LEGAL WRITING INSTITUTE

The Second Draft

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From the editors....

Beginning with this issue, The Second Draft is edited by Joan Blum, Jane Gionfriddo, and Francine Sherman, all of Boston College Law School. We welcome your input in the form of news items, feature articles, and letters to the editors. We'll take your materials in print (preferably not faxed) or on disk to the attention of any of us at Boston College Law School, 885 Centre Street, Newton, MA 02159-1163.

This issue of The Second Draft focuses on the 1994 Conference of the Legal Writing Institute at Chicago-Kent College of Law. The Spring 1995 issue will address a topic that is of great interest to many people who teach legal writing: what kind of job security we have and how we are evaluated and by whom. We would like to reproduce in the spring issue examples of evaluation standards for legal writing faculty. If you would like us to include the standards for evaluation in your law school, or if you would like to submit an article on this topic, please send your materials to us by February 15, 1995. We also plan to include an article by a writing specialist as a regular feature beginning with the Spring 1995 issue.

We are currently planning to center the Fall 1995 issue on what promises to be a lively discussion on teaching legal analysis in legal writing programs. We would like to publish brief (not more than 750 word) comments on how you teach analysis; we're especially interested in whether you think that IRAC is helpful or harmful in teaching analysis.

We're looking forward to an open exchange of views on topics that are important to all of us.

Legal Writing Institute Conference, July 1994

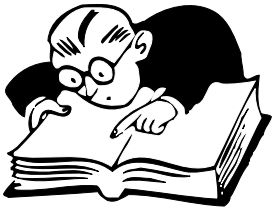
The 1994 Conference of the Institute was held at the technologically state-of-the-art Chicago-Kent College of Law. The Conference had 332 registered participants from 117 American law schools and six Canadian law schools, and from South Africa, Australia, and New Zealand. The program included a total of 63 panels or presentations, and four plenary sessions, with a grand total of 91 speakers (some of whom appeared on more than one panel). In addition, small discussion groups were held three times during the three-and-a-half day conference to provide an informal forum to discuss numerous issues, including plagiarism, status of legal writing faculty, curriculum, and teaching methodologies.

The Conference program included presentations of general interest as well as presentations geared to specific groups, including new teachers, directors, and those who wanted to learn about new technology. At the first plenary session, Dean Richard Matasar of Chicago-Kent College of Law welcomed participants to the Conference and Ralph Brill gave an overview of the Conference program. The second plenary session was a speech on plagiarism by Marilyn Yarbrough of University of North Carolina. The third and fourth plenary sessions were a panel on the MacCrate Report and a speech by Terri LeClercq of University of Texas entitled "We Have Diamonds on the Soles of our Shoes."

For those who could not attend the conference, and for those who could not attend all the presentations they wanted to, we reproduce in this issue summaries by some of the presenters of their presentations or panels. The summaries that follow are just a sampling of the wealth of ideas exchanged at the Conference; the summaries reflect the wide range of topics presented, and the varying styles of the presenters.

TEACHING THEORY AND PRACTICE

A Theory of Contextualized Learning and its Implications in Research, Analysis, and Writing Programs



Brook K. Baker,
Northeastern
University School of Law

Chris Rideout and Jill Ramsfield have continued the project, started by Joseph Williams, of transforming legal writing instruction from a product, or even process, focus to one that emphasizes context - the social field and expert domain of legal practice. Drawing on a vast array of cognitive science and social practice theory, I have joined their project and proposed a theory of ecological learning. At its core, the theory draws on five constituent components: (1) cognitive contextualism, (2) experientialism, (3) reconstructed autonomy, (4) the interpersonal ecology of the workplace, and (5) the nature and replication of expertise. This theory emphasizes the relationship between practice setting, legal dilemma, novice and expert, and a larger socio-political-economic arena. In the nexus of these constituent forces, a novice is optimally poised to learn through her participation in the authentic discursive and performance activities of her domain.

This emerging theory challenges the decontextualized, nonexperiential pedagogy of the traditional law school curriculum and the basic assumptions in clinical and legal writing methodology concerning the school-based learning cycle and the proper roles of Theory, Reflection, and Critique. The most radical implications of a theory of ecological learning would be to relocate research, analysis and writing programs into the law offices where students clerk during law school and to the clinical programs where students represent actual clients. Here, the constraints and opportunities of context are most real. Here the authenticity of purpose, the functionality of form, the determinacy or indeterminacy of law, fact, and text, and the personification of audience, combine dialectically to compose a field of action where students must do their utmost to construct and communicate coherence.

Assuming that we cannot all relocate into practice or reincarnate ourselves as clinicians, the next best alternative is to create the most "virtual reality" that we can. Because real problems in authentic practice settings feature both factual and legal indeterminacy, writing assignments should avoid the "closed universe" syndrome where both the facts and law are known and static. Mock interviews, client counseling sessions, ongoing litigation and discovery, and alternative dispute resolution can all enliven and contextualize the student's development as a legal writer.

As a discipline, we presently disregard issues of client voice, client control, and social justice in assigning our writing projects. We have done little to suggest that the client has any agency in choosing an advocacy theme or that the student needs to consult with the client to obtain her informed consent. Our pedagogy, in effect, has perpetuated a system of lawyer domination and client subordination in the strategic/tactical choices of advocacy. To counteract this practice, we should routinely include client contact in our major writing projects (simulated or otherwise) as a way to enact an ethic of client empowerment and control. Our focus on context, and especially context at a wide angle, should also alert us to our obligation to address pressing issues of social justice. We should develop a transformative vision of legal change, one that specifically challenges the racism, sexism, homophobia, and class privilege in ourselves, our students, our profession, and our society. These oppressions, revealed in the discourse of our students and the profession are fair game for comment and critique.

For the Video Generation: Provocative Methods of Teaching Legal Writing

Philip N. Meyer,
Vermont Law School

In my presentation I told three stories about the relationship of legal writing to law school classes and examinations, and to law practice. The first story attempted to explain why law school examinations are predominantly oral rather than written exercises. The second story described the experience of teaching legal writing to students who have come of age in an aural and visual storytelling culture. The third story explored differences between the analytic paradigm of legal writing taught in law school (a paradigm that often devalues narrative) and the the narratival component in legal storytelling that predominates in trial practice. I also discussed the theoretical implications of my stories (i.e., how the stories suggest that the legal writing curriculum needs to be reshaped). Rather than summarize my stories, I include an excerpt from the first story:

"The Blue Book Blues Revisited"

Only now, after twelve years of law teaching, do I begin to understand analytically what I somehow knew then intuitively. First, law school is an oral rather than a test-based culture. Although law students spend inordinate time reading cases, these hermeneutic exercises about the inductive synthesis of doctrine have little to do with what law school is about any more than the purpose of meditation is really to come up with the right answer to the Zen riddle. Examinations and the grades, judgments, self-identities, and dreams that flow on this underground psychic current are what is at the heart of law school.

Law school examinations do not test for the textual analysis and critical reasoning that the classes purport to teach. Traditional issue spotting examinations have little to do with the critical and interpretive reading of texts that might eventually lead to developing a professional soul (or even the ability to critically respond to written texts). If the mysteries of law school examinations have little to do with learning to operate in a text-based world what then are examinations about?

Examinations test a different type of reading and a different type of comprehension. They reflect, inadvertently perhaps, the oral culture of their origin. Traditional examinations test the ability to "spot" issues embedded in hard and reductionist narratologies. Simultaneously, the test-taker must hold a limited number of memorized analytical rules in mind in split-screen consciousness.

For example, when I took examinations, I literally watched the images on my internal screen as if I were watching television. The imagistic story was on one side of my internal monitor; a checklist, a visual flow-chart of the memorized rules from the bar review tapes, was on the other. As I recall, something clicked and I literally heard the voices. These were not the voices of my professors. They were the recorded sound bytes of doctrine from bar-review tapes. I simply matched the sound byte to the correct images moving across the screen. I fit the doctrine to the images until the pieces intersected in the normative and standardized way. I tried to do this as quickly and as efficiently as possible. I spoke in the strong, authoritative and purportedly "objective" professional voice that was clearly not my own. I looked to standardized coverage of materials and completely discounted any perceptions of my own.

When I was most successful, I was strong and unequivocal and never gave in to doubt or confusions, or reflected critically

and meaningfully on the material in any way. Most especially, I never revealed the anxiety and self-doubt that had infected my soul. And I never reviewed my examinations afterwards, never revisited the past. I just gave myself up to the process completely.

The hard memorized doctrine on one side of the screen...the images on the other side...No critical reasoning and no meaningful critical and subjective responses to text...Superficial coverage of a fixed body of doctrinal rules, not the inductive synthesis of these rules. Memorization of rules and deductive (reductive) application of these rules in an oral formulary pattern (IRAC) for the retrieval and display of these rules...A reductionist style of writing and reasoning that stressed simple grammatically correct constructions and never revealed thought processes. Operating for speed, anticipating surprise, working orally. Mock forensic combat that somehow mimicked the battles of childhood games. I knew that my language was never really searching for meaning; it was devalued and so, with it, was my soul.

A How-To Manual on Drafting Problems for Research and Non-research Legal Writing Assignments

Marilyn Preston, Wayne State University Law School

This presentation focused on assisting new and current legal research and writing faculty in preparing workable legal writing assignments, both for open and closed assignments. The major areas covered were: (1) how to find a good topic; (2) what factors to consider in preparing non-research versus research assignments; (3) forum selection process, i.e., picking the level of court and other procedural factors; (4) assessing the degree of difficulty of a particular assignment; and (5) the importance of crafting the facts in order to enhance case law analogies.

Feminist Discourse and the Legal Argument

Kristin R. Woolever, Northeastern University School of Law

As legal writing teachers, we face the serious question of how to enable our students to break the silence, to speak in their own voices rather than steadily disappearing as they become more engulfed in the law. Feminist theories about writing provide an intriguing perspective on this question.

Using works by Helene Cixous, Martha Minnow, Robin Lakoff, and many others, this presentation argued that the traditional views of the law are exclusionary. The law itself is a "discourse of mastery" disguised as being impartial, while at its heart it is highly subjective, privileging a select few while excluding many. Feminist approaches to the law would replace the discourse of mastery with a feminist discourse — a discourse of resistance that calls into question every strict statement or method.

First, it's important to look at what we give our students to read. "One never reads except by identification" says Cixous, and studies have shown that women tend to read texts differently from men. They look at the relationship between people and between those people and themselves as readers. Men, on the other hand, tend to read material as nothing but an objective product and look for the logic of the events. We need to pay attention to the texts we require our students to read and the wording of exam questions we give so that we do not privilege one gender over another.

Second, we need to think about the role of legal argument. Arguing in the law is ritualized to a high level of generality, often with little attention to context. Immediately that places those who are in tune with feminist discourse at a disadvantage. The traditional argument types— maxims and counter-maxims— are obviously useful in the law yet are antithetical to feminist discourse in their hierarchy and abstraction. According to several feminist theorists, argument should be a means, not an end. The goal of legal argument should be to mutually enable the parties. Feminist argument downplays the conflict and disagreement as much as possible and focuses on the process of coming to mutual conclusion, rather than winning or losing. It is argument that takes into consideration the social context of the conflict.

Third, using dialogue as a teaching method allows students to more readily express their views and speak with their own voices than they can when they are forced to spit back class notes or respond to traditional questions with traditional answers. Oral dialogue is useful for exploring ideas in the classroom, but written dialogue is useful as well— incorporating reader-response journals or pairing students with each other to carry on a written dialogue about the legal problems addressed in the class.

Fourth, it would be helpful to rethink the law along relational lines. Unlike the highly ritualized arguments so standard in the law, focusing on the context of situations and examining the histories of the people involved allows us to view the application of law diachronically rather than synchronically. If we apply objective methods only, we may be missing the real point of making the law work and excluding those who do not fit under the dominant rules.

Using these feminist approaches— really social constructivist approaches— in the classroom means paying more attention to the human elements, the "stories" of the people. Only when this attention has been paid can students move from the law as cold practice to the law as enabling force.

Raising Issues of Diversity and Multiculturism in the Legal Writing Classroom

Charles R. Calleros, Arizona State University College of Law

Our legal writing courses provide students with unique opportunities to work intensively on realistic problems with fully developed characters. Through these courses, we can introduce diversity into the classroom at any of four levels:

1. At the lowest level, we can simply acknowledge the diversity of the legal world and the classroom by taking care to refer to diverse populations in our course materials, lectures, hypothetical questions, and written problems. For example, by remembering to use feminine as well as masculine pronouns and to periodically use ethnic names in problems, we take a small step toward ensuring that all students feel included and that all are reminded of the diversity of the society that the legal system should serve.

2. At a slightly more sophisticated level, we can set a problem or hypothetical example in a cultural context other than the mainstream. For example, my textbook on legal writing briefly compares Anglo-American systems of government and legal method with those of American Indian tribal communities. As an

additional example, in both my advanced writing seminar and my contracts class, I ask students to analyze a claim for damages for emotional distress in a problem based on an actual contract dispute over failure to deliver gowns for a Quinceanera, an event of great social and religious significance to women reaching the age of fifteen in Hispanic communities. In both cases, the factual context allows students from Hispanic communities to be the "insiders" for once, to identify with a problem rather than feel alienated from it. Of course, it also gives other students a valuable lesson in the diversity of cultural contexts in which disputes may arise.

3. Students of color with whom I consulted, however, are hungry for more than the contextual diversity represented by the first two levels described above. They are eager to tackle problems that directly raise issues concerning competing claims or values among diverse populations.

Accordingly, we should consider assigning problems that require students to analyze the law and policy relating to such questions as the proper scope of anti-discrimination legislation or the application of tort law to a claim of sexual harassment or sexual orientation discrimination. Such problems tend to excite, or at least provoke, students and thus are effective vehicles for developing skills of expression and critical analysis. Nancy Millich of the University of Santa Clara has compiled an impressive volume of such problems, which I believe are available from the Legal Writing Institute for a copying fee. Although politically diverse students may vary greatly in their abilities to identify with a hypothetical client and his or her claims, they will all benefit from the opportunity to exchange ideas and think deeply about issues of difference in our society and legal system.

4. At yet a higher level are problems that invite students to critique fundamental premises of our legal system with respect to diverse populations. As a simple example, a problem might require students to argue for or against the proposition that a "reasonable person" standard, although nominally objective, in fact masks and perpetuates a male-centered view of legal rights and responsibilities.

Efforts to raise issues of diversity pose their own set of problems and challenges. As instructors we must fairly and sensitively lead student discussion of provocative topics, allowing a variety of views to be expressed in a civil manner; we must educate ourselves about differences so that our problems do more than present stereotypical representations of diverse populations; we must thoughtfully address the requests of students to be excused from confronting issues that revive serious traumas in their lives; and we must assure our students that we are interested in developing their skills of expression and critical analysis rather than in converting them to our personal political beliefs. Even if we stumble along the way, however, we are sure to advance our students' educations and earn their gratitude.

Is the First-Year Too Early to Teach Critical Reading Skills? What Recent Think-Aloud Studies Might Tell Us

Dorothy H. Deegan,
The Pennsylvania State University

James F. Stratman,
University of Colorado at Denver

Before we can address the question raised in the title, we must first understand where law students stand in terms of reading skills critical to the task of reading the law and law-related texts, and with regard to critical reading skills usually associated with expert legal readers. The presenters have conducted individual empirical studies that inform each of these separate but related issues. Both studies make use of a relatively new methodology to obtain information about reading processes, the think-aloud, which asks readers to make public what they are thinking as they proceed through a text.

Deegan's 1991 study finds that two groups of law students — one in the bottom, the other in the top quartile of their first-year class — demonstrated different reading strategies when reading an excerpt from a law review text. The ten students who were referred to collectively as the "high performance" group engaged in a strategy that Deegan refers to as "problematizing." That is, they tended to ask questions, hypothesize, or draw tentative conclusions as they processed the text. The "low performance" group made use of this strategy to a significantly lesser degree. Unlike the high group, they relied mainly on a strategy called "default," where they simply proceeded through the text in an unproblematic way often repeating the words of the author, or paraphrasing at the sentence level. But not only did the high group problematize more, they were consequently more successful in resolving their problems. Finally, the high group outperformed the low on a postreading, recitation task. What is notable about his study is that neither LSAT nor undergraduate GPAs would have predicted a performance difference between groups, though indeed one was clearly evidenced by the grades earned at the end of the first year.

Stratman's study is ongoing, but preliminary results give a picture of how the rhetorical purpose can affect the level of skills used by readers. Stratman constructed two conditions under which a series of three related cases would be read by both novice and expert legal readers. In the first condition, participants were reading in order to give a school-like recitation. The alternative condition required participants to read to compose an argument on behalf of one of the parties involved in one of the cases. Results showed that in both conditions, experts more than novices engaged in what are usually thought of as higher-level processing strategies. However, when novices were compared, it was found that those assigned to the "argue" task condition demonstrated greater use of the higher-order skills, particularly synthesizing and evaluating.

These studies raise two points important for legal educators. First, there may be some general skills like problematizing a text that can be critical to reading the law. Second, rhetorical situations can affect what skills readers deploy, and the more authentic the situation the more likely that the reader will engage in critical skills. The question remains how such findings can be translated into practice. These authors suggest that professors might create tasks that necessitate higher cognitive processes, and that students be asked to reflect upon processes used when completing such tasks.

Helping the New Legal Writing Professor

Amey S. Hempel,
McGeorge School of Law,
University of the Pacific

In presenting this panel we wanted to stimulate discussion of the issues involved in helping new legal writing faculty to become better teachers. The participants were, for the most part, directors of legal writing programs.

The first area discussed was the effect of the structure of the program (full-time v. part-time faculty) on the task faced by the director. Some directors work in programs with adjuncts, and some work with full-time faculty. With full-time faculty, the director can concentrate more on developing teaching skills with a goal of having the faculty member become independent. Because of the conflicting time demands upon adjunct faculty, who are likely to have full-time employment elsewhere, the

program employing adjuncts calls for a more structured program with a common syllabus and common memo problems.

The audience then participated in a lively discussion of various aspects of the process we face as directors in evaluating faculty. We discussed the contrast between our role as peer and our role as a supervisor. There followed a spirited discussion of the differences between graded and ungraded courses in legal writing, and between courses with anonymous grading and non-anonymous grading.

The program ended with suggestions for further discussion of the controversial topics raised: evaluation standards and techniques, and the connected problems of graded versus non-graded courses and anonymity in grading.

Beyond Communication: Writing As A Means of Learning

Laurel Currie Oates,
Seattle University School of Law

While most legal writing classes focus on writing as a means of communication, writing can also be a powerful instructional strategy. Through writing, students can make connections between ideas that they might not make if they only read or talk about the ideas.

This "hands-on" workshop began with a brief overview of the research on writing as a means of learning, tracing the theory from its most recent origins in the writing-across-the curriculum movement to recent studies testing the effectiveness of writing as a means of learning. Participants then had an opportunity to try two writing-as-learning exercises and, in small groups, to develop in-class writing exercises that they could use in their own legal writing classes.

For the draft of a paper on writing to learn, please contact Laurel Oates at (206) 591-2233.

Educating the Judge: Diversity and Multiculturalism in Legal Writing

Diana Pratt,
Wayne State University Law School

The purpose of this investigation is to discover what is required to advocate non-mainstream issues to mainstream judges. Despite some recent advances in making the judiciary more reflective of society in general, the vast majority of judges are still white, middle-income, middle-class, middle-aged males. Overall in this country, only 21.4% of judges are female, 3% are black, and 2% are Hispanic. While I do not intend to imply that these judges are all biased or do not attempt to understand the perspectives and issues that come before them, their default position reflects their universe.

In order to find out how to present these cases effectively to the mainstream audience, I have been reading judicial opinions, both winners and losers, in conjunction with the briefs, to find out what persuades judges. The initial research involved Native American free exercise cases.

There are lots of losing cases, but an early winner was *Alaska v. Frank*, 604 P.2d 1068 (1979). The defendant was charged with transporting a moose killed out of the hunting season. The defendant argued that the moose meat was necessary for a religious ceremony, a funeral potlatch. In the briefs, Frank's attorneys did four things that were particularly successful: 1) They explained the Athabascan religious beliefs in detail with extensive documentation; there were no naive reader problems.

2) They made good use of expert testimony to validate the proofs; the anthropologists had credibility with the mainstream audience. 3) They used a serious and in some instances a reverent tone that treated Mr. Frank and his community with dignity; because of the tone, the reader could not dismiss the facts as quaint native customs. 4) Finally, they drew analogies to mainstream religious practices and emotions.

I looked at a number of cases where the defendants did not prevail. Many of these involved Native American prisoners who wished to practice their religion while in prison. As you would expect, the prisoners lost the cases filed in pro per. They also lost when they were represented. Briefs filed in the Eighth Circuit in two cases had the following characteristics:

1) Although the religious practices were mentioned, they were not described in any detail and the religious significance was not explained to the court. 2) There was no expert testimony to validate the religious practices. 3) In one case, the author either consciously or unconsciously created a distance between himself and his client. The tone was neutral and aloof, as if the author did not understand or believe his client. 4) There was no attempt to draw any kind of analogy to the mainstream experience.

The presentation involved the preliminary results of a work in progress. The preliminary conclusions are these: Successful advocacy of non-mainstream issues and clients requires everything that makes for successful advocacy of mainstream issues plus thoroughly educating the judges about the culture and beliefs of the client using expert testimony. The successful advocate also draws specific analogies to the judge's experience.

New Ways To Teach Dull Subjects

The Pill In the Applesauce: Making Grammar, Punctuation, and Usage Palatable

Nancy Soonpaa,
Seattle University School of Law

This presentation covered five areas: assessing the importance of correctness, being comfortable about teaching correctness, selling correctness to students, teaching correctness in manageable units, and making correctness enjoyable. Throughout the presentation, the term "correctness" encompassed grammar, punctuation, and usage skills.

First, instructors should identify what importance they attach to correctness and assess their program's emphasis on correctness. The extent to which these areas match or diverge helps to determine the level of pre-teaching preparation.

Next, instructors should consider their comfort in teaching correctness. A variety of strategies can strengthen skills: diagnostic exams, writing handbooks, and well-versed colleagues (including English Department contacts). The importance of reasonable comfort with correctness is clear: Instructors can't diagnose students' problems without a common vocabulary

and an ability to do basic sentence analysis. A helpful technique to keep correctness manageable is to establish a hierarchy of error.

Once the prep work is done, instructors must sell correctness to their students. This can be achieved by using war stories, real life examples (columns about writing), cases involving correctness issues (contracts, wills), or surveying subject area instructors for their pet peeves on exams. Consistently demonstrating correctness in class is important to persuade students of its importance.

Teaching correctness in manageable units prevents its overwhelming all other aspects of the course. Mini-lessons that take 5-10 minutes (avoiding comma splices, correctly using since/because) set out a basic rule, briefly give examples, and provide several practice exercises. Midi-lessons — 15-20 minutes — use a similar structure with more complex issues (distinguishing between that/which, using effective roadmaps and signposts). A full-length class or workshop allows broader coverage of more involved issues (writing effective sentences, developing conciseness) and allows time for in-class revision of student writing projects.

Finally, making correctness lessons fun and full of variety keeps instructors and students interested. For example, exercises can be written from students' work, either original or doctored, to give a sense of immediate applicability to the current writing task. In addition, looking at exercises from different perspectives (e.g., deriving, rather than applying, rules) changes the challenge and reinforces ideas. Modeling the editing process can be helpful for students inexperienced in editing their own work. Using cartoons, professional journals, examples based on pop culture (Star Trek, nursery rhymes), guest speakers, students teaching students, and food as reinforcement (always a popular choice) can enhance the learning environment.

Instructors should be aware that students who will be learning a number of new skills in legal writing may suffer from cognitive overload and should not be discouraged to see varying levels of correctness in early writing projects despite trying all these techniques.

In conclusion, correctness can be a fun part of the legal writing classroom and a welcome respite from thorny I-don't-understand-the-law questions. It's a good area to focus on during final draft revision or between major assignments. It's satisfying because correctness can be broken down into meaningful units of learning– for both the instructor and the student.

Is There A Jurisprudence Of Legal Writing?

Steve Johansen,
Lewis and Clark Northwestern School of Law

My goal for this presentation was to finish the Conference with a lively discussion on the theoretical underpinnings of our practical discipline, more specifically, to discuss the potential for future scholarship on the nature of legal writing, reasoning and research. While some conference presenters suggested their presentations were works in progress, I cautioned that mine was more accurately represented as ideas in progress. It was my hope to spur discussion within our discipline on the theoretical aspects of our craft that would contribute to the existing jurisprudence.

I chose two examples where future scholarship by legal writing professionals could contribute to the broader legal community. The first was storytelling. I used a law review article, Victoria Guest, St. Landry Loan Co. v. Avie, 14 Harv. Women's L.J. 317 (1991), to illustrate the power of storytelling. This is closely connected to the idea of writing from a social perspective discussed by Chris Rideout and Jill Ramsfield earlier at the conference.

My second example raised more conventional questions about statutory interpretation. Specifically, we examined *Smith v. United States*, ___ U.S. ___, 113 S.Ct. 2050 (1993). The issue in Smith was whether a federal statute that requires enhanced penalties for drug offenders who "used a firearm" in relation to their crime applied to a defendant who swapped drugs for guns. It is an interesting case for its discussion of the plain meaning rule and the Court's wrestling with the proper tools of statutory construction.

These two examples were intended to illustrate the potential for future scholarship in the jurisprudence of legal writing. There are, of course, numerous other theoretical issues that concern our discipline. In pursuing such issues as semiotics, law and literature, and the art of persuasion, we can contribute ideas to our broader discourse community — the legal community generally.

As I left the Conference, I sensed its theme to be "The Discipline of Legal Writing is Growing Up." To foster that growth, I hoped to encourage further exploration of the theories of writing and reasoning. Such contributions to legal scholarship can help the maturing process of our discipline.

Teaching the Video Generation to Write: How Expanding the Definition of Literacy Can Keep Us Sane

Hazel Weiser,
Touro College Jacob D. Fuchsberg Law Center

Students entering law schools today often do not understand the importance of written language to the legal profession. Consequently, as legal writing professors, we appear prudish, archaic, and irrelevant in our demands for comprehensible, formal English composition and organization. Our students need motivation to struggle with the complexities of written English. We need motivation to assist them through their resistance to learning how to write. To provide this motivation, let us reconsider our definition of literacy.

Currently literacy refers to the ability to read and write. However, our definitions of literacy are constantly changing. What constituted literacy when written language was reserved for an elite priestly class is quite different from the literacy spread by the printing press and public education. Now with electronic media (television, computers, and multimedia cd), our definitions of literacy require modification once again.

Multicultural educators have developed literacy definitions that understand the relationship between reading and writing, and the interplay of culture on the meaning of words. Let us look at one of these definitions developed by Kathryn H. Au: "The ability and the willingness to use reading and writing to construct meaning from printed text, in ways which meet the requirements of a particular social context."

We can use this definition to motivate students to use reading and writing when easier and more immediate methods of gaining information seem to have worked successfully in other settings. However, we must reexamine our presumptions about modern students. First, we cannot presume that students know how to read effectively when they come to law school. Because students do not have experience gaining knowledge from textual sources, part of our struggle is to improve students' reading abilities. We can teach them how to better read by getting them to read again, and how to better write by using their listening and speaking abilities, often their better developed skills. Furthermore, our students lack an understanding of the legal culture and therefore lack context in which to interpret text. We need to explain the culture of law to students

whose expectations of the profession are often warped by film and television.

The portfolio technique is one method devised to promote self-reliance, better reading and writing skills, and knowledge about legal culture. It has been successfully used in primary schools using the multiple intelligences theories and methods authored by Howard Gardner. Although our current curricula rarely permit students to develop their own literacy goals for a given semester, we can have students construct a writing portfolio rather than rely solely on uniform assignments upon which to base evaluations and grades. Weekly I distribute magazine or short law review articles on legal or law related issues. These articles are "hot": how the media covered O.J. Simpson's ride down the San Diego freeway; the professional obligation to report ethical violations of coworkers; a linguistic analysis of how people speak to each other in a variety of workplaces; and a preview of "Quiz Show" shown to executives and reviewers who were involved in early television. Students draft two page response essays throughout the semester. I meet individually with any student who requests a session to review the paper and to suggest ways in which to redraft the essay. Students are also free to work at the Writing Center or collaboratively with a friend. In addition to these essay responses, students also draft weekly exercises precedent to formal assignments. My students are responsible for assembling a portfolio from these weekly writings. In choosing the portfolio samples, students use selection criteria that teach them critical self-evaluation skills. Students must explain why each piece reflects his or her best writing. During a conference scheduled for the beginning of the spring semester, together we will devise individual goals based upon an evaluation of these portfolio materials and the uniform submissions. The portfolio process provides students with personal attention and an opportunity to work with the professor towards individual improvement. It provides a work product that can be judged for mastery of facts, skills, and concepts; quality of work; fundamental communication skills; and self-reflection.

In addition to portfolio writing, students also can discover the differences between spoken and written English by recording their colleagues' class presentations. Students are paired; each student acts as the scribe for the other. After class, students work together to develop the oral presentation into a complete written presentation. What is revealed, of course, is how much context, body language, and inflection add to the words spoken. Without that context, the words alone are incomplete.

As we move from uniform to situational instruction in legal writing, we need to keep ourselves and our students motivated. By understanding how our concepts of literacy change, perhaps we can develop better ways to utilize those skills our students bring to law school to develop the more demanding skills of writing.

ADVANCED LEGAL WRITING COURSES

Designing & Teaching an Advanced Legal Writing Course

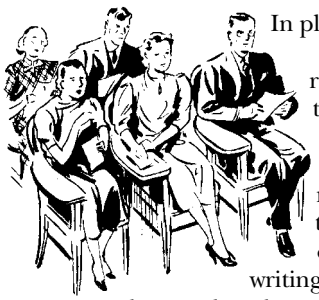
Lucia A. Silecchia
The Catholic University of America, Columbus School of Law

With the increasing recognition of the importance of legal research and writing skills, and the more vocal dissatisfaction with attorney competence in these areas, law schools have responded by increasing opportunities for students to develop these skills. Much time and effort has been spent revamping and enriching first year writing courses, and rightly so. However, for law schools to be successful, their effort must also include such training beyond the first year — hence the attention recently paid to designing and teaching advanced legal research and writing courses.

The need for advanced training in research arises from the simple fact that all sources cannot be covered adequately in the first year. In addition, the later years are a more appropriate time for in-depth CALR instruction since it will follow proficiency in traditional methods and will come at a time when students are advanced enough to make educated decisions in response to the pitches of the vendors. An advanced course also allows students time to explore research methodologies in related disciplines and in specialized areas. Finally, an advanced class is the first instance where many students will be sophisticated enough to develop comprehensive research plans and strategies.

Writing training beyond the first year is also essential. An advanced course gives students the opportunity for additional practice and critique, and the chance to learn from the errors made in their earlier writing experiences. An advanced writing course is also an excellent supplement to moot court, law review, and upper level seminars which require writing expertise. Because many first year courses are very oriented toward litigation-based assignments, an advanced course provides opportunities for students to write in other genres. Finally, the decline in the strength of undergraduate writing programs has meant, of necessity, that many first year writing programs are remedial in nature — at least to some degree. This means that there is even less time in the first year course to cover advanced concepts.

When designing an advanced legal research and writing course, the most essential issue is whether the course will be an advanced legal research course, an advanced legal writing course, or an advanced course that integrates both skills. While special circumstances in some schools may mandate isolating the skills, my experience teaching Advanced Legal Research & Writing at Catholic University has convinced me that an integrated course is, by far, the better approach. Only such a course provides the realistic experience of using both skills at the same time and allows these two skills to reinforce each other rather than be practiced in vacuums. This will also result in a course that is more interesting and more directed to developing student skills in creating research strategies and organizational skills.



In planning an advanced research course, there are many factors to consider, beginning with a thorough review of the first year writing program and the way the advanced course will affect it. Also to consider is the employment picture for typical graduates and the skills their employers are most likely to expect. Additional practical considerations include:

- **Should the class be mandatory or optional?**
- **What is the ideal class size?**
- **Who should teach the class?**
- **What types of projects are most appropriate?**
- **How should the course be graded?**
- **Should rewrites be required?**
- **What course materials are most suitable?**
- **How should feedback be given in style and substance?**

I will be happy to discuss the way I answered these questions with anyone who is interested in planning a course such as this at their school. I can be reached at (202) 319-5560 or silecchia@law.cua.edu.

In addition, an article I have written analyzing this topic in detail will be published in the December 1994 issue of The Duquesne Law Review.

Advanced Legal Writing: Teaching Persuasive Writing in a Seminar Format

Sandra Gross-Samet,
Wayne State University Law School

The goal of the advanced legal writing course at Wayne State University's Law School is to take a student who has already completed the basic writing class, and to help the student improve his or her writing skills, no matter what the level. In order to accomplish this goal, the advanced class is taught in a seminar format, and limited to 14 students per class. The class meets twice a week, for a two hour period.

The structure of the advanced class consists of an in-class trial brief problem, where we supply the major case or cases to be discussed. There is some additional research which the students must do, but that is not the emphasis of the course. Some aspect of the brief is due each week. For example, the students must first submit a statement of facts, the next week the questions presented, and so on. We return the papers, with comments, within the same week, so there is very quick feedback. We always have the students write each assignment for both sides, i.e., the plaintiff's facts as well as the defendant's facts. This helps them see the big picture as well as how to be an advocate for a position.

The other important part of the advanced class is the peer review aspect which is built into the course. On the first day of class, each student signs up to have at least one of his or her assignments critiqued by the group. That student arranges to make sufficient copies for the whole class, and each student receives a copy, for example on Tuesday. On Thursday, we devote part of our class to discussing the strong and weak points of the paper, with suggestions for improving it. I then return the paper to that student with my comments, and also all of the other students give him or her their comments. In past years, I have graded the quality of the comments (with a check, check plus, check minus) to ensure proper effort and preparation by all the students.

In addition, we usually use problems where the actual briefs are available to us (U.S. Supreme Court cases are the easiest to find) so that we can hand out appropriate sections of the actual brief for our students to read and critique as well. The class culminates with an out-of-class appellate brief on a related subject.

TEACHING STUDENTS WITH SPECIAL NEEDS

Teaching Legal Analysis to Students with Academic Difficulties

Kristine Knaplund
UCLA School of Law

We tell our students to "use the case law", but what does that really mean? Even when we provide examples of good legal writing, many students aren't sure how to do it themselves. This workshop identified common patterns in legal writing that indicate students are having difficulty with legal analysis, and then developed ways to better prepare students for this task. We talked about some typical problems in legal writing: "The Sprinkler", who writes a declarative sentence and then punctuates it with a case name; "The Quote Queen", whose paper consists of a series of quotations strung together with phrases such as, "The court in Jones held that…"; or the "Fact/Fact Comparison", when a student knows to use the facts but goes no further. We discussed ways to help students understand when they are making a reasonable inference from a given fact and when they are making up new facts. Participants contributed their strategies for dealing with these problems.

Teaching Legal Research and Writing To Visually Challenged Students

Mark G. Sullivan
Jane Kent Gionfriddo
Boston College Law School

Through discussion and handout materials, the participants explored issues in teaching legal research and writing to visually challenged students. Mark Sullivan discussed available assistive technology and programs, uses of LEXIS and WESTLAW, and development of a skills and needs inventory to find compatible technologies and programs. Jane Gionfriddo discussed strategies for manipulating legal materials in learning legal analysis, differences in composition skills and styles, and how computer technology helps in the writing process. All these issues were discussed against the backdrop of the importance of legal research and writing skills for the success of visually challenged law students and lawyers.

EVALUATING AND GRADING STUDENT WORK

Teaching Assistants: A Study Of Their Use In Law School Research and Writing Programs

Julie M. Cheslik
University of Missouri-Kansas City School of Law

This conference presentation discussed the results of my survey of teaching assistant use in legal research and writing programs. The survey was developed under a grant from the Institute for Law School Teaching. Points of view expressed are those of the author and do not necessarily reflect the position or policies of the Institute for Law School Teaching. More complete survey results are contained in an article published in the Journal of Legal Education, September 1994.

This summarizes one of the findings of interest to most conference participants: TA grading. One of the most difficult decisions for program directors to make is whether to allow TAs to have a role in evaluating and grading student work. The grading issue is the most difficult to resolve as demonstrated by the survey, which reflects that schools are nearly evenly split on the grading responsibility issue. Slightly over one-half of the schools (35) vest TAs with the responsibility for some part in the grading decision, the others (30) do not. [The survey distinguishes "grading" and "evaluating." I use the term "evaluate" to include responding to student work with feedback, comments, suggestions or criticisms. "Grading" goes a step further and involves assigning some number or letter to the student's work. In this sense, grading is an ultimate act of

evaluation; and evaluation is a "subset" or part of grading.] Using TAs to evaluate is much more common — 60 schools use TAs to evaluate; only five do not.

Having TAs grade is problematic because it tends to interject conflict into what would otherwise be a cooperative relationship between the TA and the student. TA conflict with students was four times as likely to be mentioned as a disadvantage or problem by respondents who allow TAs to grade than by those who do not allow TAs to grade.

Not only can TA grading hurt the cooperative relationship between TA and student, but allowing TAs to grade can also cause administrative and pedagogical problems in the legal research and writing course. For example, some of those surveyed reported having experimented with an expansive role for the TAs that included grading and then retrenching because of doubts and complaints about the abilities of TAs to perform the grading function. Those complaints concerned, among other things, bias, incompetence and inconsistency among TAs.

For those schools that continue to use TAs as graders of student work, a majority report problems with consistency among the TAs as a disadvantage. This is defined to also include dissemination of misinformation, variation in quality and lack of consistency. Other programs have mitigated the potential problems of using TAs to grade by limiting the TAs grading function. In some programs, the TA-given grade is only preliminary or advisory, and the LRW faculty posses final responsibility for assigning grades. In other programs, the TA-assigned grade is subject to partial faculty approval. The TA-assigned grade may be used only if it raises the student's grade, or may not be binding on a reviewing LRW faculty member.

Other programs limit the impact of the TA's grading responsibility by the fact that the first-year legal research and writing course is Pass/Fail or some variation of that grading scheme. The schools in which TAs grade are slightly more likely to have a variant of Pass/Fail grading. Of the 35 schools that allow TAs to have a part in the grading decision, 54% (19) have a purely graded course, 37% (13) do not. It is also noteworthy that in many of those schools in which TAs do have some grading responsibility, the grading is largely ministerial, with the TA merely checking library research or citation assignments (presumably against an approved answer key).

Grading As A Teaching Tool

John C. Dernbach
Widener University School of Law

In most law school courses, grading has essentially a single purpose: evaluation of student performance. Evaluation is also important in grading legal writing papers. But in legal writing courses, another purpose is at least as important, and perhaps more so: teaching. Because students have many memos or briefs graded over a semester or year, they want to learn how to improve their performance on earlier papers, and will look to the teacher's comments for guidance. Grading, then, can be of enormous value in teaching.

The value of grading was explored in a workshop run by Joseph Kimble of Thomas M. Cooley Law School, K.K. DuVivier of University of Colorado School of Law, and me. Before the workshop, Joe sent K.K. and me a copy of a student memo, and asked us to grade it as if the writer were one of our students. At the workshop, each of us explained in detail how we evaluated this paper.

Much of the workshop was devoted to the details of this particular memo and our individual grading techniques. Let me make some more general observations about grading.

1. Grade what you have taught.

For most teachers, this means grading from the text as well as any supplemental materials or ideas that the teacher has provided. Students are guided by the text, the guidance is reinforced by classroom discussion or exercises, and then they are graded according to the same guidance. Students get a consistent message about what is expected, and this consistency reduces confusion.

2. Decide how to weigh each part of the paper.

Each part of a memo or brief is important, of course, but some parts are more important than others. In a memo, for example, teachers need to decide how much of the grade should go to the questions presented, statement of facts, brief answer (if required), discussion, and conclusion. In addition, teachers also need to decide how much to weigh organization and other parts of the discussion.

3. Provide detailed feedback.

Each of us gives a student a sheet with additional comments not marked on the paper itself. My grading guide for a memo includes a numerical score for each part of the memo as well as organization, sign posting, grammar/writing, and citation form. The discussion score is broken down by issue and sub-issue. The numerical score for each is based on the principles in the text I co-authored, A Practical Guide to Legal Writing and Legal Method (2d ed. 1994). Students find out exactly how they did on each part. Students have responded positively to the grading guide.

Those who attended the workshop generally agreed that we need to talk more about how we grade. Joe Kimble and K.K. DuVivier deserve a lot of credit for raising this issue. In the last 15 years, we have come a long way toward demystifying legal writing. We will not succeed unless we demystify the way we grade.

More Than Surviving Grading Papers:

Insights From Experienced Legal Writing Teachers

Anne Enquist
Seattle University School of Law

Anne Enquist surveyed 34 experienced legal writing teachers (average of more than 10 years experience each) from 33 different law schools about a variety of issues related to critiquing and evaluating law students' legal writing. The consensus of the group was that critiquing and evaluating papers was of the "utmost importance"; indeed, half of the group identified commenting on and grading papers as the most important activity in the legal writing professor's job.

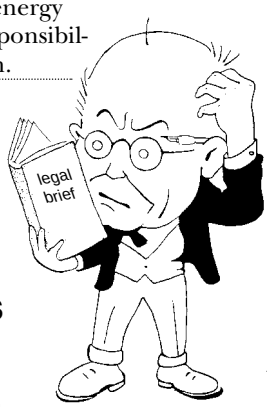
Of the particular strategies that these experienced professors recommended for novice legal writing faculty, the top two were (1) being selective about commenting on papers and avoid overwhelming students with too many comments, and (2) being sure to include positive comments in a critique. There was a wide range of opinion among the surveyed group over whether rewriting or editing students' work was a good teaching strategy.

When asked what pitfalls about commenting on and grading student papers a

novice legal writing faculty member should be aware of, the group again named over-commenting on student papers as the number one pitfall. The next and most commonly mentioned pitfall was not paying enough attention to the tone of one's comments. Sarcasm was singled out as a particularly dangerous tone to adopt in comments. Specific comments to avoid that were named by the group included ambiguous comments, especially one-word labels such as "awk," "vague," and "huh?" and overly negative or angry comments.

Despite the group's strong consensus about the importance of commenting on and grading papers, a majority of those surveyed acknowledged that their institution does not have extensive or on-going preparation on critiquing and evaluating papers for their legal writing faculty. Most of those surveyed said that they themselves learned to critique and evaluate either by trial and error or by paying attention to student feedback on their comments.

When asked about their own attitude toward commenting and grading, some of those surveyed said they love it, some said they hate it, and most described a love/hate relationship. Many talked about what an important responsibility commenting and grading is, and almost all were at least somewhat overwhelmed by the time and energy demands this responsibility makes of them.



A View From the Bench: Do Legal Writing Programs Teach Students to Write the Kind of Briefs Judges Want to See

Jennifer Zavatsky,
Seattle University School of Law

Prior to the conference, Professor Zavatsky selected four student briefs for a group of "real" appellate judges to review. The four briefs consisted of "A" and "B" briefs and were graded originally by two experienced law professors. The group of appellate judges consisted of three Washington State Court of Appeals judges, two female judges and one male judge.

The judges were asked to read, critique, and rank the student briefs. After reviewing the briefs, the judges met with Professor Zavatsky and discussed the papers. The judges were virtually unanimous in their rankings of the briefs: The "B" briefs were judged better than the "A" briefs.

At the conference, the participants were asked to read, critique, and rank excerpts from the four student papers. The results were fairly mixed; some professors ranked the briefs in the same order as the judges' rankings while others were more consistent with the original professors' grades.

In addition to reporting on the judges' and the rankings of the briefs, Professor Zavatsky also reported on the judges' comments on the briefs. The judges reported that the most important component of a brief is the statement of facts: all three judges agreed that if the court does not know "who did what to whom," then the attorney has no chance of making a winning argument.

Professor Zavatsky is now gathering more data and will eventually prepare a comprehensive report of her findings. For additional information, you may contact Professor Jennifer Zavatsky at Seattle University School of Law, 950 Broadway Plaza, Tacoma, WA 98402. Her e-mail address is jennyz@su.edu.

Having Students Score and Evaluate Student-Generated Texts in Small Groups: A New Twist on Collaborative Learning

Sylvia Robertshaw, University of Mississippi School of Law

In this presentation, Professor Robertshaw demonstrated a classroom teaching sequence that she developed for use in the legal writing classroom, and discussed its possible uses in first-year writing programs. The exercise takes students through a four-step process to read, score, discuss, and assess a series of student-generated texts written in response to a legal writing assignment that they have just completed. This exercise incorporates at least a couple of useful pedagogical tools— not only do students critique student-generated texts, but they also work in collaborative groups to negotiate among themselves the criteria for evaluating legal writing papers.

If you attended the presentation and tried the exercise, please contact Professor Robertshaw to describe how the exercise worked with your students. If you did not attend the presentation and would like more information, including: (1) what this teaching sequence consists of, (2) when in the semester it may be useful, (3) some of the potential benefits of the exercise for students as developing legal writers, and (4) sources of the exercise, please contact Professor Robertshaw at University of Mississippi School of Law, University, Mississippi 38677.

NEWS

Meeting of AALS Section on Legal Writing, Reasoning, and Research at 1995 AALS Annual Meeting in New Orleans

The Section Program for the Section on Legal Writing, Reasoning, and Research, a debate entitled "Building MacCrate's 'Educational Continuum' in the First Year: Ideals and Practicalities" is scheduled for Friday, January 6, 1995 from 3:30 to 5:15 p.m. A brief Section meeting will precede the debate. The business of the meeting will include proposed amendments to the Section by-laws and the election of a Section secretary. The Section luncheon will be held at noon on Friday January 6. An informal gathering for directors of legal writing programs will be held Thursday evening, January 5.

Directors' Conference

Jan Levine at Arkansas has organized a conference for directors of legal writing programs, which will be held at California Western School of Law in San Diego on Friday, July 28 and Saturday, July 29, 1995. West Publishing Company will be co-sponsoring the conference and plans to publish a set of conference proceedings. If you are interested in more information about this conference, write, call, or e-mail Jan M. Levine, Associate Professor, Director, Legal Research and Writing Program, University of Arkansas School of Law, Fayetteville, Arkansas, 72701, (502) 575-7643, jlevine@mercury.uark.edu.

Legal Writing Problems Now Available on the Internet

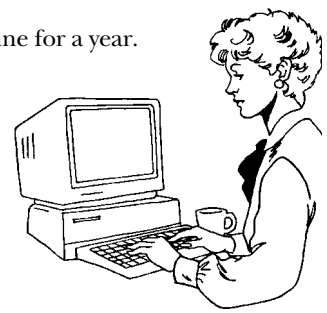
Most legal writing faculty are required to create "problems" in the form of hypothetical fact patterns that present legal questions. In an effort to allow legal writing faculty to share more easily the problems they create, the Legal Writing Program of the Villanova University School of Law has established PROBNET, a computerized repository for legal writing problems. This repository can be accessed through the Internet. Since universities can provide access to the Internet, legal writing faculty can gain access to PROBNET fairly easily.

PROBNET is designed to serve as a vehicle for efficient exchange of legal writing problems. Through PROBNET, legal writing faculty can make available problems used successfully at their schools, and obtain new problems used successfully at other schools. The problems available on PROBNET include some form of an "answer," such as a sample memo, an outline, or, at the very least, a list of relevant authorities. Since a user must enter a password to use it, PROBNET is secure from students.

If you are interested in using PROBNET, please contact Professor Louis J. Sirico, Director, Legal Writing Program, Villanova Law School, Villanova, PA 19085-1682.

Internet Discussion Group

The legal writing discussion group, Legalwrite, has been on-line for a year. To subscribe, send a message to Listserv@STMP {listerserver@chicagokent.kentlaw.edu} In the body of the message write "subscribe LEGALWRIT-L (YOUR NAME) (YOUR SCHOOL)" Don't include the quotation marks and on the line Subj: just write Legalwrit-L.



Legal Writing Institute Committees, 1994-1996

The following is a list of the committees of the Legal Writing Institute and their chairs for 1994-1996. If you are interested in serving on a committee, please contact the chair.

Accreditation and Academic Standards
Richard Neumann, Hofstra, chair

Plagiarism
Terri LeClercq, University of Texas, chair

Mentoring
Susan McClellan, Seattle University, co-chair
Jenny Zavatsky, Seattle University, co-chair

Idea Banks
Martha Siegel, Suffolk, chair

Newsletter
Joan Blum, co-editor
Jane Gionfriddo, co-editor
Francine Sherman, co-editor

Regional Conferences (the following people have agreed to be contact people for regional conferences)
Laurel Oates, Seattle University, general contact
Philip Genty, Columbia, Northeast
Helene Shapo, Northwestern, Upper Midwest

The following is a list of Legal Writing Institute Board Committees for 1994-1996:

Executive Committee
Anne Enquist
George Gopen
Steve Jamar
Laurel Oates
Chris Rideout

Elections
Chris Wren, chair
Katy Mercer

Program Committee for 1996 Conference
Laurel Oates, chair
Steve Jamar
Chris Kunz
Terri LeClercq
Helene Shapo
Chris Wren

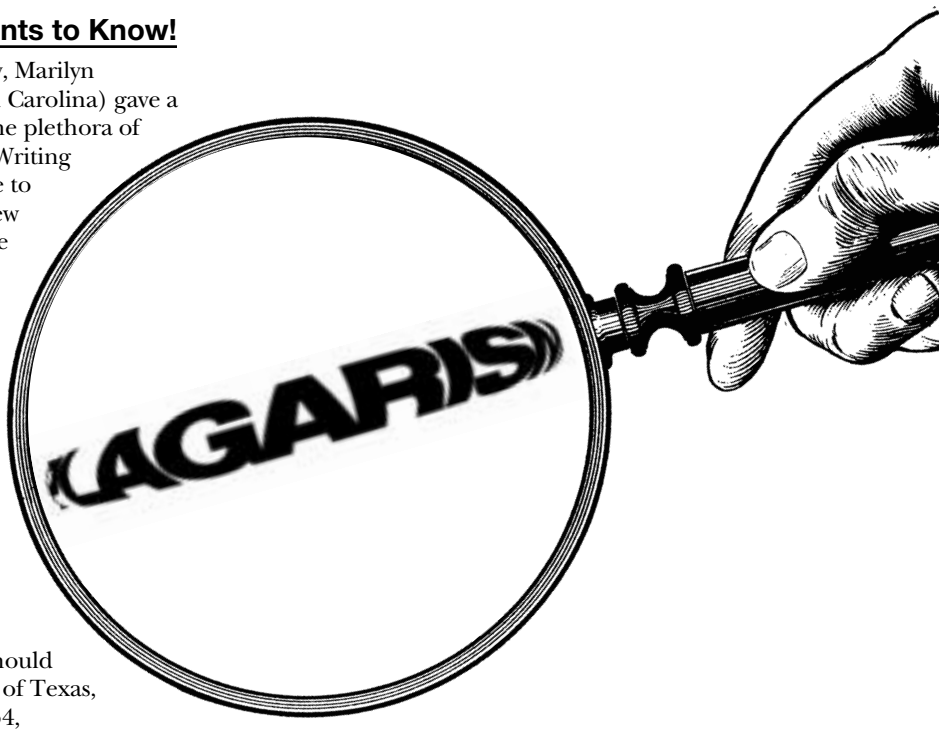
Conference Policies and Procedures
Anne Enquist, chair
Diana Pratt

Editorial Board, Journal
Chris Rideout, editor-in-chief
Rebecca White Berch
Susan Brody
Anne Enquist
George Gopen
Katy Mercer
Diana Pratt
Jill Ramsfield
Marjorie Rombauer
Kristin Woolever

AALS Section on Academic Support Programs

An organizational session for the AALS Section on Academic Support Programs will be held at the AALS annual meeting on Sunday, January 8, 1994 from 8:30 a.m. to 10:15 a.m. The session will begin with a presentation on the importance of Academic Support Programs to law schools, and continue with a question and answer session about why an AALS section on Academic Support Programs should be formed.

What is Plagiarism? The Institute Wants to Know!



At the Legal Writing Institute Conference last July, Marilyn Yarbrough (Associate Provost, University of North Carolina) gave a provocative speech on the confusion created by the plethora of definitions of plagiarism. In response, the Legal Writing Institute's Board of Directors created a committee to investigate. Terri LeClercq, chairperson of the new committee, is asking for volunteers to examine the many definitions of plagiarism and then create a status report for the Board. Last year's issue of the Second Draft elicited many definitions, but this committee will systematically isolate various elements: intent, punishment, collaboration, methods of attribution, etc.

If the report concludes that a national definition for the Institute will help alleviate the problem of plagiarism in many law schools, the committee will also suggest that the Board circulate a draft definition to the membership for a vote. If adopted, the definition will be shared with AALS, ABA, and AAUP.

Anyone interested in serving on this committee should contact Terri LeClercq, School of Law, University of Texas, 727 E. 26th Street, Austin, TX 78705 (512-471-0654, TLECLERC@msmail.law.utexas.edu).

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