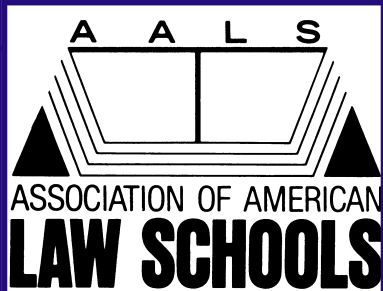


Fall
2007

20 Pages

Legal Writing,
Reasoning, and
ResearchMessage from the AALS Section
Chair:

Susan Hanley Duncan
Louis D. Brandeis School of Law,
University of Louisville



As I write this message, I can hardly accept that summer is over and we are well into the fall semester. Each passing year seems to go quicker than the last. The legal writing community continues to be very active participating in numerous activities. Here are some of the highlights:

Beginning Legal Writing Teachers' Workshop: On June 30 and July 1, over 50 new legal writing teachers were welcomed to the profession at the AALS Workshop for Beginning Legal Writing Teachers in Washington, D.C. The AALS hosts this workshop in odd-numbered years, not coincidentally the years in which LWI is not hosting its summer conference. The AALS program began on Saturday, June 30, a couple of hours after the Workshop for New Law Teachers ended (so that new legal writing faculty could attend both.). Speakers included Lori Bannai (Seattle), Patricia Broussard (Florida A&M), Linda Edwards (Mercer), Suzanne Rabe (Arizona), Amy Sloan (Baltimore), and Craig Smith (Vanderbilt). The workshop was a tightly-packed 24 hours, with participants learning about conferencing; problem design; nuts and bolts; legal research; legal writing scholarship; and every teachers' favorite task, critiquing papers. The participants were welcomed by Mary Beth Beazley (Ohio State) as well as by Kent Syverud (Dean, Washington University St. Louis) and AALS Executive Director Elizabeth Patterson. Thanks to all our colleagues who made this a huge success.

Our colleagues planned several other engaging work-

shops during these past months. Details about these conferences and workshops can be found in this newsletter.

Website Changes: The Website Committee of the AALS Section on Legal Writing, Reasoning, and Research continues to provide up to the minute information to all section members on areas of interest to the

legal writing community. Current and past editions of the Section newsletter may be found on the website. Also, the website contains information on the AALS Annual Meeting that may be helpful to its members. For example, sample Program proposals are included for those who are considering making a presentation. The Committee has also organized a list of specific events that may be of particular in-

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(Message from the Section Chair, Continued from page 1)

terest to its members. The website also continues to be a hub of all information on the web that may be useful, including links to LWI, ALWD, legal writing blogs, and a collection of information on funding of legal writing scholarship. Thanks to Todd Bruno and his committee. Please check out our fantastic website at <http://faculty.law.lsu.edu/aals/>.

Section Award Nominations: Don't forget that we are now accepting nominations for the Section Award to be given at our Section lunch. The award is made periodically to an individual who has made a significant lifetime contribution to the field of legal writing and research. Last year's winner was Anne Enquist, who joins past winners: Ralph Brill, Mary Lawrence, Helene Shapo, Laurel Oates, Marjorie Rombauer, Marilyn Walter, and Terri LeClercq. The deadline for nominations is November 15th.

Activities Planned for the Big Apple in January

2008: Mark your calendars for our Section program, "Writing Across the Curriculum: Professional Communication and the Writing that Supports It," **on Friday, January 4th, at 8:30 a.m.** Andrea McArdle has done a fantastic job planning a panel which will address the role that varied forms of writing can play in professional legal education and draw connections with developments in writing-based education of doctors and teachers. Please see the article on page 3 in this newsletter for all the details. You won't want to miss this.

Golden Pen Award (January 3, 2008, at 6:30 p.m.):

This year's Golden Pen Award goes to the Honorable Ruggero J. Aldisert, Judge, United States Court of Appeals for the Third Circuit. Judge Aldisert has served as a federal appellate court judge since 1968. He served as chief judge from 1984-1986. In addition to a distinguished career on the bench, Judge Aldisert has made many valuable contributions over the years to the field of legal writing, including, but not limited to, several books: *Winning on Appeal: Better Briefs and Oral Argument*, *Logic for Lawyers: A Guide to Clear Legal Thinking*, and *The Judicial Process: Text, Materials and Cases*. From 1963-1986, Judge Aldisert also found time to serve as an adjunct professor at the University of Pittsburgh School of Law. He has contributed a great deal to the education of students and lawyers in the area of legal writing. For

these reasons, Judge Aldisert was chosen as the next recipient of the Golden Pen Award, which will be conferred in New York on Thursday, January 3, 2008, at the Association of American Law Schools Annual Meeting.

Thomas Blackwell Award (January 3, 2008, at 6:30

p.m.): Diana V. Pratt is the newest recipient of the Thomas Blackwell Award. The annual award is jointly given by LWI and ALWD in memory of Thomas Blackwell to a person who has made an outstanding contribution to the field of legal writing. Professor Pratt started teaching legal writing at Wayne State University Law School in 1981 and just retired this July. A pioneer in the field, she published one of the early textbooks in legal writing, now in its fourth edition. She was a regular presenter at LWI conferences and a member of LWI's Board of Directors for seven years. Professor Pratt co-hosted, with Grace Tonner, two LWI Conferences at the University of Michigan. She has also served on the Editorial Board of the LWI's *Legal Writing: The Journal of the Legal Writing Institute*. Additionally, Professor Pratt has served in all the offices and as Chair of the AALS Section of Legal Writing, Reasoning, and Research. Professor Pratt has tirelessly devoted herself to the struggle to professionalize the field of legal writing on a local and national level.

Board meetings: If you have any thing you would like either the ALWD or LWI Boards to consider during their January Board meetings, please e-mail:

Susan Hanley Duncan, LWI President,
susan.kosse@louisville.edu.

Terry Pollman, ALWD President,
terrill.pollman@unlv.edu

Finally, on a personal note, some of you may have noticed my name has changed since my last column. On October 6th, I married Kevin Duncan. Our blended family contains seven children (six girls and one boy)! You can imagine what a busy fall I am having!

As always, feel free to contact me with any ideas, issues, or concerns. See you in N.Y.C.

Susan

***AALS SECTION ON
LEGAL WRITING,
REASONING, AND RESEARCH:
2008 PROGRAM HIGHLIGHTS WRITING
ACROSS THE CURRICULUM***

By Andrea McArdle, CUNY School of Law

The Section on Legal Writing, Reasoning, and Research turns its attention to broader, and more varied, writing coverage in law school curricula in its upcoming Annual Program. As every legal writing teacher knows, law students who struggle to master professional conventions of language and form in law office memoranda, client letters, and briefs to a court can lose sight of the fact that these professional writings are produced in the context of a human interaction. Preoccupied with attaining technical accuracy, novice writers often fail to address the human circumstances—a client’s concerns, goals, and expectations—that prompt a legal inquiry. In short, they may neglect to step back from a professional communication task and reflect on the professional relationships beneath it.

In the lexicon of Writing Across the Curriculum (“WAC”), novice legal writers would benefit from opportunities to write in expressive (writer-focused and exploratory) and poetic (attentive to form) modes as a way to negotiate legal ideas and language. Using these forms, they can then circle back to the transactional (more formal and audience-directed) writing that law-trained writers must produce in professional contexts. For example, law students who write about legal situations in non-law-based genres—in short stories, essays, and poetry—can achieve the necessary psychological distance for reflection on professional identity and for a more searching analysis of the relationship between social policy, legal theory, and professional practice.

Just as an increasing number of medical clinicians assign reading and supportive writing in the humanities to guide their mentees toward a more reflective, empathetic approach to professional practice and writing, there are compelling reasons for law schools to draw on WAC approaches. Examining the case for infusing writing across the law school curriculum, the Section pro-

gram addresses the role that varied forms of writing can play in professional legal education and draws connections with developments in writing-based education of doctors and teachers.

A distinguished panel of educators from law, medicine, and teacher education will engage with these ideas from the Writing Across the Curriculum literature: Professors Derrick Bell, Visiting Professor of Law at New York University (NYU) School of Law; Ruthann Robson, Distinguished Professor of Law at City University of New York (CUNY) School of Law; Nancy Levit, Curators’ Professor and Edward D. Ellison Professor at the University of Missouri-Kansas City School of Law; Nancy Lester, Professor of Literacy Education at Medgar Evers College, City University of New York; and Danielle Ofri, M.D., Ph.D., Assistant Professor at NYU School of Medicine and Editor-in-Chief and co-founder of the *Bellevue Literary Review*. Professor Carol Parker of the University of Tennessee School of Law will provide commentary.

Professor Andrea McArdle of CUNY School of Law chairs the program. Participants will draw on their own writing and teaching and incorporate student voices from introspective, narrative, and other non-formal writing to demonstrate how narrative and other literary genres support the professional development of lawyers.

**WANT TO SEE YOUR NAME IN
PRINT?**

**Send any information about your recent
publications,
promotions, moves,
and other accomplishments to
Rachel Croskery-Roberts,
Section Secretary, at rcrosker@umich.edu.**

**Please also send updates on program or
status changes at your law school.**

SECTION CO-SPONSORS PROGRAM AT UPCOMING ANNUAL MEETING WITH SECTION ON WOMEN IN LEGAL EDUCATION AND SECTION ON CLINICAL LEGAL EDUCATION

By Rachel Croskery-Roberts, Michigan Law School

On Sunday, January 6, 2008, from 9:00-10:45 a.m., the Section on Women in Legal Education will hold its panel, "Rise of the Pink Collars: Women in the Legal Academy." This year's program is co-sponsored by both the Section on Legal Writing, Reasoning, and Research and the Section on Clinical Legal Education. The panel will explore numerous aspects of the role of women academics in the law schools and promises to promote lively discussion.

The three Sections have brought together a distinguished panel of experts, including Herma Hill Kay, the Barbara Nachtrieb Armstrong Professor of Law, Boalt Hall, University of California, Berkeley; Pamela Edwards, Acting Associate Dean for Student Affairs and Professor, CUNY; Ann C. McGinley, Associate Dean for Faculty Development and Research, William S. Boyd Professor, William S. Boyd School of Law, UNLV; and Amy G. Applegate, Clinical Professor of Law and Director of the Family and Children Mediation Clinic, Indiana University – Bloomington.

Panelists will present on a wide array of women's status issues in the legal academy. Herma Hill Kay will discuss her research on the history of women law professors in the United States between 1900-2000. Pamela Edwards will present "A Woman's Place is in the Legal Academy." She will discuss the clustering of women, especially women of color, at the lower ranks in the legal academy and the differential starting ranks of women faculty (Assistant Professor, lecturer) versus men (Associate Professor, Professor). The presentation will review empirical research and traditional legal scholarship on this phenomenon as well as its effects on the advancement of women in the legal academy. Ann McGinley's presentation will analyze the gendered expectations of faculty members in the legal academy and how those expectations affect men, women, and trans-

gendered persons in the academy. Amy G. Applegate will present on status and compensation issues for clinicians in legal academia, particularly for female clinicians. In her presentation, she plans to discuss considerations and strategies for increasing (1) the recognition and validation of clinicians' contributions to their law schools, and (2) clinicians' participation in law faculty governance.

Rachel Croskery-Roberts, Clinical Assistant Professor of Law at Michigan Law School and Secretary for the AALS Section on Legal Writing, Reasoning, and Research, will serve as the moderator for the panel. For those of you able to attend, this panel promises to be a wonderful collaboration between several Sections with many overlapping interests and goals.

ONCE UPON A TIME WE HAD A FANTASTIC STORYTELLING CONFERENCE: LWI GOES TO LONDON

By Ruth Anne Robbins, Rutgers School of Law — Camden

What was the biggest storytelling news of the summer? Right, the release of the seventh and final book in the *Harry Potter* series. This article doesn't talk about that, although we could if you'd let us. After all, 80 professionals from 13 countries were there for the book's opening in London. But that's just a coincidence. We were really there to talk about the nature of storytelling as it pertains to the practice of law and the teaching of law students. And for three days that's exactly what we did.

The conference, *Once Upon a Legal Time: Developing the Skills of Storytelling in Law*, took place from July 18-20, 2007 in London. The conference was designed to spotlight what the organizers referred to as "Applied Legal Storytelling." What is Applied Legal Storytelling? Well,
(Continued on page 5)



Conference attendee Jim Levy (Nova) enjoys a (not-at-all cheesy) moment with Professor Robert McPeake of City University Law School in London). Photo by Doreen McKee.

(Applied Legal Storytelling Conference, Continued from page 4)

to borrow and adapt some eloquence from greater legal writing minds than mine, “we know it when we see it.” The conference was sponsored by City University Law School, which is housed at Gray’s Inn in London. Gray’s Inn is one of the four Inns of Court, and all barristers must belong to one of the Inns. City University Law School is a law school that teaches the skills components of legal education to future barristers and solicitors in the United Kingdom. We saw many barristers and their (very nice) cars as we walked about the square on their way to and from Starbucks. Just to round out this paragraph, whose topic was supposed to be “sponsors,” let me now add that the conference’s other sponsor was the Legal Writing Institute. LWI has been hosting more and more international conferences, but this was the first specialized-by-subtopic symposium. It was a smashing success.

The conference began with an opening by Dean Adrian Keane of City University Law School. This conference was the first that the law school has produced. Thereafter the group broke up into three concurrent sessions over the next two days. The presenters came from legal writing, clinical, and casebook teaching backgrounds. We also were honored to have deans and judges among the presenters. Talk topics were selected to focus on storytelling in either the practice of law or the teaching of law and included such varied subject matter as:

1. The better storytelling that can happen in the new Aboriginal Courts in Australia;
2. Our internal stock stories and how that affects legal analysis;
3. Meta-narratives that influence and perhaps interfere with custody cases;
4. The re-telling of child-client stories in documents submitted to courts;
5. Crafting immigrant and asylum stories in a way that combats the compassion fatigue of hearing officers;
6. The ways in which jurors process the stories told about the parties;
7. Unsolved mysteries in law and the story of trying to solve them;
8. Teaching law students banking law through an analysis of Gringotts in the *Harry Potter* books;
9. Using techniques from art to help the writer develop the visual impact moment of the client’s story; and
10. The use of stories in maternal infanticide or in non-traditional victim situations.

As you can probably tell just from that short list, the presentations were rich enough to merit symposium is-



Applied Storytelling Conference participants enjoy a fabulous dinner to end the conference at historic Lincoln’s Inn in London. Photo by Doreen McKee.

sues by two journals: *Legal Writing: Journal of the Legal Writing Institute* and *The Law Teacher: The International Journal of Legal Education*.

(Continued on page 12)

PROFESSORS RALPH BRILL AND MOLLY LIEN CHOSEN AS RECIPIENTS OF THE TERRI LECLERCQ COURAGE AWARD



Professor Molly Lien

Chicago-Kent for many years, serving as director of Kent's nationally renowned legal writing program for eight years. Although she received overwhelming support from her faculty for tenure, the dean reversed the faculty decision and denied tenure to Molly. With a national spotlight focused on her, Molly was poised and courageous. She did not give up and remains dedicated to legal writing.

Ralph led a very public national protest against the dean's decision. Ralph also fought hard in the early days of legal writing to incorporate the course into the core law school curriculum. He has also worked to improve the status of legal writing faculty and has assisted many of us in our careers. He is the symbol of courage in legal writing.

The LWI Awards Committee is happy to announce that the Terri LeClercq Courage Award will be given this year to Professors Ralph Brill (Chicago-Kent College of Law) and Molly Lien (The John Marshall Law School, Chicago). Although the award would usually be given to one individual, these two individuals were selected as joint recipients because their acts of courage are linked to the same event. Molly taught at



Professor Ralph Brill

The selection committee stated:

"We have been moved by the acts of courage of other colleagues recounted in the nominations we received. We thank those of you who submitted nominations for reminding us that we are fortunate to be a part of this wonderful and courageous community. We also thank Terri LeClercq, a courageous individual in her own right, for establishing this award." The award will be officially conferred at the LWI Biennial Conference in Indianapolis in July, 2008.

Q & A: HOW DO OTHERS TEACH DIFFICULT LRW TOPICS?

About a month ago, the Section posted the following question to the membership via e-mail:

QUESTION: *What unique or interesting ways have you found to engage students in learning what they might otherwise perceive to be a dry skill or topic (small-scale organization or research, for example)?*

Here's what some of your colleagues said:

Jennifer Murphy Romig, Emory University School of Law

Teaching umbrella sections has been a somewhat dry class, in my opinion. Sophie Sparrow of Franklin Pierce Law Center gave me the idea of using a "gallery walk" to get students moving throughout the classroom as they learn about umbrellas. A gallery walk is an exercise in which students walk around the classroom to various exhibits or stations that teach some aspect of the class lesson.

In my "umbrella gallery," four stations cover four different aspects of writing umbrella sections: (1) where do umbrella sections go; (2) what are the purposes of um-

(Continued on page 17)

POSTER COMMITTEE SELECTS 2008 POSTERS FOR ANNUAL MEETING

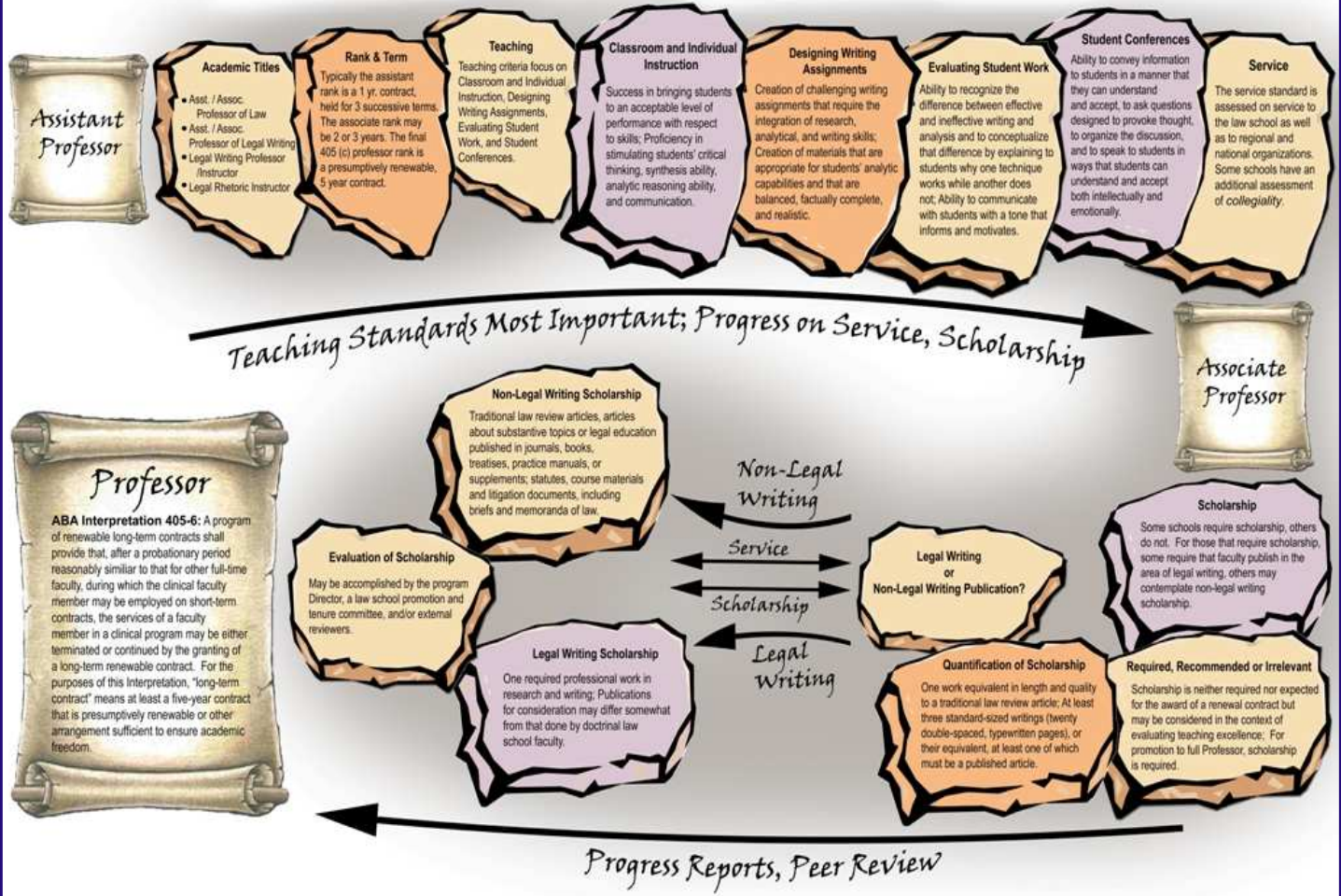
By Tracy Bach, Vermont Law School

The Poster Committee of the AALS Section on Legal Writing, Reasoning, and Research is delighted to announce that posters prepared by Professor Kathy Vinson of Suffolk University Law School and Professor Melissa Weresh of Drake University Law School have been selected for display at this year's annual meeting. Kathy's poster on using podcasts to complement in-class teaching and Mel's poster presenting her research about the path to clinical tenure beautifully embody the hallmarks of effective academic posters: clear and concise text presentation and striking use of visuals. The Committee is especially pleased that our poster selections present both our Section's research and teaching strengths to the law school community. I would like to thank Professors Kirsten Dauphinais (University of North Dakota School of Law), Sue Liemer (Southern Illinois University School of Law), and Lisa Penland (Drake University Law School) for serving on the 2007 Poster Committee. This terrific group of volunteers prepared well for our meetings, exchanged views frankly and respectfully, listened to one another with careful attention, and very thoughtfully came to a decision. Chairing the Poster Committee was not only an honor, but an enjoyable collegial experience.

The Path to Clinical Tenure

Standards for Promotion and Retention of 405(c) Legal Writing Faculty

Melissa H. Weresh, Professor of Law, Drake University Law School



POSTER COMMITTEE SELECTS 2008 POSTERS FOR ANNUAL MEETING

(AALS Posters Selected, Continued from page 7)

**THE POWER OF
PODCASTS**

- Model Critical Reading of a Case/Statute
- Annotate a Sample Good Memo
- Provide Personal Critique of Student Memos
- Review Analysis Concepts
- Answer Frequently Asked Questions
- Tape Class

Professor Kathleen Eilfott Vinson, Suffolk University Law School
AALS Section on Legal Writing, Reasoning and Research

SUFFOLK UNIVERSITY
LAW SCHOOL

Note from the Section Chair: A special thanks goes to Tracy Bach for chairing the poster committee and making the entire process run so smoothly! — Susan Duncan

STURM COLLEGE OF LAW AT THE UNIVERSITY OF DENVER HOSTS DYNAMIC AND INFORMATIVE 6TH BIENNIAL ALWD CONFERENCE

By Mary Garvey Algero, Loyola Law School

The 2007 Conference of the Association of Legal Writing Directors marked the sixth biennial conference hosted by the group. One hundred and ten attendees were graciously welcomed to the Sturm College of Law at the University of Denver by Dean José Roberto Juárez, Jr., Professor K.K. DuVivier, and their colleagues. The theme of the conference, *Best Practices in Teaching, Management, and Scholarship*, set the stage for discussion of several recent publications of note in our field, including the second edition of the ABA's *Sourcebook on Legal Writing Programs*, the Carnegie Foundation's publication of *Educating Lawyers: Preparation for the Profession of Law*, and the Clinical Legal Education Association's publication of *Best Practices for Legal Education: A Vision and a Roadmap*. Plenary sessions discussing each of these works and their themes highlighted the conference.

Professor Ralph Brill, editor of the first edition of the *Sourcebook*, and Professor Eric Easton, editor of the second edition of the *Sourcebook*, kicked off the conference by discussing the *Sourcebook*'s goals, its content, and its impact. They were joined for an informative question and answer session by many of the authors of the first and second editions of this publication. In a plenary session on the second day of the conference, Professor Judith Welch Wegner, former dean of the University of North Carolina Law School and former senior scholar with the Carnegie Foundation for the Advancement of Teaching, spoke of her work studying and preparing *Educating Lawyers*. She spoke of the need to bridge the gap between legal education and the practice of law. She highlighted some of the strengths of current legal education, but also spoke of areas in which law schools need to reassess their methods and improve.

Other provocative plenary sessions included sessions by Peter Joy, professor of law at Washington University

School of Law in St. Louis and former president of CLEA, and Pauline Schneider, attorney with the Orrick Law Firm in Washington D.C. and former chair of the ABA Accreditation Policy Task Force. Peter Joy was instrumental in getting *Best Practices for Legal Education* written and published. He presented a highly interactive session in which he challenged members of the audience to identify weaknesses in legal education and identify potential solutions that could be implemented to address those weaknesses. Pauline Schneider rounded out this group of heavy hitters by giving us a view of legal education from the practicing bar.

Over the course of the two days of programming, nearly seventy members of the Association of Legal Writing Directors played a part in making this conference a success by leading discussions on issues raised in the plenary sessions and leading their own sessions on issues of importance to legal writing programs and the teaching of legal writing. In addition to the daytime programming, our host, Professor K.K. DuVivier, even found the time to lead her own bus tours of the Red Rocks area where she shared her expertise in geology before we all enjoyed a dinner at the Fort, a restaurant in the Denver area that is not to be missed. Special thanks to Craig Smith who suggested and invited several of our speakers and to the rest of the Programming and Site Committee who made this conference go off without a hitch. Members of the committee include Mary Garvey Algero, Diane Dimond, K.K. DuVivier, Diane Penneys Edelman, Anne Kringel, Jan Levine, Pamela Lysaght, Terrill Pollman, Judy Rosenbaum, and Craig Smith.

**MARK YOUR CALENDARS:
THE 2008 BIENNIAL CONFERENCE
OF THE LEGAL WRITING INSTITUTE IS
JUST AROUND THE CORNER!**

By Debby McGregor, Indiana University School of Law — Indianapolis

The 2008 Legal Writing Conference will be held at the Indiana University School of Law – Indianapolis July 14-17, 2008.

The conference will begin with two special events: a reception at the downtown ArtsGarden, a glass-enclosed pavilion overlooking the city, situated next to the LWI hotel site, The Hyatt Regency, and a breakfast the following morning, including a presentation involving humor and a few surprises. The formal dinner will be held at the Eiteljorg, a Native American Museum of the highest quality.

The three-day conference will be packed with over ninety presentations from leading LRW scholars and professors. All events, including the meetings at the law school, are within walking distance. The downtown Circle Centre Mall is attached to the hotel, and a lovely canal that runs through the downtown area is ideal for walking, running, using paddle boats, and even going on a segway mover excursion. For any questions about the site, contact Debby McGregor at dmcgreg@iupui.edu or 317/274-2608. Make your plans now — we look forward to seeing you in Indianapolis!

RECENT PUBLICATIONS

Tracy Bach

Tracy Bach's comment on the 2007 AALS Section program, entitled "Cooperation, Not Collision: A Response to When Worlds Collide," will be published in the upcoming edition of the Journal of the Association of Legal Writing Directors (J. ALWD). In addition, her article about health care access initiatives, entitled "State Innovations to Increase Access to Healthcare Ser-

vices: 'The New England Laboratory,'" will be published in the Hamline Journal of Public Law and Policy.

Linda L. Berger

Of Metaphor, Metonymy, and Corporate Money: Rhetorical Choices in Supreme Court Decisions on Campaign Finance Regulation, 58 Mercer L. Rev. 949 (2007)

Kate Bohl

Gay Marriage in Rhode Island: A Big Issue in a Small State, 12 Roger Williams L. Rev. 291 (2007). Professor Bohl was also a panelist in an hour long television program on Rhode Island public television, "The Case for Gay Marriage in Rhode Island," original air date May 3, 2007.

Barbara J. Busharis

Barbara J. Busharis & Bonny L. Tavares, *Pennsylvania Legal Research* (Carolina Academic Press 2007). Suzanne Rowe of the University of Oregon is the series editor for the book.

Leah Christensen

Leah Christensen & Julie A. Oseid, *Navigating the Law Review Article Selection Process: An Empirical Study of Those With All the Power – Student Editors*, 59 S.C. L. Rev. ____ (2007).

Kevin Fandl

1. *Bilateral Agreements and Fair Trade Practices: A Policy Analysis of the Colombia-U.S. Free Trade Agreement*, 10 Yale Journal on Human Rights and Development Law 64 (Summer 2007).
2. *Recalibrating the War on Terror by Enhancing Development Practices in the Middle East*, 16 Duke J. of Comp. & Int'l L. 299 (Summer 2006).

Judith D. Fischer

1. *Why George Orwell's Ideas about Language Still Matter for Lawyers*, 68 Mont. L. Rev. 129 (2007)
2. *Dismiss Those Sixth-Grade Hobgoblins*, Bench & B. 69 (May 2007).
3. *Implications of Recent Research on Student Evaluation of Teaching*, 17 Mont. Prof. 11 (Fall 2006).

(Continued on page 14)

NOTEWORTHY PROGRAM CHANGES

Temple University, Beasley School of Law

The faculty at Temple University's Beasley School of Law has passed, by an overwhelming yes vote, a new set of standards improving the status of its LRW faculty. Among other positive changes, the new standards at Temple provide that once LRW faculty members have earned a five-year contract, that contract is presumptively renewable without additional performance reviews. Moreover, the standards remove a previous prohibition against conversion of a contract position to a tenure line position. The new standards explicitly permit an LRW faculty member who has met Temple's tenure requirements to be awarded tenure, if a tenure slot is available. The standards re-affirm the academic freedom of LRW faculty members to write on any legal topics that interest them, but also provide explicitly that papers devoted to topics about legal research and writing "count" as scholarship.

Boston College Law School

The faculty in the Legal Reasoning, Research, and Writing (LRR&W) program at Boston College Law School (Dan Barnett, Joan Blum, Mary Ann Chirba-Martin, Jane Gionfriddo, Elisabeth Keller, and Judith Tracy) are pleased to announce that the program has been reconfigured as a director-less program. After leading the program for twenty-three years, Jane Gionfriddo stepped down as Director on June 1, 2007 but remains a valued member of the LRR&W faculty.

University of Michigan Law School

The contract terms for faculty teaching the Legal Practice and Legal Practice Skills courses at the University of Michigan Law School have been changed. Such faculty members were previously generally employed under two-year renewable contracts as clinical assistant professors. They are now eligible for three-year renewable contracts after they have completed two two-year contracts.

UPCOMING CONFERENCES

The regional conference of the New England Consortium of Legal Writing Teachers (NECLWT) will be held on **Friday, December 7, 2007**, at the Vermont Law School. Registration starts at 9 a.m., the first of the day's two rounds of concurrent panels and workshops begins at 10:30 a.m., and the last round of panels concludes at 3:15 p.m. followed by a closing reception. The luncheon will feature Professor Chris Jernstedt, Professor of Psychological and Brain Sciences at Dartmouth College and Director of the college's Center for Educational Outcomes. He specializes in human learning, educational technology, and evaluation research, and frequently lectures about learning and teaching, potentials of the human mind, educational technology, and institutional and program assessment and development. We've organized the day so that you may travel to our corner of the region in one day (see http://www.vermontlaw.edu/life/index.cfm?doc_id=203 for directions). Or, if you'd like to combine work and pleasure and make it a long weekend, we're currently setting up preferential rates with area inns and bed & breakfasts.

The 2008 Rocky Mountain Regional Legal Writing Conference will be held in Salt Lake City, on March 21-22, 2008. The University of Utah S. J. Quinney College of Law is hosting the conference this year. The conference will be held on campus at the [University Guest House](#) and Conference Center, a collection of beautiful, late 19th century buildings completely remodeled for the 2002 Winter Olympics. There is also a block of rooms at the [Marriott University Park Hotel](#) within walking distance to the conference site.

The Third Global Legal Skills Conference will be held in Monterrey, Mexico on February 28 to March 1, 2008. The next Global Legal Skills conference will be an ideal venue for those of us who are interested in teaching legal writing, clinical, advocacy, ADR, and other skills to international students, both at the LLM and JD levels, whether here or abroad. For more information, contact Mark Wojcik, 7wojcik@jmls.edu.

(Applied Legal Storytelling Conference, Continued from page 5)

The facilities and location were just as wonderful as the presentations. Near the British Museum, if you must know. It was lovely. The lunches even boasted bagels and lox. Are you listening, LWI???. The final dinner, held at nearby Lincoln's Inn, was worth the price of the whole trip. We dined in the room that Charles Dickens immortalized in *Bleak House*. The scene that night was anything but bleak. Rather, participants tumbled over themselves making impromptu toasts and thank you speeches to City Law School, LWI, and all of the organizers/administrative support. Afterwards at least 50 law professors and assorted sundry other folks all trooped off to a local bookstore for more wine and the midnight release of *Harry Potter and the Deathly Hallows*. Honest – we set the dates of the conference before Bloomsbury/Scholastic set the date of their little shindig. It was just a beautiful coincidence.

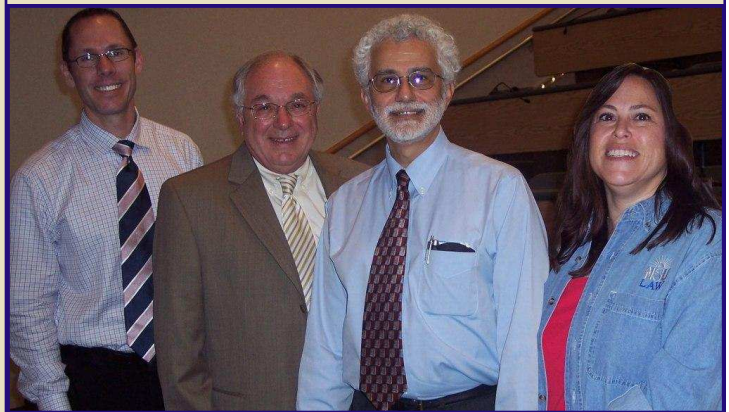
OK – almost done. I need to drop some “big names in Applied Legal Storytelling” and not just because that might increase my chances that the article will be cited by others (no, I don't really encourage that). The man-on-the-ground-and-star-of-the-hour was really Robert McPeake, the barrister and principal lecturer who made sure everything really happened. He was aided by an administrative support team that was so good they even designed artwork for the program cover. Dr. Erika Rackly, a lecturer in the law department at Durham University was our other UK professor collaborating on the conference. From the western side of the pond, besides myself, Professors Steve Johansen (Lewis & Clark) and Brian Foley (Florida Coastal & Drexel) also put in countless hours planning the conference.

The upshot? We are planning on doing this again in two years. Look for a call for proposals in the fall of 2008.

NOVA SOUTHEASTERN UNIVERSITY LAW SCHOOL HOSTS S.E. REGIONAL CONFERENCE

By Cynthia Bulan and James B. Levy

When you think of South Florida, you normally picture beautiful beaches, palm trees, pina colodas, and tropical breezes. Now you can add “legal research and writing” to your mental check list following the Southeast Regional Legal Writing Conference held in Fort Lauderdale



Pictured, from left to right, are: LSV Director Anthony Niedwiecki, Nova's Dean Joseph Harbaugh, plenary speaker Professor Peter Joy, and Conference Chair Cynthia Bulan.

at Nova Southeastern University School of Law on September 7-8, 2007. The conference, hosted by the NSU Legal Skills and Values faculty, was a tremendous success by all accounts and will undoubtedly lead to more conferences in the land of coconut milk and honey as colleagues discover the pleasures of a legal writing conference in paradise.

For this inaugural LRW conference at Nova, more than sixty-five people attended from as far away as Spokane, San Diego, Boston, and all points in between. Everyone had a chance to not only pick up some new ideas for the classroom at a time in the semester when there is plenty of time to put them to use, but also reconnect with old friends and meet new ones. Of course, the well-attended vendor's room allowed conference attendees to pick up everything from complimentary copies of textbooks to desktop lava lamps courtesy of Westlaw.

(Continued on page 13)

(NSU Conference, continued from page 12)

No one went away empty-handed or wanting for great tchotchkes.

The theme of this year's conference was "Teaching the Basics: Practical Ideas for the Legal Writing Classroom." In keeping with that theme, the conference opened with a plenary session led by Professor Peter Joy of Washington University School of Law who spoke about the new Carnegie Foundation report on the future of legal education and what legal writing professors can do to improve the quality of skills training in their classrooms. Professor Joy is a Past President of the Clinical Legal Education Association (CLEA) and was a member of the Steering Committee for CLEA's *Best Practices for Legal Education: A Vision & A Road Map*; it was a pleasure and honor to have him open the conference.

In further keeping with the conference theme, presenters offered practical ideas for teaching legal research and writing basics to first-year law students. Nearly forty people presented, offering tips and ideas on things as varied as how to make effective use of "clickers" and podcasts in the classroom, teaching rule explanation using LEGOS, and ways to incorporate skills such as negotiating and oral advocacy into the legal writing classroom. But for many people, the highlight may have been the Saturday morning session on the use of humor in the classroom during which Professors Sheila Simon and Hollee Temple debuted their new composition "IRAC: The Musical!"

Since the beginning of the semester can be a hectic time to attend a conference, Nova's Dean Joe Harbaugh recognized the importance of providing some quality "chill" time for participants by sponsoring, at the law school's expense, a Friday night dinner cruise along Fort Lauderdale's "gold coast." Participants were able to relax, enjoy hors d'oeuvres al fresco, drink wine, dine on fresh seafood, and get to know each other while cruising on a private yacht past beautiful waterfront homes. In addition, thanks to the generosity of our sponsors, Thomson West, LexisNexis, Aspen, and Carolina Academic Press, attendees were able to enjoy snacks and meals throughout the conference. During the lunch break on Saturday, Jim Levy and Jennifer Romig hosted several tables for newcomers to the legal writing field

and for those who wanted to welcome the newcomers.

By the end, everyone agreed the conference was a smashing success. The presenters offered attendees many new and fresh ideas to take back to their own classrooms, everyone had a chance to meet wonderful new colleagues, and the weather was perfect! The Nova Southeastern University Law School's Legal Skills and Values Faculty members look forward to welcoming their colleagues back to Fort Lauderdale in the near future.

REPORT FROM THE FOURTH ANNUAL LWI WRITERS' WORKSHOP

By Steve Johansen, Lewis and Clark School of Law

The Legal Writing Institute held its fourth annual Writers' Workshop this summer at the Chautauqua Center in Boulder, Colorado. The workshop gave twelve Legal Writing scholars the opportunity to spend time working on their academic writing projects and improving their scholarly skills.

As in past years, the Workshop included a series of sessions where participants discussed a variety of issues relating to scholarship and publication. Issues discussed ranged from how to find time to write while still maintaining a life to placing articles within the existing literature to working with student editors. In addition, the participants met in small groups where scholars discussed their works in progress and received extensive comments from their fellow scholars. This year, the workshop was expanded to three days to allow scholars extended time for uninterrupted writing.

As he has since its inception, Lou Sirico (Villanova) was the central organizer of the Workshop. This year's facilitators were Jill Ramsfeld (Hawaii), Linda Edwards (Mercer) Chris Rideout (Seattle) and Steve Johansen (Lewis and Clark). This year's scholars were David

(Continued on page 14)

(LWI Writers' Workshop, Continued from page 13)

Thomson (Denver), Ursula Weigold (Cornell), Jason Cohen (Rutgers-Camden), Dorothy Bisbee (Suffolk), Sheila Rodriguez (Rutgers-Camden), Atiba Ellis (Howard), Michael Higdon (UNLV), K.K. DuVivier (Denver), Kristin Gerdy (BYU), Ken Chestek (Indiana-Indianapolis), Debby McGregor (Indiana-Indianapolis), and Joan Magat (Duke).

The next Writers' Workshop will be held in conjunction with the LWI Biennial Conference next July in Indianapolis. Details regarding the location, date, and application process will be announced next spring.



Pictured are participants and organizers of the 2007 LWI Writers' Workshop.

RECENT PUBLICATIONS

(Recent Publications, Continued from page 10)

Scott Fruehwald

1. *The Emperor Has No Clothes: Postmodern Legal Thought and Cognitive Science*, Ga. St. U. L. Rev., in press.
2. *The Supreme Court's Confusing State Sovereign Immunity Jurisprudence*, Drake L. Rev., in press.

Rob Holland

Improving Criminal Jury Verdicts: Learning from the Court-Martial, 97 J. Crim. L. & Criminology (Fall 2006). Professor Holland gave a presentation on this topic to the

Military Law section of the State Bar of Texas in March 2007. Rob also participated in panel discussions on Issues Related to Birthright Citizenship and the Fourteenth Amendment, for the American Bar Association's Section of Administrative Law & Regulatory Practice, in May 2007, in Austin, and for the Texas State Bar's Asian Pacific Interest Section, in May 2007, in Dallas.

Allison Martin

Lessons Learned From the Other Side — What I Learned About Teaching Legal Writing by Teaching Professional Responsibility, 15 Persp. 157 (No. 3, Spring 2007).

Julie A. Oseid

1. *A Decision Tree Takes Root in the Land of 10,000 Lakes: Minnesota's Approach to Judicial Federalism*, 70 Alb. L. Rev. 865 (2007) (coauthored with Minnesota Supreme Court Justice Paul H. Anderson).
2. Leah Christensen & Julie A. Oseid, *Navigating the Law Review Article Selection Process: An Empirical Study of Those With All the Power — Student Editors*, 59 S.C. L. Rev. ____ (2007).

Lawrence D. Rosenthal

To Report or Not To Report: The Case for Eliminating the Objectively Reasonable Requirement for Opposition Activities Under Title VII's Anti-Retaliation Provision, will be published in the next issue of the *Arizona State Law Journal*.

Suzanne Rowe

Suzanne Rowe (Oregon) has published the second edition of *Oregon Legal Research* and the third edition of *Florida Legal Research* (with Barbara Busharis "Legal Research Series."

Bonny L. Tavares

Barbara J. Busharis & Bonny L. Tavares, *Pennsylvania Legal Research* (Carolina Academic Press 2007). Suzanne Rowe of the University of Oregon is the series editor for the book.

NEWS AND ACCOMPLISHMENTS



John Mollenkamp

John Mollenkamp has left the University of Missouri-Columbia to join the Lawyering Program at Cornell Law School as an Associate Clinical Professor and is one of six full-time faculty members teaching Legal Writing to first-years there.



Lawrence D. Rosenthal

Lawrence D. Rosenthal has been granted tenure as a Professor of Legal Writing at the Salmon P. Chase College of Law in Highland Heights, KY.



Julie A. Oseid

Julie A. Oseid, assistant professor at the University of St. Thomas School of Law, has won the Warren E. Burger Writing Competition, sponsored by the American Inns of Court, for her article entitled "When Big Brother is Watching [Out For] You: Mentoring Lawyers, Choosing a Mentor, and Sharing Ten Virtues from My Mentor." Oseid will receive a cash prize of

\$5,000 and her article will be published in the South Carolina Law Review. The Warren E. Burger Prize will be presented at the American Inns of Court Annual Celebration of Excellence at the United States Supreme Court on October 20, 2007.



Sheila F. Miller

Sheila F. Miller, who teaches in the Legal Profession Program for the University of Dayton School of Law, has been promoted from *Assistant* Professor of Lawyering Skills to *Associate* Professor of Lawyering Skills. Under Dayton's 405(c) policy, Miller received a three-year contract, and will be eligible to apply for a five-year contract during the third year of her contract.



Terrell A. Allen

On July 1, 2007, Terrell A. Allen was promoted to the position of Director of the Legal Research, Writing and Appellate Advocacy at the University of Toledo. She was and still is an Instructor in the program.



Nancy Modesitt

Nancy Modesitt recently left American Law School for the University of Baltimore, where she is an Assistant Professor. She is teaching an integrated class of Torts and Introduction to Lawyering Skills.



Chad Noreuil

Chad Noreuil was recently promoted to full professor (Clinical Professor of Law) and awarded tenure at the Sandra Day O'Connor School of Law at Arizona State University.

NEWS AND ACCOMPLISHMENTS



Andrea Mooney

On June 1, 2007, Andrea Mooney was promoted from Associate Clinical Professor to Clinical Professor at Cornell Law School.



Tracy Bach

Tracy Bach, Professor of Law at Vermont Law School, is serving VLS on a grant-funded position for the next two years. Beginning July 1, 2007, she is the Senior Research Fellow and Associate Project Director of the Climate Legacy Initiative which will produce a white paper examining the inter-generational justice issues of climate change.



Joan Malmud

Joan Malmud (Oregon) is on sabbatical for the 2007-08 academic year. She is completing work on a book, "A Lawyer Writes," with co-authors Chris Coughlin (Wake Forest) and Sandy Patrick (Lewis & Clark), which will be published by Carolina Academic Press.



Lance Long

Lance Long is a Visiting Legal Research and Writing Professor at the University of Oregon for the 2007-08 academic year.



**Pictured (from left to right):
Maxine Goodman, Robert F. Holland, and Andrew Solomon**

Maxine Goodman, Robert F. Holland, and Andrew Solomon, who teach Legal Research & Writing courses at South Texas College of Law in Houston, were all promoted to Associate Professor of Law in August. South Texas has six other LRW professors who are also on the tenure track.



Pictured: Ted Becker (top left), Rachel Croskery-Roberts (top center), Thomas Seymour (top right), Mark Osbeck (bottom left), and Beth Wilensky (bottom right)

Professors Ted Becker, Rachel Croskery-Roberts, Thomas Seymour, Mark Osbeck, and Beth Wilensky have all been granted three-year contracts as Clinical Assistant Professors in the Legal Practice Program at the University of Michigan Law School. Professors in the Legal Practice Program are eligible for three-year contracts only after successfully earning a minimum of two consecutive two-year contract term renewals.

Q & A:

HOW DO OTHERS TEACH DIFFICULT LRW TOPICS?

(Q & A, Continued from page 6)

rella sections; (3) what memo-related content belongs in an umbrella section; and (4) what memo-related content does not belong in an umbrella section. To set up this class, I use pieces of 11x16 paper, taped to the walls of the classroom in four stations. The paper at the first station contains a multi-tiered rule outline, with the question at the top, "Where do the umbrella sections go?" The papers at the second through fourth stations ask questions about the remaining topics above: "What are the purposes of umbrella sections?"; "What memo-related content belongs in an umbrella section?"; and "What memo-related content does not belong in an umbrella section?" I attach several pens to the paper, and the task at these stations is to collaborate among students at the station and write answers to the stated questions.

To initiate the exercise, I divide the alphabetical list of students into four equal groups and send each group to a station. They spend about 5 minutes at each station; I watch them to see when they seem to be running out of things to say. Then I loudly say, "Rotate!" and they move clockwise around the room to the next station. This is a somewhat raucous time in the class and the students typically end up drawing umbrellas on the papers as they answer.

At the end of the gallery walk, I try to bring closure to the exercise by going up to each sheet taped on the wall and reading the question, then discussing the students' answers. I reinforce the best and most important answers to the questions about the content and purpose of an umbrella section. For the station about where umbrella sections go, I use the computer projector to show the question on the screen for all to see. Then I insert the words "UMBRELLA SECTION" wherever the structure demands an umbrella.

This class has been an entertaining and kinesthetic way to teach umbrella sections. After the class two years ago, a student who had been trained in Teach for America even complimented me on using cutting-edge pedagogical techniques.

Karin Mika, Cleveland-Marshall College of Law

In dealing with memo format, I try to liken reader expectation with the students' morning cups of coffee and general routine. I have them envision the steps they take to get ready in the morning, especially related to obtaining coffee. This is especially vivid if they have favorite places where they buy coffee. I have them envision arriving at their favorite places only to discover the place being closed and how that makes them feel, and how that would come into play for what happened for the remainder of the day. Most commented that it would throw them for the day. I parallel that to the structure of a memo or really any legally analytical writing. Attorneys and judges anticipate a certain order in the way that information is conveyed. If that order is other than what is expected, all might not be lost, but it can discombobulate the reader to the point where major valid points are missed.

I use references to movies, or movie clips similarly to demonstrate a necessary order in a statement of facts. I try to show the students that writing facts without starting at the beginning of the story and introducing the characters is similar to walking in during the middle of the movie. It takes a while to figure who is who. By the time the viewer does, the thrust of the story has been lost.

Kevin Fandl, American University Washington College of Law

I enjoy using practical application of legal topics to help students get a better understanding of issues. For instance, in a class that I just wrapped up to help foreign lawyers understand U.S. legal concepts, I led them through a mock trial in which they were asked to apply certain concepts in Contract and Constitutional Law to a housing discrimination claim. Each of them argued on camera in front of myself and several guest judges, inspiring (forcing) them to prepare with a solid understanding of the legal terminology used and a terrific knowledge of how to apply these concepts to the fact pattern. They impressed me with the results.

AALS ANNUAL MEETING

Events of interest to the members of the
Section on Legal Writing, Reasoning, and Research

January 3, 2008

Section on Teaching Methods, Co-Sponsored by Section on New Law Professors

Attractions and Distractions: Student Use of Laptop Computers in the Classroom

9:00 a.m. – 12:00 noon

Legal Writing Section Luncheon

12:15 – 1:30 p.m. (advance ticket purchase necessary)

LWI Board Meeting

Sheraton New York Hotel and Towers

2:00 – 5:00 p.m.

Blackwell/Golden Pen Awards Reception

Sheraton New York Hotel and Towers, Imperial Ballroom East

6:30 – 8:30 p.m.

January 4, 2008

Section on Legal Writing, Reasoning and Research

Writing Across the Curriculum: Professional Communication and the Writing that Supports It

8:30 – 10:15 a.m.

Section on Academic Support

Working Together: How the Collaborative Efforts of Academic Support Professionals and Other Faculty Members Enhance Law Student Education

10:30 a.m. – 12:15 p.m.

ALWD Board Meeting

The Hilton

4:00 p.m.

AALS Gala Reception

The Rainbow Room, 30 Rockefeller Plaza, 65th Floor

6:00 – 8:00 p.m.

January 5, 2008

Section on Clinical Legal Education

Teaching the Art of Listening

1:30 – 3:15 p.m.

January 6, 2008

Section on Women in Legal Education, Co-Sponsored by Sections on Clinical Legal Education and Legal Writing, Reasoning, and Research

Rise of the Pink Collars: Women in Legal Education

9:00 – 10:45 a.m.

*SECTION LEADERSHIP FOR THE AALS SECTION ON
LEGAL WRITING, REASONING, AND RESEARCH*



Chair:
Susan Hanley Duncan
Louis D. Brandeis School of Law
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Past Chair:
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AALS COMMITTEE ASSIGNMENTS FOR 2007

AWARD COMMITTEE:

This committee selects the recipient of the Section's award from those people who are nominated. The deadline for nominations is November 15th. Please e-mail Susan Hanley Duncan at susan.kosse@louisville.edu or Lou Sirico at sirico@law.villanova.edu.

Chair: Susan Hanley Duncan

Members: Kristin Gerdy, Scott Fruehwald, Hether MacFarlane, Louis Sirico, Susan Thrower

NOMINATING COMMITTEE:

This committee selects from the people nominated for secretary and chair-elect the slate to present for election at our business meeting in New York in 2008.

Chair: Louis Sirico

Members: Susan Hanley Duncan, James Levy, Michael Koby, Suzanne Rowe

POSTER COMMITTEE:

This committee selects the posters to be displayed at the annual meeting in 2008.

Chair: Tracy Bach

Members: Kristin Dauphinais, Sue Liemer, Lisa Penland

WEBSITE COMMITTEE:

This committee develops and updates content for our Section's website.

Chair: Todd Bruno

Members: Samantha Moppett, Megan McAlpin

WELCOMING COMMITTEE:

This committee makes sure our members feel welcome at AALS events, including the annual luncheon.

Chair: Lisa Hatlen

Members: Ed Telfeyan, Rachel Croskery-Roberts, Ellie Margolis, Mark Osbeck

This newsletter is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools.