enrichment was

Many of our students come from developing or post-conflict nations, countries facing urgent problems that need multidimensional socio-legal solutions. Students from these countries often come to our program determined to write about issues as deep and wide as ending poverty and fighting corruption. When students are motivated to tackle these kinds of complex problems, it may be difficult for them to see a path to a narrow claim that can be defended in a relatively short academic piece.

dependent on direct trapping because there was no available or accepted method of indirect proof. This lack of an indirect method enabled corrupt government officials to continue to accept illicit gifts (cost).²⁹

Students can also use this iterative method when starting from the *cost* component. For instance, I had a student who wanted to write about how women in Afghanistan were not bringing claims for domestic violence (the cost)—even though there were strong laws prohibiting it. Upon further inquiry into the reason for the lack of claims, she was able to articulate the *condition* that led to this cost: women were not bringing cases to the attention of prosecutors because they were afraid that they would be in even greater danger after exposing the violence—having no mechanisms for keeping the offending party from retaliating, nor reasonable access to shelters or other programs that would protect them through the judicial process. From there, the student was able to work with her supervising professor to identify a specific solution: key legislative and programmatic reforms, such as a mechanism for restraining orders and improved access to shelters.

Some students use a combination of working backward and iterative processes. Another student wanted to write on the topic of eliminating poverty in her country of origin, the Democratic Republic of Congo. The problem of *poverty*, being much too large and multifaceted, needed to be narrowed down to something manageable, something on which the student could make a more serious contribution to scholarship. When this student first filled out the template, her *condition* statement was that the people in the D.R. Congo were suffering from the effects of poverty and a weak economy. She articulated the *cost* as some of the obvious effects of poverty: people living in poor health and having little access to education or adequate housing. Her *solution* field, as a result, recommended taking various, broad steps toward good governance, redesigning government institutions, reforming the legal framework for business development, defining new strategies for economic development, and putting in place national development plans, among other broad suggestions. This was far too big for a successful LL.M. paper.

In an effort to help this student find a new angle on the problem, I asked her to narrow to one, more specific and practical *solution*, one of the many that she already knew she wanted to recommend. She turned to an industry that she understood well from her former training and law practice: the mining industry. She explained that the DRC could stimulate local economies and relieve poverty for some if it reformed its regulations on the processing and transformation of mineral substances to better protect and balance the interests of the environment and local artisan miners,

enabling environmentally sustainable economic gains for local people working in the mining industry. Having narrowed and honed this one component, she was in a better position to ask herself what specific condition and cost directly gave rise to the need for this more narrow, specific solution. In other words: How were current practices inconsistent with her recommendation, and what specific harm was caused by those practices that gave rise to the need for the reform?

CONCLUSION

Whether by working through a linear or iterative process, students can achieve important breakthroughs in their thinking when they have the flexibility to work on their ideas by component. A structured template, like the one I offer in this article, helps students do just that. Using the template, students can identify the key parts of a strong thesis and hone and develop each to create strong connections among them. Although I originally developed this template to respond to the needs of foreign-trained and international students, you may also find it useful with journal students, with PhD students at the prospectus stage, or even in your own writing projects.

The beauty of this template is the end product it enables. When students clarify their thinking and their writing, they are in a better position to share their important ideas with their communities and the world—my personal inspiration for helping them engage in academic scholarship.

NOTES

1. While I originally developed this method to serve foreign-trained and international graduate students of law, it could easily be adapted for work with law review and journal students, native speakers of English, or other writers working to develop thesis statements in the academic legal writing genre.
2. Thank you to friends and colleagues who helped me think through this piece: Dr. Dana Raigrodski, Carrie Sanford, Sanne Knudsen, and Stephen Horowitz. And a special thanks to my husband, John H. Chun.
3. Akiko Busch, *The Surprising Benefits Of Working Backward*, FORBES.COM/PERSONAL FINANCE (July 1, 2013, 1:12 PM), <https://www.forbes.com/sites/nextavenue/2013/07/01/the-surprising-benefits-of-working-backward/>
4. At the UW Law, I am both a Lecturer and a Writing Advisor, teaching classes such as American Legal Systems and Method and Legal Research Methods, as well as advanced writing and research courses. I also provide individual consultation and tutorials on legal writing to students participating the LESPA program (Legal Education Support Program—Afghanistan) and the Ph.D. in Law program.
5. Most of our graduate programs at UW Law require students to produce some kind of major research paper to complete their studies—usually a law review style academic piece that falls between 35 to 40 double-spaced pages (or around 8,750-10,000 words).
6. Eugene Volokh identifies these characteristics as key to a successful law review article. *ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, SEMINAR PAPERS, AND GETTING ON LAW REVIEW* 10 (5th ed. 2016).
7. When students have not conceived of their claims in a sufficiently narrow way, they tend to read and write with little focus and their research may spin into an unwieldy monster project.
8. See *infra* for explanation of these components.
9. Countries such as Somalia, Afghanistan, Indonesia, and The Democratic Republic of Congo, among many others.
10. In our graduate programs, we regularly host students from countries as far-reaching and varied as Afghanistan, Mongolia, Russia, Ukraine, Cambodia, the Gambia, Somalia, the Democratic Republic of Congo, Korea, Japan, China, France, Spain, India, the Netherlands, Colombia, Mexico, and Canada, among many other countries around the world. Notably, out of the 146 students enrolled as LL.M. students in the 2017-18 school year at UW Law, 23 are foreign-trained (with residency or citizenship, but trained abroad) and an additional 68 are international. Out of 22 Ph.D. students, 3 are foreign trained, and 17 are international students.
11. Robert Kaplan, *Cultural Thought Patterns in Inter-Cultural Education*, 16/1 & 2 LANGUAGE LEARNING 2 (1966) (explaining that “[r]hetoric . . . is not universal. . . , but varies, from culture to culture and even from time to time within a given culture. It is affected by canons of taste within a given culture at a given time”). See also Jill J. Ramsfield, *Is “Logic” Culturally Based? A Contrastive, International Approach to the U.S. Law Classroom*, 47 J. LEGAL EDUC. 157, 172 (1997) (adding that “[t]he novice international student may be tempted . . . to import the analytical paradigms or schemata from his legal culture into U.S. legal discourse”). But see Ulla Connor, *New Directions in Contrastive Rhetoric*, 36/4 TESOL Q. 493, 504 (Winter 2002) (explaining how more modern studies in contrastive rhetoric show

that “differences in written communication [are] often stemming from multiple sources, including L1, national culture, L educational background, disciplinary culture, genre characteristics, and mismatched expectations between readers and writers”).

12. Kaplan, *supra* note 10, at 16 (observing that “[m]uch greater freedom to digress or to introduce extraneous material is available in French, or in Spanish, than in English”).

13. See, e.g., Aisha Mohamed-Sayidina, *Transfer of L1 Cohesive Devices and Transition Words into L2 Academic Texts: The Case of Arab Students*, 41 RELC J. 253, 254 (2010); see also M. Akram Sa’adeddin, *Text development and Arabic-English negative Interference*, 10/1 APPLIED LINGUISTICS 36-51 (1989) (finding transfer from common writing patterns in Arabic, in which coordinate and parallel constructions are common); see also, Elizabeth R. Baldwin, *Beyond Contrastive Rhetoric: Helping International Lawyers Use Cohesive Devices in U.S. Legal Writing*, 26 FLA. J. INT’L L. 399 (2014) (explaining how differences in use of cohesive devices, either from first language transfer or from misunderstanding, can make the legal writing of a non-native speaker of English “appear to lack a sense of coherence or flow, even if the logical structure may otherwise meet U.S. legal writing expectations for organization of content”).

14. See generally Ji Yushan, *Indirectness: A Barrier to Overcome in Teaching Writing*, 41/2 TESL REPORTER 1-13 (October 2008) (explaining that indirectness in Chinese writing may be related to Confucian or ancient Chinese values of maintaining social harmony). But see, Ling Yang & David Cahill, *The Rhetorical Organization of Chinese and American students’ Expository Essays: a Contrastive Rhetoric Study*, 8 INT’L J. ENGLISH STUDIES 128 (2008) (finding that Chinese students also prefer directness, but generally U.S. student writing tends to be more direct than the writing of Chinese students).

15. See, e.g., ANNE ENQUIST, LAUREL OATES, & JEREMY FRANCIS, *JUST WRITING: GRAMMAR, PUNCTUATION, AND STYLE FOR THE LEGAL WRITER* 290 & 299-300 (5th ed. 2017) (discussing findings in linguistics, particularly contrastive rhetoric and pragmatics, to highlight rhetorical preferences from various writing cultures, and providing a helpful bibliography for ESL law students and legal writers).

16. Robin Nilon, *The Calculus of Plagiarism: Toward A Contrastive Approach to Teaching Chinese Lawyers*, 2 S.C.J. INT’L L. & BUS. 1, 40 (2006).

17. Another dimension of this problem: Many students from post-conflict nations struggle to find official or authoritative publications of the primary sources they need. Even when there are statutes or other key materials available online, those sources are often only searchable, at best, by “control F” on table of contents or, even worse, on a PDF. And the reliability of sources students find online varies greatly, even when posted on government websites.

18. VOLOKH, *supra* note 5, at 13.

19. WILLIAMS AND JOSEPH BIZUP, *supra* note 20, at 96-97

20. *Id.* at 10, 21.

21. *Id.* at 11-12, 35.

22. JOSEPH M. WILLIAMS AND JOSEPH BIZUP, *STYLE: LESSONS IN CLARITY AND GRACE* 95-96 (12th ed. 2016).

23. *Id.* at 98.

24. *Id.* Presumably, this could also be an important shift.

25. *Id.* at 98.

26. *Id.* at 98, 99.

27. Notably, disciplines like science and math have long encouraged *working backward* as a basic strategy for problem solving. See, e.g., GEORGE PÓLYA, *HOW TO SOLVE IT; A NEW ASPECT OF MATHEMATICAL METHOD* 5, 124 (2d ed. 1985) (discussing the utility of changing point of view and shifting positions—also asking, “[w]hat causes could produce such a result?”); RF Drake, *Working Backwards is a Forward Step in the Solution of Problems by Dimensional Analysis*, 62/5 J. OF CHEMICAL ED. 414, 414 (1985); Yiu-Kwong Man, *An Arithmetic Approach to the General Two Water Jugs Problem*, in *PROCEEDINGS OF THE WORLD CONGRESS ON ENGINEERING 2013*, London, U.K., VOL I, 1 (July 3 - 5, 2013), http://www.iaeng.org/publication/WCE2013/WCE2013_pp145-147.pdf. Cognitive scientists have found that while physics experts typically use *working forward* strategies to solve problems—using deductive reasoning and long-term memory to find solutions—physics novices tend to *work backward*, “focus[ing] on the quantity to be found, writ[ing] an equation involving that quantity, and then work[ing] backward, writing expressions for quantities that remain unknown.” Jill H. Larkin, John McDermott, Dorothea P. Simon, & Herbert A. Simon, *Models of competence in solving physics problems*, 4 COGNITIVE SCIENCE 317, 343-44 (1980). But working backward is not just for novices; in the fields of engineering and technology, variations on working backward strategies are used to help drive creativity and innovation into new product development or product ideation. See Abbie Griffin et al, *Serial Innovators’ processes: How they overcome barriers to creating radical innovations*, 43 INDUSTRIAL MARKETING MANAGEMENT 1362 (2014).

28. See Victor Farcic, *Software Development Models: Iterative and Incremental Development*, TECHNOLOGY CONVERSATIONS.COM (January 21, 2014), <https://technologyconversations.com/2014/01/21/software-development-models-iterative-and-incremental-development/>.

29. Notably, this student continued to work on this paper after graduation, and it was eventually published. See Laras Susanti, *Dealing with Illicit Enrichment: What Indonesia Might Learn from U.S.*, INDONESIA J. OF INT’L AND COMP. LAW, Volume II, Issue 1, 41 (January 2015), <http://www.ijil.org/archives/volume-ii-issue-1>.

The Pro Humanitate Project



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Cultivating a spirit of service in our students is critical to reinvigorate legal education and perhaps restore some of the nobility to the profession that it seems to have lost.² But how can busy legal writing professors find the time and inspiration to incorporate a legal writing exercise that will effectively accomplish this noble goal? While wrestling with this question in 2014, I created the Pro Humanitate Project, an innovative experiential exercise that combines reflection, service, research, writing, and oral communication to simultaneously achieve a multitude of important learning objectives. This essay discusses why service matters, how legal writing professors can use the Pro Humanitate Project to foster a spirit of service in their students, and which positive outcomes may result.

I. WHY SERVICE MATTERS

Service matters because it teaches the kind of all-important lessons that will benefit students for a lifetime. Service teaches humility, resilience, collaboration, working with clients, work ethic, time management,³ stress management,⁴ and a host of other skills and attributes essential to professional success.⁵ It gives law students a greater appreciation for the power and privilege imbued to attorneys.⁶ Service further empowers law students to be change agents for good in the world. It teaches them how to use their legal knowledge to make a positive and lasting impact in the lives of others,⁷ and it reminds students that no matter their origins, they can achieve greatness simply by serving others in a meaningful way. Service also encourages self-exploration, mindfulness, and reflection by enabling students to see how uniquely blessed they are to have an opportunity to earn a legal degree. It puts things in perspective for students who feel overwhelmed and helps them determine how to best use their

law degrees, which practice areas they most enjoy, and how to honestly self-assess their professional strengths and weaknesses. In sum, through service law students often learn just as much about themselves as they do about the world around them.

Recognizing the countless benefits of service on student learning, ABA Standard 303(b)(2) requires law schools to provide “substantial opportunities” for students to “participat[e] in pro bono legal services, including law-related public service activities.”⁸ Perhaps in response to the ABA’s call, over thirty law schools, including Harvard and Columbia, require students to complete a requisite number of service hours, usually law-related pro bono, to graduate.⁹ Yet students often fulfill these rigid requirements outside the classroom and in the absence of a professor’s meaningful supervision and feedback.

II. CULTIVATING A SPIRIT OF SERVICE: THE PRO HUMANITATE PROJECT

If service matters and can teach us more than we could possibly imagine, then, absent a pro bono requirement like the ones described above, how do legal writing professors maximize student potential by cultivating a spirit of service in our students? While grappling with this question in December of 2014, I conceived of the Pro Humanitate Project. The project is inspired by Wake Forest’s motto—*Pro Humanitate*—which, loosely translated, means “for humanity.” In developing the project, I wanted my students to understand that one day everything they learn in the classroom, even the placement of a comma, could change someone’s life for the better. I aimed to encourage students to invest in their education today so they can make a more profound difference tomorrow. I searched for a way to increase their engagement and to illuminate the long game of their legal education. As a result, the Pro Humanitate Project involves the following components: (1) class discussion; (2) personal and group reflection; (3) a project proposal; (4) three hours of project-related community service; (5) a class presentation; and (6) a paper discussing the project. Each component is discussed in more detail below.

Discuss why service matters.

First, facilitate a class discussion regarding why service matters. To do this, invite general class

discussion on lessons learned from community service and pro bono involvement. Ask former students or teaching assistants to discuss their service-related experiences. Discuss why ABA Rule 6.1 states that “a lawyer should aspire” to perform at least fifty pro bono hours per year¹⁰ and how some states, like New York, require completion of fifty pro bono hours for bar admission.¹¹ Offer personal anecdotes regarding your pro bono work. Incorporate video clips and images showcasing the value of service, which prompt discussion on how most lawyers, at their core, are public servants.¹² Then share your hopes for your students. For example, I tell my students that I have hope each of them will: (1) leave law school a better human being than when they entered; (2) use their knowledge and skills to improve the lives of others; (3) be ethical and honorable in their personal and professional lives; (4) exercise their moral imagination and feel empathy for others; (5) see those whom others overlook, hear those whose pleas fall silent on others’ ears, and speak for those who cannot speak for themselves; and (6) show compassion.

Invite reflection.

Next, invite self-reflection. I ask students, “What do you hope for yourself? For your loved ones? For our future? For our world? What impact do you want to make? How will you make it?” Post these questions on a PowerPoint that is displayed during your discussion. Give students an opportunity to write their hopes on a sheet of paper and/or to discuss them with a partner during a *Think.Pair.Share* exercise.¹³ This mental exercise, while aspirational, reminds struggling, disillusioned law students of the reasons they pursued a legal education in the first place.¹⁴ It returns them momentarily to that mental place of optimism and promise in which they launched their legal career.

Explore your passion and develop a proposal.

With that important background in place, encourage students to explore their passions and choose a cause that breaks their heart. Permit students three to four weeks to draft a one-paragraph proposal that explains the question or cause they hope to explore and the related service activity they will perform to do so. Encourage them to use this opportunity to explore their passion, perhaps researching an area of law they have not yet had a chance to study or something that piques their interest due to their personal experiences.

Service teaches humility, resilience, collaboration, working with clients, work ethic, time management, stress management, and a host of other skills and attributes essential to professional success.



Like other self-directed learning opportunities, giving students the freedom to choose their own project cultivates self-exploration, creative thinking, and reflection. It also requires them to research the community service options available in their community and at their law school. Invite your law school's Pro Bono Coordinator to speak about existing pro bono opportunities that provide an ideal medium for skills development, knowledge acquisition, and community building.

Once students have completed their proposal, have them post it on the course site so other students can see the types of projects proposed. Occasionally, students discover a common interest with another student, and they opt to collaborate on a project. Permitting students to work independently or in pairs fosters collaborative lawyering.

The diverse array of interesting projects has been astonishing. Projects have discussed everything from feeding the hungry and housing the homeless to fighting animal cruelty and protecting the environment. Other projects have dealt with alcoholism in the legal profession, foreclosure issues arising from homes built by Habitat for Humanity, and methods to explain adoption law in an accessible manner to children undergoing adoption.

One of the most creative and memorable projects involved a student who enjoyed horseback riding. She volunteered at a local horse rescue and wrote an insightful paper regarding how equine therapy could be used to rehabilitate female juvenile offenders. Another interesting example came from a former park ranger who wanted to explore legal issues that state parks commonly encounter. After he began volunteering at the park, he learned about an elderly man living in a small shack on park property. With the park's permission, the student helped the man clean up his home, pick weeds, trim branches, etc.—things the elderly man likely could not do on his own or afford to hire help to do. This sparked the student to draft a memo analyzing whether the man had a successful adverse possession claim under North Carolina law. While the student never provided legal advice to the gentleman, he did write an excellent analysis of the potential claim.

Because students select causes that are personally meaningful to them, many of their stories are both inspirational and heart-wrenching. For example, a young woman shared that her best friend had been murdered by an abusive boyfriend. For this reason, her project involved researching why existing laws regarding protection orders and assistance to victims of domestic violence are insufficient and suggesting tangible changes.

Many of the projects have had a lasting impact on the students and community. For instance, a former college athlete focused her project on developing a performance-enhancing program that utilizes various exercises, techniques, tools, and resources to train students to thrive in the demanding law school environment. Together, we piloted her program and implemented it in my fall legal writing course. We are currently drafting a scholarly article on the program and plan to present on it in the future. However, her project has already had a significant positive impact on the Class of 2019.

Impact the community.

In connection with the project, students must complete at least three hours of project-related community service. This service enables them to personally connect with the subject matter and see firsthand the real-world implications of the legal issue.¹⁵ To allow for this, I generally cancel three hours of class throughout the year or semester.

In a typical section at Wake Forest (twenty-two students), the three-hour requirement translates into sixty-six hours, collectively. This is far more than ABA Model Rule 6.1 requires in a year (50 hours) and enables our law students to make a tangible impact in the local community. This, in turn, can enhance our law school's reputation and strengthen our ties with the community by showing that our students care. At the same time, however, the three-hour service requirement is still quite manageable over the course of a year or semester, even for busy law students.

Projects have discussed everything from feeding the hungry and housing the homeless to fighting animal cruelty and protecting the environment.

However, the most amazing part of the Pro Humanitate Project is that even though students are only required to perform three hours of community service in connection with their project, many students voluntarily performed many more. For some, the project opened their eyes to various ways that they could get involved. For instance, the student who researched equine therapy started volunteering on a biweekly basis. A student researching how to protect children involved in youth sports decided to coach a youth team.

Inspire others.

After students complete their service project and conduct research into the related legal issue, they share their insights with others by giving a class presentation. We set aside the final two to three sessions of the spring semester as Pro Humanitate Days during which individuals and pairs present their projects for fifteen to twenty minutes. All participants receive the same grade and are expected to contribute equally. They prepare a PowerPoint in conjunction with their presentation, which they post to our course site after their presentation concludes. Specifically, each presentation shares their cause and why they chose it, describes the nature of the service, and then discusses insights from

the service and research. Presentations often include video clips, pictures, storytelling, and Q&A. This aspect of the project hones the students' oral communication skills and ability to think on their feet and answer questions.¹⁶ To make the presentation a low-stress and low-stakes assessment, you can grade it on a pass/fail basis, make it voluntary or for extra credit, or permit students to simply prepare a recorded presentation that they post on the course site, rather than devoting class sessions to the presentation.

Share your insights.

The most important component of the Pro Humanitate Project is the final research paper. In keeping with the goal of self-directed learning and freedom of choice, permit students to choose the medium through which they will convey their ideas. In my experience, most choose a scholarly paper, but others draft legal memoranda, client letters, and other documents. Provide each student with instructions regarding the content and grading expectations for the assignment. Require each paper to address why the student selected the topic, describe the nature of the service performed, state and discuss the related legal question that the paper explores, and share general insights learned from the project. Notably, I do not permit students to receive peer, TA, or professor review on this paper because it is the final work product of the year. As such, it serves as the culmination of the writing, analytical, research, and editing skills that they have acquired throughout the year. This provides students with an opportunity to showcase their independent writing and produce an original writing sample, which employers increasingly require. In past years, students have successfully used the paper as a writing sample and talking point during interviews. It sets them apart from applicants who have exclusively studied the mandatory subjects typical of the first-year law school curriculum.

III. POTENTIAL CHALLENGES

Although professors may initially be concerned that adopting the Pro Humanitate Project will be unduly burdensome for them or their students, this concern can be easily addressed as noted below.

Time commitment.

Because students complete the Pro Humanitate Project as part of their first-year legal writing course, there may be some concern that it will take time away from other legal writing projects. However, this can easily be addressed in several ways. First, provide students with an entire year to complete the project. I have successfully taught the Pro Humanitate Project exclusively in the spring semester and also as a yearlong capstone that commences in September. While students submit their proposal in October of the fall term for the capstone, the presentations and final papers are not due until the end of the spring term, several weeks before final exams. I prefer the latter format because it gives students more time to complete the project, and some students perform their service hours over winter or spring break. Second, grade the paper on a pass/fail basis and/or assign the grade no more than five to ten percent of the final grade in the course. Students will expend their time accordingly and be far less stressed over a low-stakes assignment. Third, schedule submission deadlines and presentation days so as to avoid conflicts with other major deadlines or exams. Finally, limit the paper to four to six double-spaced pages so that completing it is not onerous. In assessing course evaluations, only one student expressed concern that the Pro Humanitate Project disadvantaged students who were competing with students in other sections who were not required to complete the project. Notably, the student did not refute the pedagogical value of the project, and the comment could be construed to suggest that other sections should adopt it.

Grading commitment.

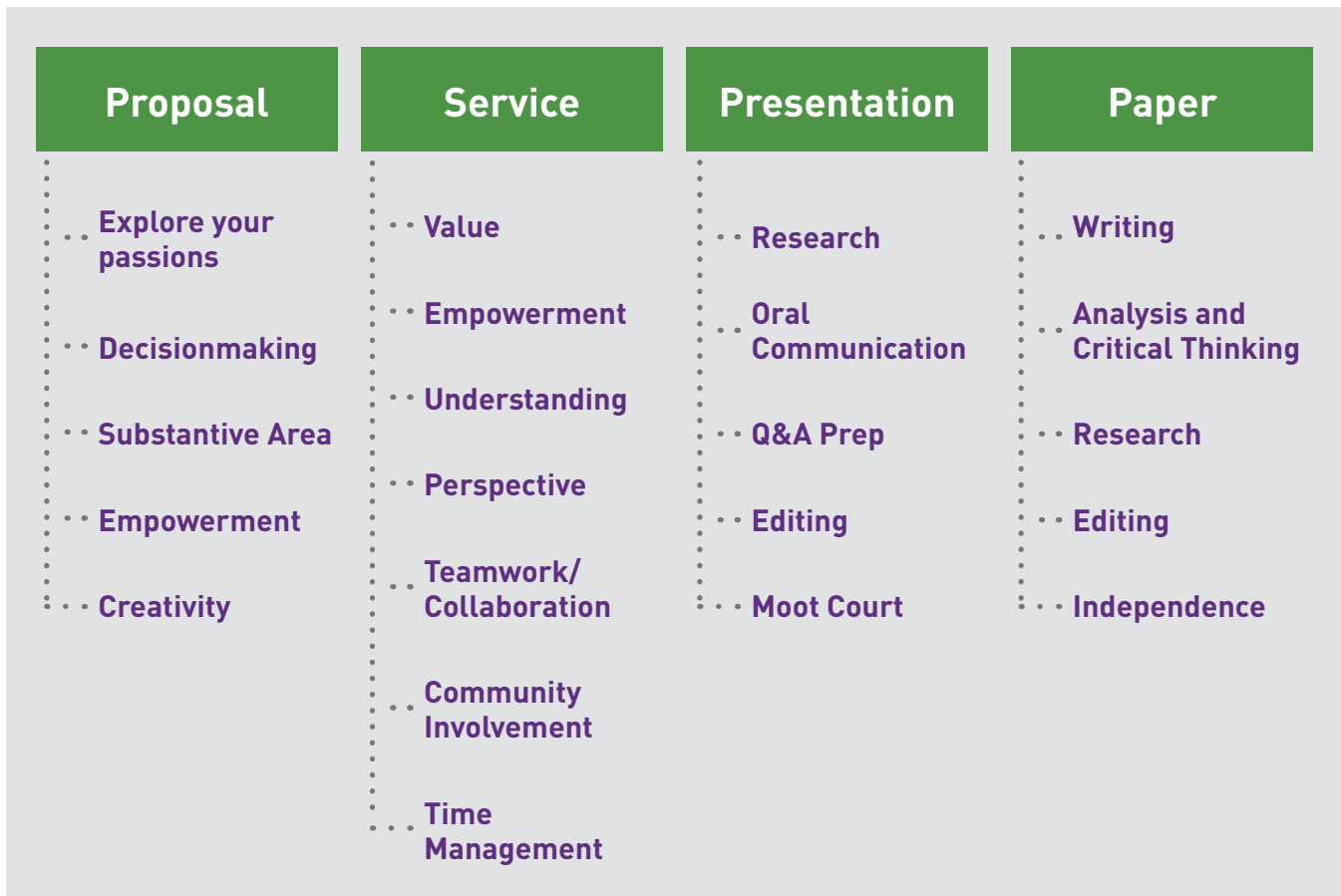
A related concern is that the Pro Humanitate Project will unduly burden legal writing professors whose writing-intensive courses are already saturated with student conferences and grading. This concern can be alleviated by: (1) limiting the paper to no more than four to six double-spaced pages; (2) focusing comments on substance rather than citation or grammatical errors, which mirrors the type of feedback students receive on final exams and seminar papers;¹⁷ (3) making more minimal comments than on prior work given that the feedback will not be directly transferable to a subsequent assignment; and (4) returning the papers after final exams, giving yourself several weeks to grade them.

IV. PEDAGOGICAL AND OTHER BENEFITS

Despite these concerns, which can be ameliorated, the Pro Humanitate Project simultaneously accomplishes countless learning objectives critical to effective lawyering, some of which are depicted on the next page

As shown, each step of the Pro Humanitate Project addresses multiple learning objectives. Specifically, designing and drafting the project proposal empowers students by enabling them to explore their passions, exercise discernment, acquire substantive knowledge in a new practice area, and think creatively. Among other things, the service project gives students perspective, empowerment, compassion, and understanding. It also fosters reflection,¹⁸ collaboration, community involvement, and effective time management.¹⁹ The presentation hones students' research and oral communication skills²⁰ as well as their ability to think on their feet and answer questions. This, in turn, better prepares them for Moot Court competitions and more importantly, for practice. Finally, independently conducting research for the paper requires students to develop an effective research plan, effectively manage their time, and conduct legal research on a topic about which they have received no instruction. It also provides a final opportunity for them to hone their writing, analytical, research, and editing skills.²¹

In addition to the many pedagogical benefits enumerated above, the Pro Humanitate Project also offers other distinct advantages. For example, students have shared that participating in the Pro Humanitate Project gave them an extra edge in their employment search. One student observed that his project displayed his interest in environmental law, which helped him obtain an environmental law position after his 1L year. Others noted that the Pro Humanitate Project provided a unique and memorable talking point during their on-campus interviews. Several students explained that by completing their service hours and conducting the factual research necessary to draft their papers, they made valuable connections in the community that sometimes led to employment. As noted above, the paper also provides an original writing sample, which employers increasingly require. The project further provides students with an experiential opportunity to acquire practical skills like client interviewing. In sum, the Pro Humanitate Project significantly benefits participants.



V. CONCLUSION

In conclusion, the most important lessons are often learned *outside* the classroom. One such lesson is that by serving others, you serve yourself. Put differently, you often gain the most when you give to others. Through unconventional exercises and innovative pedagogy like the Pro Humanitate Project, legal writing professors will inform, engage, and most importantly, inspire their students and hopefully themselves.

NOTES

1. Abigail thanks her research assistants, Brittany Colton, Amanda Brahm, and Mike Garrigan, for their contributions to this article. She is also grateful for the feedback received on this essay at the New England Legal Writers' Consortium and Capital Area Legal Writers' Conference.
2. See, e.g., Robert W. Gordon, *The Citizen Lawyer—A Brief Informal History of a Myth With Some Basis in Reality*, 50 WM. & MARY L. REV. 1169, 1195 (2009) (noting a “decline of the public citizen lawyer ideal in the ideology of the elite bar and the rise and revalorization of the privatized conception of the lawyer’s role”); Russell Pearce, *Lawyer and Public Service, The Historical Perspectives on Pro Bono Lawyering*, 9 AM. U.J. GENDER SOC. POL’Y & L. 171, 171 (2001) (discussing the historical view of lawyers as “above self-interest” and thus “uniquely able to discern and pursue the common good”).

3. *Doing Good is Good for You*, UNITEDHEALTH GROUP 7, <http://www.unitedhealthgroup.com/-/media/uhg/pdf/2013/unh-health-volunteering-study.ashx> (last visited Jan. 12, 2018) (discussing a United-Health study, which found that volunteering develops employees’ time management, people, and teamwork skills, strengthens colleague relationships, and builds professional job skills).

4. Stephanie Watson, *Volunteering May Be Good for Body and Mind*, HARVARD HEALTH PUBLICATIONS (June 27, 2013, 2:36 PM), <http://www.health.harvard.edu/blog/volunteering-may-be-good-for-body-and-mind-201306266428> (noting that adults over 50 who volunteered regularly were less likely to develop high blood pressure than adults who did not); *id.* (discussing studies, which have shown that people who volunteer feel “more socially connected, thus warding off loneliness and depression”); see also *Doing Good is Good for You*, *supra* note 3, at 4 (observing that 78% of U.S. adults who volunteered in the past 12 months stated that volunteering lowers their stress levels).

5. *Volunteering as a Pathway to Employment Report*, CORPORATION FOR NATIONAL & COMMUNITY SERVICE, <http://www.nationalservice.gov/impact-our-nation/research-and-reports/volunteering-pathway-employment-report> (last visited Jan. 12, 2018) (hereinafter “*Volunteering as a Pathway*”) (“Volunteers have a 27 percent higher likelihood of finding a job after being out of work than non-volunteers.”).

6. See, e.g., *Doing Good is Good for You*, *supra* note 3, at 4 (“[Ninety-six percent] of people who volunteered in the past 12 months assert that volunteering enriches their sense of purpose in life.”).

7. As Marian Wright Edelman, Founder and President of the Children’s Defense Fund, explained: “I was taught that . . . service is the rent each of us pays for living, the very purpose of life and not something you do

in your spare time or after you have reached your personal goals." A *Call to Serve*, RUTGERS SCHOOL OF PUBLIC AFFAIRS AND ADMINISTRATION, <https://spaa.newark.rutgers.edu/sites/default/files/files/Books/A%20Call%20to%20Serve%20-%20Quotes%20on%20Public%20Service.pdf>.

8. 2015-2016 Chapter 3: Program of Legal Education, ABA STANDARDS AND RULES OF PROCEDURE, http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2015_2016_chapter_3_authcheckdam.pdf. The ABA interprets "law-related public service activities" broadly to include "helping groups or organizations seeking to secure or protect civil rights, civil liberties, or public rights;" "helping charitable, religious, civic, community, governmental, and educational organizations not able to afford legal representation;" "participating in activities providing information about justice, the law or the legal system to those who might not otherwise have such information;" and "engaging in activities to enhance the capacity of the law and legal institutions to do justice." *Id.*

9. See, e.g., *Pro Bono*, COLUMBIA LAW SCHOOL, <http://web.law.columbia.edu/social-justice/students/pro-bono/>; *Pro Bono Graduation Requirement*, HARVARD LAW SCHOOL, <http://hls.harvard.edu/dept/clinical/pro-bono-graduation-requirement-2/>.

10. Rule 6.1: Voluntary Pro Bono Public Service, AMERICAN BAR ASSOCIATION, http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_1_voluntary_pro_bono_publico_service.html (last visited Jan. 13, 2018).

11. See *Pro Bono Bar Admission Requirements*, NYCOURTS.GOV, <http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml> (last visited Jan. 13, 2018) ("Every applicant admitted to the New York State bar on or after January 1, 2015, other than applicants for admission without examination pursuant to section 520.10 of this Part, shall complete at least 50 hours of qualifying pro bono service prior to filing an application for admission with the appropriate Appellate Division department of the Supreme Court.").

12. Pearce, *supra* note 2, at 171.

13. In this exercise, students think about a question, partner with another student to discuss it, and then jointly share their collaborative insights with the class.

14. See, e.g., Peter H. Huang, *How Improving Decision-Making and Mindfulness Can Improve Legal Ethics and Professionalism*, 21 J.L. BUS. & ETH. 35, 63 (2015) ("Mindfulness also helps you to see how you are interconnected with others, which makes it more likely that you will not exploit others, and more likely that you will help them in accordance with aspirational ethical standards."); Tamara L. Kuennen, *The M Word*, 43 HOFSTRA L. REV. 325, 328 (2014) (explaining that mindfulness reduces stress, creates "a sense of feeling whole and of consciously connecting the lawyer's professional role to her personal identity," and helps "lawyers bridge the gap between the . . . demands of lawyering . . . [and] the inner world of intuition, beliefs, and emotions").

15. *Doing Good is Good for You*, *supra* note 3, at 4 ("[Ninety-five percent of respondents] say they are helping to make their community a better place.").

16. Modifications exist to maximize the presentations' pedagogical value. First, to further encourage collaboration and how to give and receive constructive criticism, require group members to evaluate one another and meet to share comments. Second, to cultivate effective time management, require students to log their hours and prepare a client bill in conjunction with the project.

17. Even though comments do not primarily focus on areas such as grammar and citation, the instructions accompanying the assignment make clear that proper grammar, proper citation, good writing, and thorough research are expected.

18. Eric A. DeGross, *The Dynamics of the Contemporary Law School Classroom: Looking at Laptops Through a Learning Style Lens*, 39 U. DAYTON L. REV.

201, 203 (2014) (noting that many current law students are "'superficial processors of information' and are 'not accustomed to being reflective' or to 'engaging in the deeper thinking . . . that leads to more enduring learning'").

19. Christine P. Bartholomew, *Time: An Empirical Analysis of Law Student Time Management Deficiencies*, 81 U. CIN. L. REV. 897, 897 (2013) (arguing that law schools should "treat time as an essential component of practice-readiness").

20. Susan D. Landrum, *Drawing Inspiration from the Flipped Classroom Model: An Integrated Approach to Academic Support for the Academically Underprepared Law Student*, 53 DUQ. L. REV. 245, 254 (2015) (observing that today's law students are "less prepared" for the rigors of law school than in the past and often have difficulty communicating arguments orally and in writing).

21. According to a 2015 LexisNexis survey of 300 hiring partners and senior associates who supervise new attorneys, 95% of respondents believed that recent law school graduates lacked key practical skills, particularly litigation, writing, research, and drafting skills, even though those skills are very important. *Hiring Partners Reveal New Attorney Readiness for Real World Practice*, http://www.lexisnexis.com/documents/pdf/20150325064926_large.pdf.

Making a Great Second Impression: Overcoming a Rough Start in Law School Classes



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I. INTRODUCTION

Law school professors know the importance of starting strong—beginning the semester in a way that sets the tone for a motivated and productive class. But despite our best intentions, sometimes we fail to make the great first impression we all hope for. What can professors do to get a course back on track? To address this question, this article—which grew out of a presentation at the 2017 ALWD Biennial Conference—draws on existing pedagogical, management, and psychological literature to offer practical advice for faculty looking to make a great second impression. Ultimately, there’s good news for professors: first impressions are important, but you can overcome a bad one with consistent, strong teaching over the long-term that lets your authentic self shine through.

II. FIRST IMPRESSIONS AND THE IMPORTANCE OF THE FIRST DAY

First impressions matter. They serve as cognitive shortcuts for how people think and feel about a particular situation or individual. In a first meeting, a person “makes an initial assessment of you quickly and without conscious thought, relying on a variety of heuristics, stereotypes, and other assumptions—using cues like your physical appearance, your organizational role, and your body language to fill in the blanks.”¹ And it can be hard to overcome first impressions: “it takes relatively few bad actions to be seen as changed for the worse, but relatively many good actions to be seen as changed for the better.”²

Thus, the first day of any class is vitally important for creating a solid first impression both of you as a professor and of your course. The first day sets the tone for the rest of the semester and can be a valuable opportunity for you to establish trust and credibility with your students.

One important task for the first day is to get to know the students and to let them get to know you.³ You can accomplish this with ice-breakers of various sorts, even just going around the room and having students introduce themselves. You may play music before class, share your professional background with the students, or bring “welcome back to school” treats for everyone. Be authentic; be you; let the students see that part of your professorial personality.⁴

Additionally, the first day can help establish a good learning environment—one where students feel supported and encouraged.⁵ Spend time on the first

day developing a rapport with your students: greet them when they enter, make an effort to learn their names, inject your own sense of humor into class. Demonstrate your own enthusiasm for the course and for teaching and working with students. Encourage student questions.

Finally, you can use the first day to set your expectations, implicitly or explicitly.⁶ Sometimes it's useful to actually say "this material may be difficult and the learning curve is steep." At the same time, reiterate your office hours and your desire and availability to help students who are struggling. This conversation can convey that you have high expectations but that you want your students to succeed, that they are capable of succeeding, and that you will help in that endeavor.

III. FIRST IMPRESSIONS ARE IMPORTANT—BUT MALLEABLE

Despite the time and effort that professors put into planning the first day, things sometimes don't go according to plan. Sometimes, to put it bluntly, it's your fault. Maybe you misspoke, or you weren't prepared enough. Maybe you didn't have the necessary supplies at hand or tried a poorly timed joke that didn't land. Or maybe it was something beyond your control—the lights went out or the PowerPoint crashed. Or maybe there was a mismatch of the students' expectations and your own. Or, as often happens, perhaps the bad first impression stemmed from "certain biases in how people perceive one another."⁸

First impressions influence the ways that students view instructors and courses.⁹ But there's hope: students' first impressions can change based on subsequent evidence. Psychology researchers and business leaders teach us that we can overcome bad first impressions if we can "present the perceiver with abundant, attention-getting evidence that they have the wrong idea about [us], over a long period of time."¹⁰ And academic studies of students' impressions of their instructors offer a similar, hopeful message: first impressions matter, but those impressions can change over a semester, as students gather more information about the instructor's ability and methods.

A 2016 study by researchers at the University of Michigan tested the effects of first impressions and instructional quality on student learning and teaching evaluations.¹¹ In the study, students watched a video

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lecture, then evaluated the instructor and took a short quiz to test their learning. The videos started with around a minute of introduction in which the instructor made a "good" or "bad" impression. Half of the videos featured the instructor making a "good" first impression by projecting "confidence, enthusiasm, and an interest in teaching the subject matter" and by "using a strong and positive tone of voice as well as enthusiastic gestures and facial expressions."¹² The other half of the videos featured "bad" first impressions, where the instructor "displayed lack of interest in the subject matter and in teaching," and by using "a relatively monotonous and negative tone of voice, a disinterested facial expression, and frequent fidgeting."¹³ After these introductions, the instructor went on to deliver either a detailed, well-organized, and engaging lecture or a less detailed and less coherent lecture.

The results showed that while first impressions had a minor impact on students' perceptions of teaching ability, the quality of the teacher's work in the rest of the lecture mattered much more. In terms of student retention, the bad first impressions "did not impact learning in any way."¹⁴ And while bad first impressions did have some small impact on the teaching evaluations, those effects were dwarfed by the instructional quality of the lecture, leading the researchers to conclude that "teacher evaluations are more affected by instructional quality than by first impressions."¹⁵ Although the experiment looked only at a single lecture, the researchers generalized their findings to the context of an entire course: "Consistent good instruction throughout the term should be sufficient to overcome any negative impressions formed by a poor first class."¹⁶

And, indeed, semester-long studies involving post-secondary students have reached similar conclusions.

For example, a 2008 study from researchers at Oklahoma State University took course evaluations at the beginning and end of the semester to gauge how students' expectations and early experiences coming into a class could be changed over the course of a semester.¹⁷ While students' initial expectations about the course impacted their final evaluations, students' perceptions of teaching ability—including the instructor's "preparation," "presentation of material," and "ability to explain material"—did change over the full semester.¹⁸ The researchers concluded that professors "can change students' minds on instructor[-] related variables over the course of the semester."¹⁹

Likewise, a 2013 dissertation by a Ph.D. candidate at the University of New Hampshire asked college students for evaluations of their instructor's personality and teaching effectiveness at multiple times over the course of a full semester.²⁰ The study found that students' early impressions of both the instructor's personality and teaching effectiveness changed over the course of an entire semester, although "teaching effectiveness ratings changed significantly more than ratings of personality."²¹ Ultimately, though, the author summed up the results on a hopeful note, suggesting that "students make their judgments based on their experiences with that particular instructor and those impressions are open to change"²²

IV. SPECIFIC TIPS FOR OVERCOMING A BAD FIRST DAY

So what to do if the first day doesn't go perfectly? Generally speaking, the academic studies discussed above suggest that students' negative perceptions can be swayed and that the best way to do that is through sustained exposure to high-quality teaching over the course of a semester. But here are some specific things that law professors can do to overcome a bad first impression.

Don't panic.

It's perfectly natural to wring your hands over any tough class—especially a bad first day. But it's very possible that the students didn't feel the same way.²³ And even if they did, remember: students make up their mind about a teacher's effectiveness throughout an entire semester, so by delivering high-quality, well-organized classes and plenty of clear, effective assignments, you're likely to change any negative

impressions they may have formed. Don't let panic cause you to give up or to give in to paralysis. Acknowledge to yourself that you had a rough start but also know that you can recover from it.

Diagnose the problem.

The solution to a bad first impression depends in part on the source of the problem. Did the students come in with mismatched expectations? If so, then it might be necessary to expressly clarify your expectations for later assignments (and make a note to yourself to modify next year's course materials to better align students' expectations of the course with yours). Or was it simply a matter of a lesson or an activity falling flat? If so, it's probably not that big a deal; in the long run, students will see a longer track record of thoughtful, more effective assignments. Or maybe there was a clash of personalities that gave students the impression that you don't care about their success or about the course. If so, then you may have to go out of your way to show off those personality traits that may have been misrepresented in the first class.

Be authentic.

Rather than trying to do something out-of-character, the best approach seems to be what is authentic to you and your personality. After all, first impressions are really only "bad" to the extent they don't reflect our true nature—that we "messed up" and did something that interfered with people seeing our true personality or intentions or abilities. So how do you combat that? Not by doing fake things, but by simply showing (or highlighting) your true personality and intentions and abilities over and over. You may try to emphasize your strengths to show students that the bad first impression was an aberration, but don't try to be something that you're not. If you're generally a lighthearted, informal person in the classroom, continue with that approach and use it to address whatever problems you are facing; don't suddenly become stern and stoic in an attempt to rectify the class tone.

Apologize—but don't over-apologize.

Offering a sincere apology or explanation for the bad first impression can be an effective way to start rebutting that impression.²⁴ But excessive apologizing can magnify the gaffe or make you appear overly insecure. It can also make the other party feel uncomfortable, making it difficult to move forward.²⁵



First impressions are really only “bad” to the extent they don’t reflect our true nature—that we “messed up” and did something that interfered with people seeing our true personality or intentions or abilities.

Better to offer a short, sweet mea culpa—and immediately move on.

Ask for input.

One effective way to build—or rebuild—a relationship is to ask the other person for their advice.²⁶ So if you suspect that things have gotten off track, one strategy is to ask the students for feedback about the course. It may not be feasible—or desirable—to ask for feedback after the very first class, but asking students for input gives them a sense of agency over the course. And then showing them how you’ve considered or implemented that feedback shows that you take their learning seriously—allowing you to counter potential feelings of aloofness that students may have developed in error.

You can solicit student feedback informally by just starting a conversation with the class. Or you can proceed more formally by handing out an evaluation form that asks about your areas of concern.²⁷ Students appreciate the opportunity to express themselves, and you may gain important insight into how the students are perceiving you and your class and whether or how you need to remedy anything.

You may wish to solicit input from other professionals as well, particularly if you notice a lingering issue in your classroom. As a start, you could ask a law school colleague to sit in a class and share her impressions afterwards. Or if your school has a teaching excellence center, you could arrange for a formal observation and debriefing session.²⁸

Spend more time in front of your students.

Again, one of the keys to overcoming a bad first impression is repeated opportunities to change the other person’s mind.²⁹ So give yourself plenty of chances to be in front of the students.³⁰ Fortunately,

professors get at least weekly access to their students—giving them plenty of opportunities to steer those bad first impressions. But anything you can do to spend additional, high-quality time with your students can pay off. You could set up one-on-one meetings with your students, or take them to lunch in small groups. Or you could have extra class review sessions on a narrow or confusing topic, such as legal citation. Even making a point to attend extra curricular activities can build a connection with your students. For example, 1Ls at the University of Virginia School of Law generally love it when their professors show up to section softball games.

Shake things up.

Some business writers suggest that one way to recover from a bad first impression is to do something large and unexpected to completely upset and reset a person’s impression.³¹ There may be times when a sustained downturn in a class requires a big change. And a larger “reset” might be necessary if problems arise later in the semester, when there is less time to correct students’ impressions of you and of the course. Depending on the source and nature of the class conflict, for example, you may show up to one class with the Dean or other administrator to discuss issues with the class. But these grand gestures seem more like a last-ditch effort than a first option.

Of course, there may be times when a smaller “shake-up” can be effective. For example, if classroom dynamics are the source of the problem, changing seating assignments or even the whole seating configuration could be effective.

Be patient and consistent.

Guidance from psychologists, business leaders, and academics is unanimous on one point: while

first impressions are formed quickly, overcoming a bad one takes time.³² But with sustained effort, reinforcing the correct impression you intended to leave,³³ you can get things back on track and show your students the real you.

NOTES

1. Heidi Grant, *A Second Chance to Make the Right Impression*, HARVARD BUSINESS REVIEW (Jan-Feb 2015), <https://hbr.org/2015/01/a-second-chance-to-make-the-right-impression>.
2. Ass'n for Psychological Science, *Why It's So Hard to Shake a Bad First Impression* (July 28, 2016), <https://www.psychologicalscience.org/news/minds-business/why-its-so-hard-to-shake-a-bad-first-impression.html#.WT7UIBPysW8>.
3. Emily Grant, *Beyond Best Practices: Lessons from Tina Stark about the First Day of Class*, 95 OR. L. REV. 397, 403-06 (2017).
4. People will decide whether to trust you based on “your warmth (your expression of friendliness, respect, and empathy), which suggests that you have good intentions, and your competence (evidence that you are intelligent, skilled, and effective), which shows that you can act on your intentions.” Grant, *supra* note 1.
5. Grant, *supra* note 3, at 411-16.
6. *Id.* at 416-21.
7. The benefits of such a message extend well beyond the first day. Studies have shown that using “wise feedback”—where the instructor “communicat[es] high standards and a personal assurance of the student’s potential to reach them”—can improve students’ responses to critiques of their written work, with a larger benefit accruing to minority students. See, e.g., David S. Yeager, et al., *Breaking the Cycle of Mistrust: Wise Interventions to Provide Critical Feedback Across the Racial Divide*, 143 J. EXPER. PSYCH.: GENERAL, 804, 820 (2014).
8. Grant, *supra* note 1.
9. See, e.g., Eric A. Laws, et al., *Student Evaluations of Instruction: When Are Enduring First Impressions Formed?*, 12 N. AM. J. OF PSYCH. 81, 82 (2010) (summarizing prior research showing that students can “form lasting impressions of instructors” regarding some personality characteristics in under ten seconds).
10. Jacquelyn Smith, *A Social Psychologist Explains How to Recover from Making a Horrible First Impression*, Business Insider (Mar. 31, 2015), <http://www.businessinsider.com/social-psychologist-explains-how-to-recover-from-bad-first-impression-2015-3>.
11. Preeti G. Samudra, et al., *No Second Chance to Make a First Impression: The “Thin-Slice” Effect on Instructor Ratings and Learning Outcomes in Higher Education*, 53 JOURNAL OF EDUCATIONAL MEASUREMENT 313 (2016).
12. *Id.* at 315.
13. *Id.*
14. *Id.* at 320.
15. *Id.*
16. *Id.* at 328.
17. J. Ross Pruitt, et al., *Can Faculty Change Initial Impressions on Student Evaluations of Teaching?* (2008), <http://ageconsearch.umn.edu/bitstream/6491/2/469760.pdf>.
18. *Id.* at 16.
19. *Id.* at 19.
20. Kari L. Dudley, *Impressions of College Instructors: Stability and Change in Student Ratings* (unpublished Ph.D. dissertation, University of New Hampshire) (May 2013), <https://eric.ed.gov/?id=ED555299>.
21. *Id.* at 76.
22. *Id.* at 79; see also Laws, et al., *supra* note 9, at 85-89 (finding statistically significant increases in several course-evaluation categories—including overall course rating, their overall learning, “clarity of instructor presentation”—from the beginning to the end of the semester).
23. Cf. Jessica Stillman, *9 Ways to Fix a Bad First Impression*, INC. (Oct. 15, 2014), <https://www.inc.com/jessica-stillman/9-ways-to-fix-a-bad-first-impression.html> (warning against “assuming your impressions of the meeting match up with those of the other party” because “[s]ometimes we think we screwed up far worse than we did”); Milveen Eke-Allen, *10 Ways to Recover After Making a Bad First Impression*, READER’S DIGEST, <http://www.rd.com/advice/relationships/bad-first-impression/> (“While the perceived mistake might be magnified in your mind, it might have barely registered in the mind of the person or group you’re talking to.”).
24. See Kristi Hedges, *The Do-Over: How to Correct a Bad First Impression*, FORBES WORK IN PROGRESS (Feb. 10, 2015), <https://www.forbes.com/sites/work-in-progress/2015/02/10/the-do-over-how-to-correct-a-bad-first-impression/2/#54cdd3af2fac>.
25. See Stillman, *supra* note 23.
26. See Hedges, *supra* note 24 (noting that asking for advice “is a smart way to be influential” and “also allows you to get in front of the person again and make a new impression”); Stillman, *supra* note 23 (“If someone dislikes you, one way to put the relationship on a fresh footing is to ask the person for advice.”).
27. Justine A. Dunlap, *“I’d Just As Soon Flunk You As Look at You?” the Evolution to Humanizing in A Large Classroom*, 47 WASHBURN L.J. 389, 408 (2008); Deborah J. Merritt, *Bias, the Brain, and Student Evaluations of Teaching*, 82 ST. JOHN’S L. REV. 235, 284 (2008).
28. See, e.g., WASHBURN UNIVERSITY CENTER FOR TEACHING EXCELLENCE AND LEARNING: TEACHING CONSULTATION PROGRAM, <http://www.washburn.edu/faculty-staff/ctel/consultations.html> (last visited Dec. 20, 2017); UNIVERSITY OF VIRGINIA CENTER FOR TEACHING EXCELLENCE: CONSULTATIONS (last visited Dec. 20, 2017).
29. See Marguerite Rigoglioso, *When First Impressions Flop: The Power of Getting a Second Chance*, STANFORD GRADUATE SCHOOL OF BUSINESS INSIGHTS (June 1, 2005), <https://www.gsb.stanford.edu/insights/when-first-impressions-flop-power-getting-second-chance>.
30. See Eke-Allen, *supra* note 23 (“Rather than crawl under a rock and re-live a mistake over and over again, be bold and get additional face time.”).
31. See Smith, *supra* note 10, at 110 (“If you started off on the wrong foot and need to overcome a bad impression, the evidence will have to be plentiful and attention-getting”); Stillman, *supra* note 23 (suggesting “pivoting” to “show[] off a different and more favorable side of your personality”) (internal quotation marks omitted).
32. See Eke-Allen, *supra* note 23 (“If your contact is someone you want to build a lasting relationship with, either personally or professionally, be prepared to give it some time.”); Smith, *supra* note 10 (“Making a first impression takes mere seconds — but making a second impression takes persistence. Hang in there, and it will happen.”).
33. Stillman, *supra* note 23 (“Overcoming a bad impression requires that all future behavior be consistent with how you want to be perceived.”) (internal quotation marks omitted).

End of the Line



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The time has come to fall in line, legal writers. We are here as your volunteer legal writing therapists to lay it all on the line. We urge you to recognize our wisdom and make a beeline for change. We speak from the front line, advocating for obliterating a practice that many legal writing professors still use and champion. There exists a fine line between right and wrong (and write and wrong) in the practice we are about to red-line, and while this practice is not technically wrong, the practice does not line up with modern writing. We love and appreciate our colleagues who cling to this outdated and unnecessary practice, but we are taking a hard line on this one.

Please, for the love of all things legal writing, *stop using underlining in citations.*

First, we fully acknowledge that if you are handwriting a citation, of course, you need to underline those case names and signals...but only as an indication that those items should be italicized. To clarify, our objection to underlining citations focuses on citations that are typed (or word-processed). Underlining case citations has reached the end of the line. Below, we provide our line-item support and hope that you get in line behind us and cease this practice:

1. “UNDERLINING IS UGLY.”³

In the modern age of word processing and electronic documents, aesthetics matter.⁴ We know that our readers are influenced by the way that text appears on the page. Underlining is just plain ugly. Additionally, it makes the text more difficult to read.⁵ Underlining does not match the style of the font that is used in the text, and as a result, underlining is particularly problematic when used with serif fonts—the “feet” of the font blend together with the underlining. Even with sans serif fonts, underlining is needlessly unattractive. In particular, underlining obscures the

In the modern age of word processing and electronic documents, aesthetics matter. We know that our readers are influenced by the way that text appears on the page. Underlining is just plain ugly.

descenders on certain letters (e.g. g, j, p, q, y).⁶ While the underlining may call attention to the text, it does so for the wrong reasons.

2. UNDERLINING IS AN OUT-OF-DATE AND UNNECESSARY ADAPTATION.

Underlining was introduced as a convention in order to show what should otherwise be italicized at a time when technology did not easily allow us to show or insert italicized text. Now that we can show text in italics, there is no need for underlining. Your word processors do not suffer from the same “shortcomings” as typewriters.⁷

3. UNDERLINING IS POTENTIALLY CONFUSING.

Underlined text often indicates a hyperlink. Have you ever typed something and underlined it only to have the word processing program automatically create a hyperlink? Even the computer is telling you that underlining should be reserved for other purposes. Furthermore, if you underline text that the reader believes is attached to a hyperlink, and the reader clicks it only to find that it is not a hyperlink, you’ve created another disappointing and negative experience for your reader.⁸ If you want to emphasize something, use bold, italics, indents, all caps, or a combination thereof.

Another potential opportunity for confusion arises when you use track changes in a document. Track changes will show added text by underlining it. In a document where changes are being tracked, a reader could easily be confused by underlining that is used for case names or other stylistic purposes with underlining that indicates added text.⁹

4. COURTS DO NOT REQUIRE UNDERLINING AND SEVERAL ACTUALLY REQUIRE OR PREFER ITALICS.

In addition to various arbiters of legal style¹⁰ who indicate a preference for italics in case names, several courts suggest a preference for italics over underlining when it comes to case names.¹¹ Here is a small sampling of courts that prefer or require italics instead of underlining:

California: Court style sheet requires italicization for “opinion titles, references to trial court and administrative adjudicatory matters”¹²

New York: The Cornell University guide provides that all case names, book titles, titles of journal articles, introductory signals in citation sentences/clauses, etc. require italics.¹³

Oregon: State practice style sheet provides that “italic typeface is used within opinions to denote case names...”. Additionally, “underscored” material in “slip opinions is printed as italics when published in the advance sheets and bound volumes”¹⁴

Massachusetts: Court website supplies a link that mandates using italics for “the parties within a citation” or when “citing a published decision.”¹⁵



Washington: Style Sheet provides exception to *Bluebook* rules 2.1 & 2.2, at 67-70 as follows: “Ignore rules about using roman type for case names. Case names should be in italics no matter where or how they are used.”¹⁶

There are more, but we think you get the idea. Courts have moved (or are moving) away from using underlining, so we should embrace this trend and move with them.

5. DISCARDING UNDERLINING IS ONE WAY THAT WE CAN MOVE AWAY FROM THE PICKY AND OFTEN CONFUSING CONVENTIONS IN THE BLUEBOOK.

There is no love lost between legal writing faculty¹⁷ (or the entire legal profession)¹⁸ and the Bluebook. The tedious and frequently unexplained rules in the Bluebook often have legal writing professors and students alike throwing up their hands in frustration. Letting go of underlining alleviates at least one of those fussy rules—missed underlining that period in *id.*, no problem! This slightly loosens the grip that Bluebook has on citation.

Further, the Bluebook doesn’t require underlining. It states that it “keeps with tradition” by [underlining] certain text, but then explains that italics may be used instead of [underlining].¹⁹ Perhaps a movement to eliminate underlining case names will prompt the Bluebook to break with this outdated tradition and leave readers to only be confused with its use of other outdated typeface conventions like the use of large and small caps or the prohibition on using superscript in ordinal numbers.

So, jump in line, join our Conga line, and toe the line: Put an end to underlining in citations!

NOTES

1. Visiting Assistant Professor, Seattle University School of Law. bormand@seattleu.edu I would like to thank my Research Assistant, Victoria Banks, (Seattle University School of Law '19) for her assistance on this article.
 2. Clinical Professor of Law, Arizona State University, Sandra Day O'Connor College of Law. kimberly.holst@asu.edu
 3. BRYAN A. GARNER, *THE REDBOOK: A MANUAL ON LEGAL STYLE* 79 (3d ed. 2013).
 4. See MATTHEW BUTTERICK, *TYPOGRAPHY FOR LAWYERS* 19-25 (2010); see also Ruth Anne Robbins, *Painting with Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents*, 2 LEG. COMM. & RHETORIC: J. ALWD 108 (2004); STEPHEN PENTAK & DAVID A. LAUER, *DESIGN BASICS* (9th ed. 2016).
 5. *Id.* at 78.
 6. Garner, *supra* note 3, at 79.
 7. *Id.*
 8. See Cassandra Naji, *Hyperlink Usability: Guidelines for Usable Links* (Oct. 10, 2016), <https://usabilitygeek.com/hyperlink-usability-guidelines-usable-links/>; Butterick, *supra* note 4, at 79.
 9. Butterick, *supra* note 4, at 79.
 10. *Id.*; see also Garner, *supra* note 3, at 81; Marie Buckley, *Italicize case names. Yes. Italicize. Don't Underscore* (Sept. 20, 2012), <https://mariebuckley.com/italicize-case-names-yes-italicize-dont-underscore/>; *How should a court case be mentioned in a Chicago Style Essay?*, <https://english.stackexchange.com/questions/331030/how-should-a-court-case-be-mentioned-in-a-chicago-style-essay> (last visited Nov. 1, 2017).
 11. And, courts seem to struggle with consistency—so eliminating the use of underling may help courts as well.

Different jurisdictions use different rules. Some differences are silly. For example, in the *Bluebook* you have to underline the period at the end of “*Id.*”; in Massachusetts courts you have to *not* underline it (“*Id.*”). Even more crazy, however, in law review format, the *Bluebook* says you have to italicize the period at the end of “*Id.*” Here it is with out italics: “*Id.*” [Can you see the difference?] Me neither.
- James Kwak, *Richard Posner is My New Hero* (Feb. 11, 2011), <https://baselinescenario.com/2011/02/11/richard-posner-is-my-new-hero/>.
12. CALIFORNIA STYLE MANUAL (4th ed. 2000) available at <http://www.sdap.org/downloads/Style-Manual.pdf>.
 13. Legal Information Institute, <https://www.law.cornell.edu/citation/5-000> (last visited Nov. 1, 2017).
 14. OREGON APPELLATE COURTS STYLE MANUAL (2002), available at <http://www.publications.ojd.state.or.us/docs/Style%20Manual%202002.pdf>.
 15. MASSACHUSETTS REPORTS STYLE MANUAL (2015-16) available at <http://www.mass.gov/courts/docs/sjc/docs/reporter-of-decisions-style-guide.pdf>.
 16. Washington Courts Style Sheet (Dec. 8, 2015), available at https://www.courts.wa.gov/appellate_trial_courts/supreme/?fa=atc_supreme.style.
 17. See generally Susie Salmon, *Shedding the Uniform: Beyond a “Uniform System of Citation” to a More Efficient Fit*, 99 MARQ. L. REV. 763 (2016).
 18. See generally Richard A. Posner, *Goodbye to the Bluebook*, 53 U. CHICAGO L. REV. 1343 (1986).
 19. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 3 (Columbia Law Review Ass’n et al. eds., 20th ed. 2015).

Client Letters as a Means of Refining Legal Analysis and Writing



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1. INTRODUCTION

The need for law students to master practical writing skills is well appreciated by readers of this journal.² A particularly effective way of honing students' ability to write clearly and effectively is by using a client letter as an assessment task.³ Specifically, it teaches students to write in a manner suitable for non-legal clients and therefore to use plain English to summarize the advice and to explain legal concepts in comprehensible ways.⁴ Quite apart from a more general move towards clearer English drafting,⁵ writing in plain English enables effective communication with clients and strengthens professional relationships.⁶ It ensures that graduates are able to communicate with a diverse range of audiences and in a variety of professional environments whether or not they are practising law.⁷

By addressing a hypothetical client, students must not only apply the relevant law to the facts of the hypothetical issue but also provide practical

advice to the client.⁸ This helps students to think in practical terms about the best course of action for the client – this may be, for example, to settle the matter, to defend an action, or to explore alternative causes of action, rather than necessarily heading to court. It teaches students to work out whether more information is required and to be precise about what that information is. It also requires students to understand the concepts they are explaining. Essentially, therefore, the client letter task develops students' abilities in problem solving in a way that will be important in their future careers.

This article outlines the benefits of utilizing the client letter task as part of assessment, the contours of a client letter task, ways in which to construct an appropriate scenario or letter, and aspects of feedback. In order to do this, it provides a simple example of a client letter task as the basis for discussion.

2. EXAMPLE

The following is a simplified example of a client letter task for the purposes of discussion and analysis. The factual scenario for an actual piece of assessment would be longer and more complex. A client letter task can be coupled with a research task and/or policy question at the end (such as a law reform submission) depending on the desired complexity of analysis and the level of the relevant subject. Consider the following example (a separate, more complex example follows on the next page):

You are a solicitor with Melbourne Lawyers and have just taken instructions from a new client, Joseph Ng, about the following situation:

A More Detailed Client Letter Assignment

Below is an example of a more complex assignment. It sets out a detailed scenario involving group companies and the insolvency of a subsidiary, followed by legal questions and a law reform submission task.

Part 1 – 1500 words

The Candy group of companies is a large multi-national conglomerate of companies joined by interlocking shareholdings and run by a central group of three directors, Stanley, Brad and Paula, who make decisions for the entire group. The ultimate parent company in the group is Sweet Ltd (**Sweet**). The group manufactures and distributes lollies and soft drink.

Yummy Pty Ltd (**Yummy**) is 80% owned by Sweet. The other 20% of Yummy is owned by the Candy group's major creditor, SmartBank Ltd (**SmartBank**). Stanley and Brad are the directors of Yummy Pty Ltd. The third director is Liz, a nominee of SmartBank.

The Candy group is extremely successful for many years, particularly in the Australian market and manages to carve out a niche in supplying school canteens and sporting clubs. The Australian operations of the group are run by Yummy. Stanley, Brad and Paula decide to expand beyond their current line of confectionary into newer, more exciting products. Having all watched the movie "Charlie and the Chocolate Factory" one day in early 2013 together when a board meeting finished early they decide to experiment with exploding candies – these are candies that explode in the mouth after ten seconds of being unwrapped. In case this development is unsuccessful the directors decide that it will be developed by Yummy to quarantine any losses or liabilities – as Stanley comments to Brad, "You never know what could happen with new products and it's better to play it safe."

In March 2013 the directors employ a recently-graduated chemist to develop the new exploding candy, which is an instant success. In fact demand for the product is so great that Yummy has to hire 100 extra casual workers to help produce and package the candy. Excited children (and their parents) often wait for early morning deliveries of the candy to school canteens so that they can be the first in line to purchase large quantities. Everyone wants to be seen with the exploding candy wrappers poking out of their pockets.

However, it is not long before disaster strikes. One of the candies explodes in a child's hand, resulting in nasty burns. Another candy explodes in a principal's office (after she takes the candy out of her mouth to talk on the phone), damaging her computer. The principal, Ms Fierce, is outraged and sues Yummy, as do the parents

of the injured child (who has to undergo extensive plastic surgery and who does not have health insurance).

All of a sudden there is no demand for the candies. Yummy therefore faces serious financial difficulties because it has used up all the available profits in researching new exciting candy ideas. By December 2013 suppliers are not being paid and Yummy Pty Ltd defaults on interest payments to SmartBank, which appoints an independent accountant to scrutinise the company's accounts. Stanley and Brad ask employees to be patient and to wait an extra month for payment. In January 2014 in a desperate attempt to salvage the company's business, Stanley and Brad engage an advertising firm, TrendyAds Ltd (**Trendy**), to conduct an exciting, new advertising campaign to bolster the company's sales. Payment of Trendy's costs is due 50% on signing the contract and 50% when the ads are finished and broadcast. Liz raises concerns that the company is in precarious financial circumstances but does nothing further in terms of objecting to the advertising or further scrutinising the accounts. She is not particularly interested in Yummy and sits on the board only because it is part of her employment with SmartBank.

Unfortunately for Yummy the ACCC finds that the ads are misleading and deceptive and launches legal proceedings against Yummy to recover damages. In March 2014 Yummy Pty Ltd is wound up, owing \$2m to creditors.

The liquidator of Yummy approaches you for advice as to:

- (a) Whether Sweet Ltd can be made to contribute towards the payment of Yummy's debts; and
- (b) Whether any of the directors of Yummy can be made to so contribute.

Your answer should be in the form of a letter addressed to the liquidator and should consider relevant provisions of the *Corporations Act 2001* (Cth) and the general law. You can assume that the liquidator has basic legal knowledge, having studied business law as part of a commerce degree twenty years ago.

Part 2 – 1000 words

The liquidator is preparing a submission to the Corporations and Markets Advisory Committee in relation to group companies, having heard that the government is interested in streamlining the regulation of companies. Advise the liquidator as to whether, in your opinion, the Corporations Act 2001 (Cth) should be amended to make holding companies automatically liable for the debts of their subsidiaries.

By addressing a hypothetical client, students must not only apply the relevant law to the facts of the hypothetical issue but also provide practical advice to the client.

Bubbles Parties Ltd ('BPL') is a company which runs parties for tired parents looking for an exciting alternative for their child's next birthday party. BPL owns 100% of the shares in Freddo's Playland Pty Ltd ('FPPL'), which owns an indoor playground for children in Parkville. Two of the directors of FPPL are also directors of BPL. FPPL is in the process of being wound up following an explosion in its coffee machine, which badly damaged the inflatable slides, ball pits, and dodgem cars. It is unlikely that the unsecured creditors of FPPL will be paid. However, BPL is doing well and has substantial assets and cash. FPPL's unsecured creditors include Joseph, an employee of FPPL who believes he has a tort claim against FPPL (in relation to injuries sustained in the coffee explosion) and his cousin, Seraphina, who supplied coffee to FPPL on credit and who has not been paid.

Joseph has asked Melbourne Lawyers for advice as to whether he and Seraphina can claim against BPL. You are required to provide a letter of advice to Joseph.

A client letter task can in fact be employed in many ways. The example shown here is from a commercial context but such a task could be used in a number of higher year subjects, as well as in clinics and in practical legal education. It is best to design the task in a way that requires students not only to research the applicable law but also to apply it to the facts and to realize that there are a number of options for a client – for example, that it will not always be in a client's best interests to take or to defend legal action. In some cases it may be best to settle or to accede to a regulator's requests. Try to design a scenario that (a) does not generate a straightforward outcome and (b) lets you reward students for giving clear advice. A good way to generate a scenario is the same way in which you would design an exam hypothetical.

An alternative is to provide students with a badly

written letter and ask them to rewrite it appropriately. This alternative works particularly well for the purposes of class discussion. Such a task could potentially be set in such a way as to omit some of the relevant legal considerations so that students would need to add in substantive material as well as to redraft poorly drafted sections of the letter. It could alternatively be used as a way of instructing students on expectations of the assignment they will then research and write in full.

The following are ways in which you can generate a bad letter as an example:

- (1) Take rough lecture notes and copy these verbatim;
- (2) Copy out a dense statute word-for-word with little explanation;
- (3) Use past student work (although this would need to be done with tact and with permission);
- (4) Use unconnected excerpts from a textbook, interspersed with impolite references to paying the account and asking the client to form their own view of the law; and
- (5) End the letter with something unsuitable such as 'In summary you don't have a chance but ...' and 'Please let us know how you wish to proceed. We will send our bill in the next few days.'

To do this, I use a combination of the following techniques: switching between legal terminology and overly familiar language; reciting statutory sections without even clearly applying these to the client's circumstances; using footnotes and shorthand; and inappropriately shifting the burden to the client by asking them to advise whether they think a legal element is satisfied. Combining a number of undesirable writing techniques within the one letter enables discussion of, and instruction on, multiple aspects of writing. An example of a badly written letter demonstrating these techniques is available in the LWI Teaching Bank.

3. INSTRUCTIONS TO STUDENTS

In framing a client letter task, choices need to be made about what sort of instructions to provide. Such instructions could take the form of detailed

guidelines concerning not only style and format but also the client's attributes in terms of education and sophistication – a letter to in-house counsel is likely to differ markedly in tone and detail from a letter to a client with no legal training.

The choice as to how detailed the instructions are will depend on how strict you intend to be in marking the letter in terms of formatting and style requirements. It will also depend on how advanced the students are and how big the cohort is (in terms of needing to answer questions on client attributes). If students are in their first year, you may even choose to provide a template letter as a guide.

For example, you could specify the following: “Your answer should be in the form of a letter addressed to Joseph and should consider relevant principles of the *Corporations Act 2001* (Cth) and the general law. You can assume that Joseph has basic legal knowledge, having studied business law as part of a commerce degree five years ago.” If such information is not provided, students are likely to ask questions in this regard. Indeed, attention to these details is warranted as in real-life situations such attributes would likely be noted and taken account of in framing an appropriate letter. One of the skills encouraged by a client letter task is writing a letter that the client will understand and that will meet the client's needs.

On the other hand, you may prefer to provide brief instructions so that students need to think about any information they require in relation to the client. Brief instructions could relate to matters such as the word length, due date, style requirements, and sources.

Students can be advised that they should feel free to tell the client that they require further information but that, if they do so, they need to explain what sort of information they require and why it is relevant or what difference it will make to the advice. In addition to encouraging students to think through the relevant issues and potential application of those issues thoroughly, this also discourages a tendency to give up by simply stating that there is inadequate information.

4. FEEDBACK AND MARKING

For a client letter task to be an effective teaching tool, meaningful feedback needs to be provided. There is, of course, comprehensive literature on feedback – amongst other things, feedback needs to

be constructive, timely, and meaningful.¹⁰ General feedback (such as class discussion and comments on common errors and weaknesses) and personalized feedback (in the form of individual comments and/or a comprehensive rubric) should be provided. The following factors are particularly pertinent to the marking of client letters:

- (a) Use of plain English.¹¹
- (b) Choice of tone – this will depend on the client's attributes, as noted above. Note also that the tone needs to be professional and that students should be aware that a client letter could be read by others such as other advisors or a judge.
- (c) Clarity – letters should be expressed clearly, meaning that students have to fully understand the concepts and their application in order to clearly explain the advice to the client.
- (d) Style – students should avoid long quotations and extracts from cases, statutes, or secondary sources.
- (e) Format – make sure that
 - (i) The letter is in letter format and ends with some practical advice; and
 - (ii) The conclusion matches the introduction in terms of advice.
- (f) Relevance – make sure that:
 - (i) The letter answers the questions that the client wants answered (rather than outlining what the student wants to talk about) and
 - (ii) The letter gives practical advice, identifying the next step (even if that is provision of further information) rather than just outlining the law.
- (g) Proofreading and editing – this is a very important part of good letter writing and one that is often overlooked.¹²

The legal analysis will also need to be marked. The fact that a good client letter scores highly as concerns each of these factors demonstrates the value of setting a client letter task as a means of developing, and

refining, students' legal writing.

5. CONCLUSION

In my years of teaching I have been struck by the poor quality of students' written expression. The client letter is a particularly effective and adaptable method of addressing this weakness. It can be used with first year students to rectify issues with grammar and expression before they proceed with other subjects, as well as to focus their attention right from the outset on effective problem-solving and analytical techniques. It can also be used with upper-level students to refine their expressive and analytical skills, preparing them for graduation and professional careers. Further resources are provided in the LWI Teaching Bank.

NOTES

1. My thanks to Dr. Chantal Morton for invaluable advice and to Jacob Debets for research assistance.
2. See also Ross Hyams, Susan Campbell & Adrian Evans, *PRACTICAL LEGAL SKILLS: DEVELOPING YOUR CLINICAL TECHNIQUE* 85 (4th ed. 2014); Mark Adler, *CLARITY FOR LAWYERS – EFFECTIVE LEGAL WRITING* ch. 1 (2nd ed. 2007); Tom Goldstein & Jethro K. Lieberman, *THE LAWYER'S GUIDE TO WRITING WELL* 7 (3rd ed. 2016); Sharon Christensen & Sally Kift, *Graduate Attributes and Legal Skills: Integration or Disintegration*, 11 *LEGAL EDUC. REV.* 207, 212 (2000); Ray Worthy Campbell, *The End of Law Schools: Legal Education in the Era of Legal Service Businesses*, 85 *MISS. L.J.* 1 (2016).
3. For literature on the use of client letters see Margaret Johns, *Teaching Professional Responsibility and Professionalism in Legal Writing*, 40 *J. LEGAL EDUC.* 501 (1990); Michael R. Smith, *Alternative Substantive Approaches to Advanced Legal Writing Courses*, 54 *J. LEGAL EDUC.* 119 (2004); Nancy M. Maurer & Linda Fitts Mishcler, *Introduction to Lawyering: Teaching First-Year Students to Think Like Professionals*, 44 *J. LEGAL EDUC.* 96 (1994); Kathleen S. Bean, *Writing Assignments in Law School Classes*, 37 *J. LEGAL EDUC.* 276 (1987); Lisa T. McElroy, *When Neighboring States Disagree: Teaching Statutory Interpretation through Client Letter Writing*, 23 *THE SECOND DRAFT* 13 (Fall 2008); Mary B. Trevor, *Revealing Skills: Remembrance of Things Not Long Past*, 20 *THE SECOND DRAFT* 24 (August 2005). The Legal Writing Institute has a multitude of resources on client letters.
4. Excellent resources in this respect include Hyams, Campbell & Evans, *supra* note 2, at ch. 5; Adler, *supra* note 2; Laurel Currie Oates & Anne Enquist, *THE LEGAL WRITING HANDBOOK: ANALYSIS, RESEARCH AND WRITING* 20-29 (5th ed. 2010); Goldstein & Lieberman, *supra* note 2; Lisa Webley, *LEGAL WRITING* (2014); Enid Campbell, Richard Fox & Melissa de Zwart, *STUDENTS' GUIDE TO LEGAL WRITING, LAW EXAMS AND SELF ASSESSMENT* pt. 2 (2010); Rupert Haigh, *LEGAL ENGLISH* chs. 2-9 (4th ed. 2015); Jennifer Jolly-Ryan, *Bridging the Law School Learning Gap through Universal Design*, 28 *TOURO L. REV.* 1393, 1401 (2012); see also Aida Marie Alaka, *The Grammar Wars Come to Law School*, 59 *J. LEGAL EDUC.* 343 (2010); Tammy Johnson & Francina Cantatore, *Equipping Students for the Real World: Using a Scaffolded Experiential Approach to Teach the Skill of Legal Drafting*, 23 *LEGAL EDUC. REV.* 11 (2013).
5. For resources on clear legal writing see, eg, Michelle Asprey, *PLAIN LANGUAGE FOR LAWYERS* (4th ed. 2010); Peter Butt, *MODERN LEGAL DRAFTING* (3rd ed. 2013); Nicola Corbett-Jarvis & Brendan Grigg, *EFFECTIVE LEGAL WRITING* (2nd ed. 2017).
6. See generally Hyams, Campbell & Evans, *supra* note 2, at 85-86, 92; Adler, *supra* note 2, at 6-9, 18-21; Johnson & Cantatore, *supra* note 3.
7. See also Johnson & Cantatore, *supra* note 3.
8. For the benefits of hypotheticals see Michael Hunter Schwartz, Gerald F. Hess and Sophie M. Sparrow, *WHAT THE BEST LAW TEACHERS DO* 263-4 (2013); Michael Hunter Schwartz, *EXPERT LEARNING FOR LAW STUDENTS* 15, 205-228 (2nd ed. 2008). For further guidance on hypotheticals see Webley, *supra* note 4, at 263-264.
9. See Celia Hammond, *Teaching Practical Legal Problem Solving Skills: Preparing Law Students for the Realities of Legal Life*, 10 *LEGAL EDUC. REV.* 191 (1999).
10. For literature on feedback see Gerald F. Hess, Steven I. Friedland, Michael Hunter Schwartz & Sophie Sparrow, *TECHNIQUES FOR TEACHING LAW* 2 267-268 (2011); Leslie M. Rose, *Norm-Referenced Grading in the Age of Carnegie: Why Criteria-Referenced Grading is More Consistent with Current Trends in Legal Education and How Legal Writing Can Lead the Way*, 17 *J. LEGAL WRITING INST.* 123, 148 (2011); Michael Hunter Schwartz, Sophie Sparrow & Gerald F. Hess, *TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM* 137-143 (2009); see also Rachael Field & Sally Kift, *Addressing the High Levels of Psychological Distress in Law Students through Intentional Assessment and Feedback Design in the First Year Law Curriculum*, 1 *INT. J. FIRST YEAR HIGH. EDUC.* 65 (2010); Paul Ramsden, *LEARNING TO TEACH IN HIGHER EDUCATION* 186 (2nd ed. 2003).
11. 'Plain English' is defined in the Oxford English Dictionary as '[s]traightforward, unequivocal language; simple or easily comprehensible words or language; clear terms': *Plain English*, OXFORD ENGLISH DICTIONARY, <http://www.oed.com/view/Entry/263876> (last visited Jan. 2, 2018). For clear explanation see Hyams, Campbell & Evans, *supra* note 2, at 85-86, 92-99.
12. For excellent guidance on these aspects see Hyams, Campbell & Evans, *supra* note 2, at ch. 5. For advice on good letter writing see Haigh, *supra* note 4, at ch. 13; Oates & Enquist, *supra* note 4, at ch. 15; Helene S. Shapo, Marilyn R. Walter & Elizabeth Fajans, *WRITING AND ANALYSIS IN THE LAW* ch. 15 (5th ed. 2008). See also McElroy, *supra* note 3.

Doing More with More: Innovations in Legal Writing to Achieve Practice-Readiness



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With the trend in legal education of fewer students applying to law school, many law schools have been forced to reduce the overall size of their faculty through hiring freezes and attrition. Although our school, the Villanova University Charles Widger School of Law, has not been immune to this trend, we nevertheless added two new legal writing faculty positions in 2013. This was an outgrowth of our strategic plan, when we undertook an initiative to create a more realistic, practice-oriented curriculum. These curriculum changes resulted partially in response to information gathered from practitioners about where our focus should be. Through a series of interviews, focus groups, and surveys, we learned that employers value proficiency in writing by a wide margin over any other single skill we could teach our students. In response to this information, Villanova Law's faculty and administration

enthusiastically supported a proposal to add a required third semester of legal writing and to hire two new legal writing faculty members.

We were hired as part of the expanded program to develop two new Legal Writing courses, one with a transactional focus and one with a litigation focus. Students are required to take one of these courses in either the fall or spring semester of their second year, but they can choose which course to take based on their career interests. We also integrated our new second-year writing program with our new strategic vision that focuses on Villanova as a place "Where Law Meets Business" and also with our existing signature moot court competition. This expanded program has fostered new connections between the Legal Writing faculty and the doctrinal faculty. It has also allowed students to see additional connections between legal writing and substantive areas of the law.

TRANSACTIONAL LEGAL WRITING: TAKING THE FOCUS OFF LITIGATION

The first option for 2L students is the Transactional Legal Writing course, which integrates with our school's theme, "Where Law Meets Business," and helps students acquire the kinds of writing, speaking, critical thinking, editing, organizational, and collaborative work skills essential to practicing law in a non-litigation setting. Students continue to develop the strategies they learned as 1Ls for explaining the governing rules

and law and applying the law to the facts of the client's situation. But students learn to shift their focus in order to develop their ability to present their analysis in writing to a new audience—the client—in client advice letters and emails. Students focus on the practical goal of advising and counseling clients about legal problems that arise outside of a litigation context, such as choice of entity for a client's new business or the best way to protect a client's intellectual property. Students are encouraged to adopt a tone appropriate for the audience, recognizing the subtle shifts necessary depending on the client's sophistication and experience with legal issues and lawyers.

In addition, students further develop their writing skills to achieve a higher level of clarity and precision necessary for drafting legal documents and use these skills to draft contract clauses, full contracts, and employment policies. One of the major drafting assignments also helps students develop their collaboration skills. Working as a team, students draft legally compliant policy provisions for a corporate client and present them to the client in a formal presentation setting. With their teammates, students choose how to divide the tasks and distribute the workload. Other transactional skills that are part of the course include negotiating and client interviewing.

The same professor who teaches the 2L Transactional Legal Writing course also coordinates a week-long module for the entire 1L class on Business and Financial Literacy. While this business module is not a part of the Legal Writing program, its focus on skills lends itself to coordination with the Transactional Legal Writing course. For example, teamwork is a crucial part of the business module, which provides an initial experience of collaborating with others in client representation. This experience provides a basis for the expanded role teamwork plays in Transactional Legal Writing. Students can draw on their 1L experience in the business module as they create team guidelines that will govern their interactions in the 2L course.

Other direct connections between the 1L business module and the 2L Transactional Legal Writing course include the continued development of negotiation skills. An introduction to these skills in the business module guarantees that all the students have some familiarity with this topic and provides a basis for expanding these skills in the Transactional Legal Writing course.

The 1L business module also offers an opportunity

for collaboration among the faculty, many of whom participate in small group sessions during the business module. This participation has raised the profile of skills education with both students and faculty, providing opportunities for doctrinal professors to use exercises and quizzes to both reinforce and evaluate students' grasp of financial concepts, engaging in the type of formative assessment often used in a skills classroom.

APPELLATE ADVOCACY: BRINGING THE MOOT COURT COMPETITION INTO THE CLASSROOM

The second option for 2Ls is Appellate Advocacy, an advanced legal writing course that was created in 2013 for students who seek to enhance the persuasive writing and oral advocacy skills they learned in the first-year legal writing program. The course initially focuses on the appellate process more globally, including the role of and limitations on the appellate courts and the process of determining which issues to raise on appeal. The second half of the course explores the fundamentals of appellate brief writing and advanced persuasive writing and oral advocacy techniques.

In 2015, however, the legal writing program underwent another transformation when the Theodore L. Reimel Moot Court Competition was integrated with the Appellate Advocacy course. The Competition is an annual intra-school tournament for upper-level students that has been a hallowed tradition at Villanova Law for the past fifty-eight years; its purpose is to foster student development in written and oral advocacy through simulated appellate argument. Many alumni and other esteemed members of the legal community have come to the law school at the end of the fall semester to judge the oral arguments. But by 2014, the quality of the Competition had declined significantly due in large part to budgetary cuts necessitated by reduced enrollments. Moreover, implementing the new Appellate Advocacy course meant that the Competition's pedagogical purpose was ambiguous, as both the Competition and the course required upper-level students to write an appellate brief and participate in oral arguments during the fall semester.

Thus, in an immediate sense, the merger of the Competition and the Appellate Advocacy course was a practical solution designed to preserve a cornerstone of the Villanova experience. But far more

Through a series of interviews, focus groups, and surveys, we learned that employers value proficiency in writing by a wide margin over any other single skill we could teach our students.

important was the opportunity this joint program provided to give our students a more comprehensive, realistic education consistent with our practice-ready curriculum. Now, 2L students who enroll in Appellate Advocacy in the fall semester participate in the Reimel Competition as part of the course. Rising 2L students who become members of the Moot Court Board via the summer competition are required to take Appellate Advocacy in the fall. Third-year students are encouraged to participate in the Competition, but not as part of the class; this is because they have already taken either Transactional Legal Writing or Appellate Advocacy, and they are presumed to have the skills necessary to successfully participate in the Competition. There are typically twenty-four students in each of the two course sections, and about six 3L students register for the Competition. All participants work in teams of two during the semester to write a single, cohesive two-issue appellate brief that is submitted for both course grading and Reimel Competition scoring. The Competition's four rounds of oral argument occur over a two week period in November. During the preliminary rounds, the approximately twenty-seven teams are required to argue twice: once on behalf of their assigned client, and once for their opponent. The judging panels are composed of esteemed members of the legal community who also give the students practical feedback on both style and substance at the conclusion of each argument. The eight teams that have the highest brief and oral argument scores advance to the Quarterfinal rounds of the Competition.

Since it came into existence three years ago, the Appellate Advocacy/Reimel Competition program has largely met its initial goals; the quality of the Competition has improved, and the students have had a more rewarding educational experience that has increased their practice-readiness. Specifically, the

opportunity to work both independently and closely with a teammate throughout the semester to achieve a shared goal mimics the realities of legal practice. In addition, collective brainstorming typically produces advocacy that is more creative and strategic than that in briefs and oral arguments prepared by a single student. Moreover, the experience of arguing on behalf of their opponent helps the students develop more effective and sophisticated methods for refuting adverse arguments on behalf of their own client. Although the students consistently report that the course is very challenging, the majority have had a positive experience. In particular, they cite the opportunity to work with a teammate and to put into practice what they learned in the classroom as the course's best features. Additionally, they acknowledge that being evaluated by lawyers and judges provides added motivation to produce their best work.

Given its success, Villanova is currently implementing several initiatives to ensure that the new Appellate Advocacy and Reimel Competition program maintains its momentum into the future. Most importantly, we created an ad hoc faculty committee composed of the Appellate Advocacy professor and rotating members of the doctrinal faculty to draft the Competition problem each year. Thus, instead of the Appellate Advocacy professor being solely responsible for drafting the brief problem, which was the procedure during the first three years of the program, the new collaboration between legal writing and doctrinal faculty will produce original, cutting-edge problems that are even more substantively sophisticated. In addition, each member of the committee will provide feedback on the student-drafted bench brief, which will give the students a unique and valuable opportunity to learn from experts in the law and in legal writing. The committee's inaugural 2018 Competition brief problem will pertain to law and business, which also serves as another opportunity to publicly highlight Villanova's "Where Law Meets Business" initiative.

Thus, while budget cuts and reduced enrollments have presented numerous challenges, these new realities have also given us an opportunity to create innovative courses and programs that demonstrate the interconnectedness of legal writing and other doctrinal subjects. Villanova's expanded legal writing curriculum has likewise advanced our strategic vision of generating practice-ready graduates.

Reckoning with the Challenges of Using Social Justice Legal Writing Problems



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Since the Carnegie Report's call to legal educators to better prepare students for the practice of law,¹ legal writing scholars have extolled the benefits of using realistic writing problems, or even real client work, with students.² As the conventional wisdom goes, more realistic—and often necessarily more legally complex—problems better prepare students for real-life law practice. Including social justice issues in legal writing problems provides one path to serving this goal. Social justice legal writing problems deal with current civil rights issues, especially in the context of race, ethnicity, class, gender, sexual identity, or religion.³ At Howard Law, we have used 1L problems dealing with issues such as prison conditions under the Eighth Amendment, a transgender student's free speech rights, and Fourth Amendment law related to traffic stops, for example.

In addition to exposing students to real-life legal issues, realistic assignments, especially social-justice-themed problems, have the added benefit of capturing students' interest. Compared with a canned problem using 1L-course material like a tort or property claim, a social-justice-oriented constitutional law problem is fun.⁴ Indeed, student engagement in realistic problems is unmistakably enhanced. It's no wonder the movement to use more realistic problems in legal writing programs continues to grow.

Not only are we all having fun working on a social justice issue, these problems do better prepare students for the real world in a concrete way. One student reported that she secured her summer internship with a civil rights non-profit in Washington, DC, in part because her writing sample was relevant to the work she would be doing in her internship. In sum, the benefits of using realistic problems, particularly

those with a social justice focus, are clear, as many legal writing scholars have described.

But for those of us who have bought in to the social justice problem approach for all of its benefits, we also know there are challenges that must be confronted to execute an enriching legal writing experience for all students. Namely, building foundational legal analysis skills must remain the pedagogical priority for first-year legal writing programs. Where the social justice approach clashes with this priority, we must adopt solutions that will allow us to continue to help our students build basic skills while reaping the benefits of the social justice experience. Below are proposed solutions to several identified hurdles to using social justice problems.

CONDUCT A SESSION ON THE FUNDAMENTALS OF THE SUBSTANTIVE LAW.

Constitutional law issues provide some of the richest fodder for creating realistic legal writing problems. However, dealing with levels of scrutiny and legal tests that are not always applied uniformly by the courts can be overwhelming to first-year students, who would benefit from additional instruction on the relevant doctrine. You can boost your students' understanding of the substantive law in a variety of ways. Excellent videos explaining everything from free speech to Equal Protection Clause jurisprudence are available online with a quick search. Watching these videos could be assigned as out-of-class tasks that would not take away from class time. If more explanation is required, you could bring in a subject matter expert from the doctrinal faculty for a guest lecture to provide students with a summary of the fundamentals of the relevant area of law. An even more interesting choice of guest lecturer might be a practicing attorney from an organization that deals with the issues raised in the assignment, who could explain the legal questions from a practical perspective.

ADD A CONCURRENT SEMINAR SERIES TO TEACH LEGAL WRITING FUNDAMENTALS.

We all face the reality of having finite class and conference time. With a more realistic writing problem, you may find yourself spending time trying to help



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students understand the law, confusing procedural posture, or why certain aspects of a court's analysis are not relevant. With these additional burdens, you will necessarily have less time available for essential tasks such as practicing the application of law to new facts and teaching strategies for being more concise and precise. One potential solution would be to have a separate and concurrent seminar series, possibly led by a teacher's assistant, where students learn or practice legal writing fundamentals.⁵ An additional weekly session for grammar and citation, for example, could free up class time for making sure students are adequately absorbing complex case law.

AVOID PROBLEMS THAT ARE "CUTTING EDGE."

While exciting for students and interesting for professors, cutting edge legal problems might be difficult for some first-year students to manage. For students to get the best possible practice with researching, synthesizing, and applying law, having a substantial body of existing law to work from is

ideal. A cutting edge problem might have little to no binding authority in a jurisdiction, leaving the controlling principles unclear. Students will struggle to make a realistic prediction about what a court will do with only persuasive authority from which to draw. Such uncertainty can distract new law students from learning the fundamental skills they need. When designing problems, professors can avoid this difficulty by creating background facts and a story that are relatively similar to facts analyzed in the relevant body of law.

LIMIT THE NUMBER OF ISSUES IN EACH ASSIGNMENT.

With all of the challenges described so far that are present in a social justice assignment, students may only be able to tackle successfully one issue per memorandum or brief assignment. First-year students may be able to learn and apply Eighth Amendment law just as well as they can learn and apply traditional first-semester topics. However, applying complex concepts to more than one issue per assignment may result in students' disorganized presentation of issues or confusion about which facts are relevant.⁶ Narrowing the focus of an assignment to one main issue allows students' energy and teachers' resources to be focused on building fundamental skills.

BE PREPARED TO ALLOW FOR RESPECTFUL DEBATE.

One reason students become excited by and engaged with social justice problems is that civil rights issues, and how those issues play out, have profound impacts on people's lives. Moreover, the resolution of a social justice problem may implicate interesting, yet controversial, subjects such as religion and politics. These potentially charged aspects of social justice problems may present a challenge for professors but need not scare you off. In a first-year legal writing assignment, the student is usually playing the role of an attorney who is making an objective prediction about what a court will do or advocating for an assigned client. Thus, professors have a teaching opportunity to explain that the attorney's personal feelings about the subject matter ought not interfere with a well-reasoned prediction or with competent client advocacy. But students will likely have an easier time remaining objective in their work product if you

Professors have a teaching opportunity to explain that the attorney's personal feelings about the subject matter ought not interfere with a well-reasoned prediction or with competent client advocacy.

provide them with an opportunity for limited, respectful debate in class where they can express their positions on the issue. Consider assigning news articles or law review articles to provide additional background on the subject at hand, and allow students an opportunity to discuss the articles in class. Depending on the personality of your class, you may need to set clear ground rules in advance; for example, provide each student an opportunity to speak or explicitly disallow personal attacks. Also consider providing a time limit at the beginning of the discussion so as to ensure you have ample class time for necessary instruction. In my experience, students have responded enthusiastically overall to these classroom discussions and have expressed an appreciation for the perspectives their colleagues have shared in class.

WAIT UNTIL LATER IN THE SEMESTER OR YEAR.

One approach to getting the best results with using social justice problems would be to wait until later in the semester or year to bring in a realistic problem.⁷ If students first have an opportunity to practice legal analysis with a canned and straightforward exercise, they will be better prepared to handle the complicated law of a more realistic problem and will have a richer and more meaningful experience at that point, as well.

While I strongly believe using social-justice-oriented problems is worth the challenges it presents, there are potential pitfalls of using these kinds of exercises. With the knowledge of possible traps comes the ability to avoid them, and to provide students with an enriching legal writing experience.

NOTES

1. William M. Sullivan et al., *Educating Lawyers: Preparation for the Profession of Law* (2007).
2. See, e.g., Mary Nicol Bowman, *Engaging First-Year Law Students Through Pro Bono Collaborations in Legal Writing*, 62 J. LEGAL EDUC. 586, 586-87 (2013); Michael A. Millemann, *Using Actual Legal Work to Teach Legal Research and Writing*, 4 LEGAL COMM. & RHETORIC: JALWD 9, 9-10 (2007); Sara Rankin et al., *We Have a Dream: Integrating Skills Courses and Public Interest Work in the First Year of Law School (And Beyond)*, 17 CHAP. L. REV. 89, 94-96 (2013); Nantiya Ruan, *Experiential Learning in the First-Year Curriculum: The Public-Interest Partnership*, 8 LEGAL COMM. & RHETORIC: JALWD 191, 204-08, 210-11 (2011).
3. See Pamela Edwards & Sheilah Vance, *Teaching Social Justice Through Legal Writing*, 7 LEGAL WRITING: J. LEGAL WRITING INST. 63, 64 (2001) (defining social justice as the “the process of remedying oppression, which includes ‘exploitation, marginalization, powerlessness, cultural imperialism, and violence’” (quoting John O. Calmore, *A Call to Context: The Professional Challenges of Cause Lawyering at the Intersection of Race, Space, and Poverty*, 67 FORDHAM L. REV. 1927, 1937 (1999))).
4. From experience, I can attest that social justice writing problems delight students. Even if the realistic client is not a real person, students come to care about him. Last year, when we used a prison conditions problem with our first-year law students, one section even created a t-shirt based on the problem. I have observed that students become more invested in the content of their written work because of their interest in the topic, making legal writing class truly fun for professors and students alike.
5. See Jeremy Francis et al., *Designing Success: Motivating and Measuring Successful 1L Student Engagement in an Optional, Proficiency-Based Program Teaching Grammar and Punctuation*, 21 LEGAL WRITING: J. LEGAL WRITING INST. 129, 131, 133-36, 143-44 (2016).
6. See Millemann, *supra* note 2, at 9.
7. See Bowman, *supra* note 2, at 593.



PROGRAM NEWS

University of Oregon School of Law

The University of Oregon's 2018 Galen Distinguished Guest in Legal Writing is **Anne Egeler**, Deputy Solicitor General in the Washington State Attorney General's Office and a primary attorney in *Washington v. Trump*, the travel ban case. She presented to all 1Ls about preparing pleadings, appeals, and oral arguments, both on an expedited schedule and under typical circumstances. She was a guest lecturer in Administrative Law and shared oral argument tips with moot court teams.

The University of Oregon School of Law's Legal Research and Writing Program is celebrating its 40th anniversary during the 2017-18 academic year. Founded in 1978 by Professor Emerita Mary Lawrence, the program was one of the first in the country to employ full-time LRW faculty.

HIRING AND PROMOTION

Arizona State University, Sandra Day O'Connor College of Law

Jason Cohen joined the permanent faculty in Fall 2017 as a Clinical Professor of Law.

University of Kentucky College of Law

Jane Grisé is now an Assistant Professor of Legal Research and Writing and the Director of Academic Enhancement at the University of Kentucky College of Law.

University of the Pacific, McGeorge School of Law

Mary-Beth Moylan, McGeorge's Director of Global Lawyering Skills, was appointed Associate Dean for Experiential Learning in Fall 2017.

Wake Forest University School of Law

Abigail Perdue and **Harold A. (Hal) Lloyd** have been promoted to the position of Professor of Legal Analysis, Writing, and Research with tenure.

PUBLICATIONS AND ACCOMPLISHMENTS

The third edition of *A Lawyer Writes* will be published in Spring 2018. The authors are **Chris Coughlin** (Wake Forest University School of Law), **Joan Rocklin** (University of Oregon School of Law), and **Sandy Patrick** (Lewis & Clark Law School).

Tenielle Fordyce-Ruff (Concordia University School of Law) is now the series editor of the Legal Research Series published by Carolina Academic Press. The series has 31 books on state research as well as federal legal research. The founding series editor was **Suzanne Rowe** (University of Oregon School of Law).

Liz Frost (University of Oregon School of Law) is this year's Galen Writing Specialist. In that role, she is hosting "Just Write" sessions, in which students commit to three hours of uninterrupted time to focus on writing projects. She also created "Throwback Thursday," a series of lunchtime lessons on grammar essentials.

Rebekah Hanley (University of Oregon School of Law) is on sabbatical for the 2017-18 academic year. She is enrolled in the first year of a two-year M.F.A. program in Creative Writing, with an emphasis in non-fiction.

Megan McAlpin (University of Oregon School of Law) is serving as President of the Association of Legal Writing Directors 2017-18.

The second edition of *Global Lawyering Skills* will be published in Spring 2018. The primary authors are **Mary-Beth Moylan** (University of the Pacific, McGeorge School of Law) and **Stephanie Thompson** (University of the Pacific, McGeorge School of Law).


Joan Rocklin (University of Oregon School of Law) is publishing "Exam-Writing Instruction in a Classroom Near You: Why It Should be Done and How to Do It" in the *Journal of the Legal Writing Institute* in Spring 2018.

Suzanne Rowe (University of Oregon School of Law) will publish "The Elephant in the Room: Responding to Racially Charged Words" in Issue 15 of the *Journal of Legal Communication and Rhetoric: JALWD*. The fourth edition of her book, *Oregon Legal Research*, will be published this summer, with co-author **Megan Austin** (University of Oregon School of Law).



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