



LWI LIVES

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LWI Lives is a regular electronic publication of the “Faces of LWI” Committee, which explores and communicates the emerging identity of LWI and its members. We have in common the commitment to being the best legal writing professors that we can be. But we are multi-dimensional people with different strengths, interests, curiosities, and gifts. By profiling individuals in our community, we hope to expand and develop our understanding of who we are and what we aspire to be.

Shelter-in-Place Edition

To finish out the sixth volume of *LWI Lives*, we’re changing gears a bit. Instead of profiling members of the LWI community, we decided we’d like to hear from you about the impact the coronavirus pandemic has had on your lives. We are grateful for the many submissions we received and are delighted to publish the eleven short essays that you’ll find in this issue. I believe they successfully capture a moment in time and reflect both broader cultural trends (pandemic cooking, disrupted plans) as well as challenges that are specific to teaching (learning new technology, finding new ways to build community online).

The issue includes observations on sheltering in place from the following members of the legal writing community:

- * **Mirielle Butler**, UC Berkeley
- * **John Cook**, Elon University
- * **Megan Davis**, University of Houston
- * **Olympia Duhart**, Nova Southeastern University
- * **Rebekah Hanley**, University of Oregon
- * **Anne Johnson**, Mercer University
- * **Megan McAlpin**, University of Oregon
- * **Mary Ann Robinson**, Villanova University
- * **Joyce Rosenberg**, University of Kansas
- * **Robyn Stanton**, Stanford University
- * **Irene Ten Cate**, University of Houston

I know that, for me, the legal writing community has been a source of comfort, resources, training sessions, good humor, and collaboration during the COVID-19 pandemic. My law school dean has ended several faculty meetings this summer with this mantra: *While we might not have signed up for this, we are built for it.* I think that applies not only to each of us personally but to the legal writing community as a whole.

It’s our pleasure to share these stories with you.

- Rebecca Rich, on behalf of the LWI Lives Committee

Edited by
Rebecca Rich

What I Learned In Advanced Legal Writing for LLM Students, Spring 2020

Mireille Butler, UC Berkeley School of Law

When I first came to the United States, many years ago now, and started law school, I felt very alone and disoriented. For all students, law school is a challenge. For ESL students, it is a formidable one, filled with self-doubt. All of a sudden, the smart, hard-working person you are in your language becomes useless and stupid in English. Then, there is the cultural challenge of accommodating to life in a different country—a country with different foods, customs, social ways. (Why is it rude to stare? In my country, staring at people while sitting in a café is a national pastime. And why do strangers smile and say hello to you in the street, thus making you wonder if you know them?) Finally, there is the constant ache of being oceans away from friends and family.

When schools started shutting down this spring, many of my LLM foreign students had to choose between trying to catch the first flight home and potentially endangering their family and friends there, or staying in the U.S., often in precarious circumstances. Instead of enjoying an experience for which they had made great financial sacrifices—the benefits of a U.S. campus and direct interactions with professors—they had to hunker at home and deal with online classes, while trying to entertain their five-year-old kids. Yet, they remained eager to write, be critiqued, and write again; maintained perfect attendance; turned in all their homework; and taught me how to use a Star Wars background on Zoom. Their resilience, perseverance, and good cheer were a lesson in courage.

While I may have taught my students this spring how to write an effective memorandum or a persuasive argument, what they taught me is much more valuable—how to live cheerfully in a time of uncertainty.



COVID-19: Getting by With a Little Help From My Friends

John Cook, Elon University School of Law

There is no question that the COVID-19 pandemic has placed law faculty into very difficult circumstances. When I think of how I've managed to get through this situation, one of the most applicable quotes has been the Beatles' lyric "I get by with a little help from my friends."

Before COVID-19, I had taught one hybrid on-line class, where one student attended online and six attended in person. Generally, it went quite well. However, teaching a class completely online is different, and teaching legal writing online has unique challenges. Notably, my number one trick to improve students' writing has been one-on-one student conferences, where the ability to pass papers back and forth is essential. Obviously, the pandemic removed that option.

Yet, although this trimester has been challenging

and difficult, it has gone far better than I expected. Training in online teaching rapidly got us up to speed. Our dean sent us off with an encouraging email that set the tone for the trimester. Library staff went above and beyond the call of duty to attend our online classes to support our technological needs.

As the trimester nears its end, student fatigue has certainly set in. Regardless, most students have risen to the occasion to the same degree as faculty and staff. While online learning may not have been ideal, it came reasonably close to the caliber of instruction students would ordinarily have received. But for the help that came my way, the outcome might well have been different.

Although it is quite doubtful that the Beatles envisioned online classes at the time of their song, I certainly have gotten by with a little help from my friends this past term.

Death of a Summer

Megan Davis, University of Houston Law Center



She teared up. Bless her heart. It gutted me. Maybe it was that we were both exhausted or just tired of being home. We were both sad to see summer die.

Camp was cancelled because of the coronavirus. It was the last event left on our 2020 calendar. Maybe it was the

idea that summer camp takes you away from responsibility, school, and your parent's watchful eye. Maybe it was that camp is where kids swim too long, eat sweets, laugh, have shaving cream fights, and pretend to not know what happens in the world around them. It is a bubble of innocence. A release and escape from the world around us.

For us, the coronavirus has meant being locked in the

walls of our townhouse for weeks. No playdates. Hours of Zoom calls and online learning. Many hours of sibling love and equal time in sibling arguments. But, camp was supposed to be the respite. The break. The release of the steam in this boiling teapot we call home.

Summer camp can be so trivial in a world with death, sickness, abuse of power, and riots. But, for a child, it held hope of a break from the weight of the world. And this summer, she won't get that break. Instead, she will carry the weight for another year. She will be a little older, wiser, and more exposed to the world around her because this summer, she was not allowed to run freely in the canyon and be a kid or insulate herself. Instead, she will spend her summer continuing to be locked in our home—watching the news, fearing the invisible virus, stuck in a world where her sister and I never leave. COVID-19 killed my daughter's innocent summer.

Love in the Time of Coronavirus

Olympia Duhart, Nova Southeastern University Shepard Broad College of Law

It's no secret: I love people.

I get energy from talking to them, listening to their stories and making them laugh. And I especially like realizing that someone I thought I knew for a long time has little layers I have not yet discovered. The new knowledge doesn't have to be salacious, either. It could be realizing that a friend was in a thrash metal band back in the day. Or that a reserved colleague did Moot Court in law school. Or that a student is related to Elvis Presley. Life can be difficult and rough. But learning more about the people in your orbit is a good way to smooth the jagged edges. Every new person you meet—or old acquaintance you get to know better—possesses unique, wonderful stories. All you have to do is linger after a meeting, smile at the stranger sitting next to you on the plane, or listen.



But in the Time of Coronavirus, we have lost many of the found opportunities used to help us build friendships. You can love people from a distance but getting to know them is harder through the instability of the internet, frozen Zoom screens, and the anxiety that fills the air. Not impossible, though. You can send an encouraging email to an acquaintance, smile at the student on your screen or listen to a colleague on the other end of the phone. They may share a part of their world with you. A memory of better days. Disappointment over lost opportunities. Or fears for the future. With life's uncertainty, the layers are peeling back more easily. And engaging with people in your orbit—even virtually—is even more important now as we struggle to know ourselves and understand this new world. Love is still possible.

Managing Uncertainty: A Pandemic Lawyering Lesson

Rebekah Hanley, University of Oregon School of Law

Students are asking important questions about the future. We offer stock responses. “Maybe.” “It depends.” “Probably; we need to wait and see.”

We don’t have clearer answers because we are not in control. The virus is. We look to a century-old pandemic precedent to predict the timeline for reopening classrooms and courtrooms. But a new virus, thriving in an era of unmatched global connectedness, makes that precedent readily distinguishable.

Sounds familiar. “The argument may be persuasive.” “It depends.” “The court will probably grant relief; we need to wait and see.” This is the kind of uncertainty we have long taught students to manage. But lawyers manage other kinds of uncertainty, including the kind that the COVID-19 pandemic creates.

When I was a student, a transactional lawyer warned me against pursuing a career in litigation: “Litigating is like constantly having to prepare for final exams although you know they’ll almost certainly be postponed or cancelled.”

He was right. As a litigator, I resigned myself to miss-

ing my best friend’s wedding, despite being in the wedding party. I was the most junior attorney on a team whose trial kept getting continued. My social calendar meant little to the client, judge, and senior lawyers. Trial was calendared for the week of the wedding. I told the bride to plan for my absence. I never had my dress tailored. Then a last-minute continuance—predictably unpredictable—sent me cross country on a day’s notice. I walked the aisle in a taffeta tent.

After litigation practice, academia’s semester-based regularity was a relief. The students and I work through the uncertainty inherent in legal predictions, but we know where we’ll meet and when the memo is due. Now, COVID-19 has overturned settled precedent, upending cold calling, curves, closed-book exams, and more. Uncertainty abounds, but this is clear: COVID-19’s legacy will include lessons in tolerating the unknowable, just as the practice of law demands.



Time During a Pandemic

Anne Johnson, Mercer University School of Law

In March, as the number of coronavirus cases swelled, I shopped for cleaning supplies. I found crowds near the Lysol spray, Clorox wipes, and bleach. This seemed odd, so I bought two of each, and a small bottle of hand sanitizer for my purse, just in case.

One week later, a state of emergency was declared and Mercer Law School and universities nationwide proved their agility by moving instruction online within one week. Faculty, staff, and students sheltered in place to

save lives and adjust to this new “unprecedented” reality. Zoom trainings and resources sprang up as we collectively learned new emergency online teaching techniques. We



checked on each other. Are you ok? Have you been exposed to the virus? Are you healthy enough to finish the semester? Do you have food and supplies? Be safe, we implored.

Roadblocks to academic success were lifted and playing fields leveled as grading systems became pass/fail. We learned to change our Zoom backgrounds, organize breakout rooms, and respond to questions on chat, all while ensuring ADA and ABA compliance. Yet as our days changed, amid the chaos, the teaching and the Zoom meetings, this pandemic gave me the gift of time. Time to reflect. Time to call students. Time to write. Time with family. Time to dream. Time to exercise. Time to see the beautiful yellow orchard cardinals on my feeder. Time to realize that, while we may not be any safer than when we first sheltered in place, next semester will be better than last. We now have time to implement best teaching practices. Time to protect the safety of students, faculty, and staff. Time to use our cleaning supplies. Time to wash our hands and time to be kind.

Plans and Pandemics

Megan McAlpin, University of Oregon School of Law

When Oregon Law hired our current dean, I was happily teaching LRW and preparing to become ALWD's president. Plan interrupted. Our dean asked if I would be willing to create an academic success program.

The idea seemed both tempting and safe. I would start the new role in academic success after my ALWD presidency, and I would be guaranteed the return to my LRW classroom after launching the new program. With children who were busy with school, friends, and sports, I felt like the timing was right.

So I accepted the dean's offer with a schedule in place. The 2020-2021 academic year would be my final year of building the academic success program. It would be the year that I fully demonstrated the need for the program, turned the program over to a new hire, and returned to the legal writing classroom. I am very good at making plans.

And now, here I am in the midst of a pandemic, trying to figure out whether there is anything in those

plans that can be salvaged.

How can I demonstrate the success of this program in a time when *everything* about legal education seems to be changing? And how can I do this all while becoming teacher and coach for my no-longer-busy children? How am I supposed to transition the program to that new hire when our university has frozen all hiring? And when will I return to my legal writing classroom or, let's face it, *any* classroom?

So I am doing my best to cope with the uncertainty and to jettison the unsalvageable plans. I'm learning to teach my children and ruthlessly prioritize my work. And I'm hoping that when I do return to my LRW classroom, I will be better for it all.



The "Peeps" Show Must Go On

Mary Ann Robinson, Villanova University Charles Widger School of Law

During this time of upheaval, with so much change, my family continued one spring-time tradition that we have done every year since my (now-grown) children were young. We create a scene using that all-time family favorite—Marshmallow Peeps. What began as a simple Easter Sunday activity when the children were little has grown into a more complex project, usually requiring more than a single Sunday afternoon. Past favorites include constructing (and setting aflame) a scene from Game of Thrones and recreating the State of the Union Address. (I'm available to consult on creating an orange Peep.)

This year's tableau recognizes the extraordinary efforts of everyone working from home, especially my "peeps" who have to balance childcare with work obligations.



Peepocalypse 2020: Working from Home

Victory is in the Kitchen

Joyce Rosenberg, University of Kansas School of Law



VICTORY IS IN THE KITCHEN, says a World War II-era poster on my kitchen wall. We have dinner together every night. I cook, putting away my laptop in the late afternoons.

I make roast chicken with crispy potatoes. Loaded nachos. Rigatoni with vodka sauce. Deep dish pizzas and decadent pans of chicken parm. Cheeseburgers, dripping and smoky from the grill. A new cake every week. Food for young metabolisms.



Sometimes dinner is my only real interaction with our three sons (19, 17, and 13). I don't blame them for keeping to themselves. Their lives have been upended so completely, much more than mine. The holding pattern—teaching from home—is fine for me. The holding pattern is not fine for them.

As I work in the kitchen, I think about my sons, working to become adults. They need their friends and structure and role models other than their parents. My college student needs to be at college. Time, for them, is of the essence. And I think about my students. I hope someone is cooking for them; I hope they are cooking for themselves.

It seems this online-only life may continue into the fall. Our dean asks us to make plans. Can I build a community with 1Ls who have never met me, have never met each other? I imagine sharing recipes, afternoon groups cooking by Zoom. I make lists of cookies to deliver. I have doubts: Maybe sharing food is too personal, too domestic, unprofessional. Maybe I should stick to the Bluebook.

My youngest wants to learn to make a French omelet, so I close my laptop and teach him.

“What do you think is gonna happen, Mom?”

“I don't know, hon. We'll figure it out.”

“Mmm, this is pretty good.”

The White Knuckled Maiden Voyage

Robyn Stanton, Stanford Law School

As maiden voyages go, and despite having practiced law for 30 years, this is an adventure. The first words of encouragement offered when I asked a tenured professor for suggestions about making my classroom a vibrant space: “Let's hope you don't have to teach your class online.” With that, and two weeks to go until the start of the quarter, there I be. Rewriting the course, learning Zoom, fixing buggy software (myself). Really, what can go wrong?

Everything.

I'm up most nights by 3:30, fretting, tinkering with the content. My few hours of sleep are filled with fevered dreams about break-out rooms, polls, appropriate homework assignments, doctrine versus drafting, and skills-building exercises. What I've learned thus far is this: Students are resilient, forgiving, and willing to play. They'll work really hard, parsing challenging subject matter, provided it captures their imagination. They love real-world stories and building real-world skills, envisioning themselves in practice. Story-telling is key. Hypotheticals from a client's perspective help. They've learned very well that being a lawyer means that their clients don't care about indemnities, though they must (but in the background). They've also learned that their job is understanding and embracing the more meritorious goals of their clients, but knowing when a client's wishes are just plain stupid. Advocating for their client means mitigating risks, but ultimately striking a balance, and advising accordingly. My journey has been rewarding, maddening, and sometimes plain funny. For instance, inadvertently projecting (in student-view) my personal slide notes, which may have included such things as “don't forget to pick up some lettuce for dinner.”

In conclusion, I ask again, what could go wrong? Everything. Yes, I've gotten lost on hikes in Yosemite, admittedly more terrifying, but still emerged alive, and still with a semblance of comedic timing. This has kinda been like that.



Boundaries

Irene Ten Cate, University of Houston Law Center

When my university announced its decision to implement remote teaching for the remainder of the spring semester, I emptied out my rental apartment in Houston and flew to New York City to shelter in place with my husband. Over the next few weeks, I taught synchronous online classes while awaiting the results of my husband's COVID test; after learning that a middle-aged acquaintance had died alone in his apartment; and with the image of a patient being carried into an ambulance freshly etched in my memory.

The most dramatic shift in tone happened during individual conferences. Students were alarmed by news reports about New York City and, in a bit of a role reversal, expressed concerns about my safety and well-being. They also shared how the disruption affected their lives. Many feared that their summer jobs would get canceled, and almost all were anxious about the longer-term impact of the economic fallout on their careers. Some were afraid their parents might get sick

or lose their livelihoods. One student told me about her college friend, a young teacher who was intubated in an ICU in Brooklyn after initially being turned away. Naturally, the transition to online learning and the faculty vote on how to handle grading were frequent topics of discussion. A few students, craving normalcy, were eager to just focus on their research and drafts.

They were still first-year law students, and I was still their professor. But we were also adults who found ourselves in the same boat, struggling together to process what was happening and trying to adjust to new forms of teaching and learning. And I think all of us came to realize that we are at once more vulnerable and stronger than we knew ourselves to be.



Dining out in the time of COVID-19

Committee Members

LWI Lives Selection Process

The LWI Lives Committee is organized into three teams, and each team is responsible for selecting, proposing, and writing the profiles in each issue. To ensure a diverse newsletter, teams propose individual names to the Co-Chairs, and the Co-Chairs review the suggestions to ensure a wide range of coverage over time.

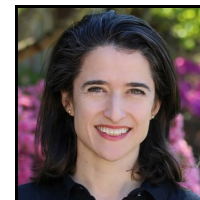
If you have someone in mind who we should put on the list for a future newsletter, please feel free to email any of the committee members listed below. If you could include a note explaining why you think the individual's profile would be particularly interesting, it will help us in developing priorities.



Grace Hum
Co-Chair, UC Hastings
humgrace@uchastings.edu



Rebecca Rich
Co-Chair, Duke
rich@law.duke.edu



Joan Rocklin
Co-Chair, Oregon
jrocklin@uoregon.edu



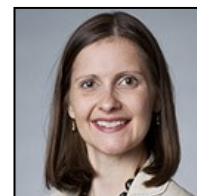
Cindy Archer
Loyola, LA
cindy.archer@lls.edu



Elizabeth Berenguer
Campbell
berenguer@campbell.edu



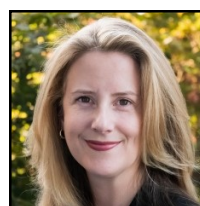
Alexa Chew
UNC
achew@email.unc.edu



Whitney Heard
Houston
wwheard@central.uh.edu



Jody Marcucci
DePaul
jmarcucci@depaul.edu



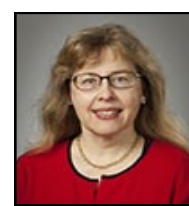
Brooke Ellinwood McDonough
George Washington
bellinwood@law.gw.edu



Dyane O'Leary
Suffolk
dloleary2@suffolk.edu



Allison Ortlieb
DePaul
aortlieb@depaul.edu



Nancy Soonpaa
Texas Tech
nancy.soonpaa@ttu.edu