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Spiralling Into Control: Appreciating the Groundbreaking Legal Writing Pedagogy of Professor Mary S. Lawrence

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INTRODUCTION

Mary Lawrence, the first director of the University of Oregon School of Law’s Legal Writing Program,1 created a curriculum that ushered in a new way of thinking about legal writing. Legal writing

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programs have been in place in law schools since the 1940s, but the limited focus of many of the early programs was on the “product” rather than the “process” of writing. Students were instructed in the forms of legal writing (office memo, brief, client letter, etc.) without any sustained training in the process of writing and the interplay between writing and thinking. Mary, who began teaching legal writing at Oregon in 1978, was an early advocate and leader in the shift from product to process. Mary literally wrote the book on writing as a thinking process. Mary’s method of instruction focused “not on the end product (the completed memorandum or brief), but on the process of composing.” It provided “cumulative practice in the cognitive processes that legal writing entails: (1) Imposing order on information; (2) Extrapolating from information; (3) Synthesizing.”

The process approach to teaching legal writing is now a universal attribute of the legal writing pedagogy. Mary’s seminal scholarship

2 See infra note 94 and accompanying text,
3 Teresa Phelps described the “product” approach to teaching legal writing in her seminal 1986 article, *The New Legal Rhetoric*:

[T]eachers assign paper topics, students write the papers outside of class and turn them in, teachers grade and comment on the papers and return them to the students. This procedure is repeated for the duration of the course. Kinds of writing are frequently divided into four modes: exposition, description, narration, and argument. Students are expected to write a given assignment in one or another of these modes. The stress on the modes of discourse results in a stress on the form of the writing. It neglects the role of the reader and the writer, seeing writing as form rather than as conversation.

Teresa Godwin Phelps, *The New Legal Rhetoric*, 40 SW. L.J. 1089, 1093 (1986); see also Laurie C. Kadoch, *The Third Paradigm: Bringing Legal Writing “Out of the Box” and into the Mainstream: A Marriage of Doctrinal Subject Matter and Legal Writing Doctrine*, 13 J. LEGAL WRITING INST. 55, 61 (2007) (“[The] first paradigm embraced the belief that the teaching of legal writing indeed was merely the teaching of product.”).

4 Mary S. Lawrence, Vita (Sept. 1982) (on file with author).
5 Helene Shapo, Tribute, *Tributes to Mary S. Lawrence*, 16 J. LEGAL WRITING INST. 493, 515 (2010) (“[Mary] emphasized a process approach before most of us grasped its meaning.”); Richard K. Neumann, Jr., Tribute, *Tributes to Mary S. Lawrence*, 16 J. LEGAL WRITING INST. 493, 503 (2010) (“Gradually, a consensus developed among us that writing is a form of thinking as well as a method of expression. But Mary knew that all along. She knew it before most of us were law students, much less teachers. And she gently explained it to us.”).

6 See *MARY S. LAWRENCE, WRITING AS A THINKING PROCESS* (1972).
7 Mary S. Lawrence, Univ. of Or., Presentation at the AALS Workshop on Teaching Legal Writing, Reasoning and Research: A Method for Integrating Legal Reasoning into the Legal Writing Course 2 (Mar. 21–23, 1985) (emphasis deleted) (transcript on file with author).
8 Id.
9 Kadoch, *supra* note 3, at 65 (calling the process paradigm “dominant”); see also John A. Lynch, Jr., *The New Legal Writing Pedagogy: Is Our Pride and Joy a Hobble?*, 61 J. LEGAL EDUC. 231, 233 (2011) (“Contemporary legal writing professors . . . focus on the
and frequent national presentations on writing as a thinking process were critical in establishing the modern discipline of legal writing.10

With this theoretical backdrop, Mary developed a legal writing curriculum notable for several innovations. First, the curriculum fully integrated research, analysis, and writing. Mary emphasized the importance of legal research in the writing and thinking process. A major premise of the course was that “legal research methods, except at the most mechanical level, affect the researcher’s thinking process and written legal analysis.”11 Mary accomplished this integration of research, analysis, and writing by adapting a technique from a composition theory she pioneered called “spiralling.”12 Students were taught core principles of research, analysis, and writing in an interwoven fashion, first with simpler assignments, and then they circled back, or spiralled through similar but more complex legal problems.13 New concepts, such as the administrative process, were introduced as the students gained confidence in their understanding of the central tenets of the analytical process.14 Second, Mary’s

10 For Mary’s influence on other legal writing professors in the early days of the discipline, see infra notes 219–23 and accompanying text.


12 Letter from Kyle Perkins, Assoc. Professor & Former Chairman, S. Ill. Univ. at Carbondale, to Donald W. Brodie, Professor of Law, Univ. of Or. Sch. of Law (Aug. 10, 1982) (on file with author) (“[Mary] first integrated the spiralling technique and the cognitive approach to teaching the composing process.”).


14 See Christina L. Kunz, A Sketch of Professor Mary Lawrence, SEC. ON LEGAL WRITING, REASONING AND RES. (AALS, Washington, D.C.), Oct. 1990, at 6, 7 (“[Mary] wowed the conference participants at the second Legal Writing Institute in Puget Sound when she introduced them to her spiralling concept. I remember people coming away from her presentation finally understanding what integration (of writing, reasoning, and research) was and how to accomplish it.”).
curriculum emphasized statutes. Mary introduced statutory analysis at the beginning of the course, and statutes were central to every assignment throughout the semester.\textsuperscript{15} Third, Mary’s comprehensive course packet was filled with flow charts and grids explaining research and analysis processes.\textsuperscript{16} These visual aids addressed different learning styles long before “teaching to the entire class” became popular. Mary’s integrated curriculum made real the theoretical backdrop of the process approach. In these ways, she helped create the discipline of legal writing as we know it now.\textsuperscript{17}

Mary retired in 2000.\textsuperscript{18} In her twenty-two years in legal writing, she held every office in the Section on Legal Writing, Reasoning, and Research of the American Association of Law Schools.\textsuperscript{19} In 1996, Mary received the first “Distinguished Services to the Profession” award from the Section.\textsuperscript{20} At the University of Oregon School of Law, Mary was the first recipient of the prestigious Orlando John Hollis Award for Outstanding Teaching.\textsuperscript{21} Upon her retirement, the school endowed a scholarship in her honor.\textsuperscript{22} In 2000, the Association of Legal Writing Directors presented Mary with the inaugural Rombauer Award.\textsuperscript{23} In 2010, Mary received an award from the University of Oregon School of Law for Meritorious Service.\textsuperscript{24} Also in 2010, the Legal Writing Institute (LWI)\textsuperscript{25} established the Mary S.

\begin{itemize}
\item \textsuperscript{15} E.g., \textsc{Lawrence supra} note 13, at 152, 155–56.
\item \textsuperscript{16} See id. at 3–91 (entire section devoted to research and analysis strategy charts).
\item \textsuperscript{17} Jill J. Ramsfield, Tribute, \textit{Tributes to Mary S. Lawrence}, 16 \textsc{J. Legal Writing Inst.} 493, 506 (2010) (“[Mary] insisted on developing a new field of inquiry, legal writing, and teaching it as an introduction to a new community, the legal discourse community—long before that terminology was invented or in vogue.”); Suzanne E. Rowe, Tribute, \textit{Tributes to Mary S. Lawrence}, 16 \textsc{J. Legal Writing Inst.} 493, 511 (2010) (“It is no exaggeration to say that Mary and her program helped establish a new discipline in American law schools.”).
\item \textsuperscript{18} Linda H. Edwards, Tribute, \textit{Mary S. Lawrence: Director of Legal Research and Writing University of Oregon 1978–2000}, 7 \textsc{J. Legal Writing Inst.}, at xiii, xiv (2001).
\item \textsuperscript{19} Id. at xiii–xiv.
\item \textsuperscript{20} See id. at xiii.
\item \textsuperscript{21} Id.
\item \textsuperscript{22} Id. at xiv.
\item \textsuperscript{24} \textit{2010 Faculty Awards and Honors}, U. Or. (June 15, 2010), http://insideoregon.uoregon.edu/content/2010-faculty-awards-and-honors.
\item \textsuperscript{25} With 2,800 members, LWI is “the second largest organization of law professors in the United States.” \textit{Welcome, Legal Writing Inst.}, http://www.lwionline.org/ (last visited July 21, 2012). LWI celebrated its twenty-fifth anniversary in 2010, with justified
Lawrence Award for Excellence in Legal Scholarship. When the award was first presented, sixteen of the biggest names in legal writing offered tributes to Mary. The presenters spoke fondly of Mary’s dedication to the field of legal writing, as well as her care and concern for the people teaching legal writing. Susan Brody summarized this sentiment by calling Mary “one of our greatest leaders” and the “quintessential ‘mentor,’ ‘mobilizer,’ and even ‘mother’ so-to-speak” of the legal writing community.

Legal writing is now sufficiently mature as a discipline that one can easily lose sight of the founders who made it a distinct entity. We need to honor the founders, and no founder was more influential than Mary Lawrence. While the touching tributes praise Mary’s leadership and vision, this article will be the first to examine in detail what made Mary’s legal writing curriculum special, and how she became a “superstar in the legal writing academy.” The story of the birth of the discipline of legal writing can be told through this examination. Part I describes how Mary developed her process approach to writing and her “spiralling” learning theory in her first career, as a professor of English as a second language, prior to attending law school. Part II explains how Mary adapted these cognitive theories from English composition to revolutionize the pedagogy of legal writing. It will also highlight other unique features of Mary’s curriculum, such as the emphasis on statutes. Part III focuses on Mary’s careful mentoring of
the professors in her program and the students she taught. It also recognizes her influence on legal writing professors across the country. Part IV briefly discusses the sudden and sad onset of a debilitating disease that caused Mary to lose her voice. The article concludes with an assessment of the continued vitality and relevance of Mary’s curriculum as the discipline of legal writing moves into an exciting future.

I

WRITING AS A THINKING PROCESS

Mary first transformed teaching English as a second language (TESL) before she revolutionized the teaching of legal writing. Mary received her B.A. and M.A. in English from Michigan State University. She then taught for seven years (1967-74) at the University of Michigan’s English Language Institute, where she was the Coordinator of Writing Classes. While at Michigan, Mary published two highly influential books, Writing as a Thinking Process and Reading, Thinking, Writing, on TESL. Designed for students of intermediate and advanced levels of proficiency, these books gained international recognition and had an “enormous impact” on the TESL field. They were used at many dozens of American universities and colleges as well as “in countries as varied as Canada, Mexico, Brazil, Taiwan, Japan, Saudia [sic] Arabia, Iran and Turkey.”

Mary’s books remained popular long after Mary left the TESL field to teach legal writing. In 1981, Walter Sears, the Director of the University of Michigan Press, observed in a letter to Mary that “[t]he real measure of excellence in publishing is the acceptance of certain

31 Mary S. Lawrence, Vita (Sept. 1982) (on file with author).
32 Id.
33 LAWRENCE, supra note 6.
34 MARY S. LAWRENCE, READING, THINKING, WRITING (1975).
35 LAWRENCE, supra note 6, at 3.
36 Letter from Barry P. Taylor, Dir. of the English Program for Foreign Students, Univ. of Pa., to Donald W. Brodie, Professor of Law, Univ. of Or. Sch. of Law, (May 12, 1982) (on file with author); see Letter from John H. Esling, Assistant Professor & English Language Programs Coordinator, Univ. of Victoria, to Donald W. Brodie, Professor of Law, Univ. of Or. Sch. of Law, (Mar. 21, 1982) (on file with author) (”[Mary’s] texts and articles on Teaching English as a Second Language are known throughout the world and are referred to in every key text on TESL methodology to appear in recent years . . . .”).
37 1980–82 Adoption List of Writing as a Thinking Process by Mary Lawrence (on file with author).
texts by the profession to the degree that they acquire and maintain back list status.” With that as a measure, he marveled at the lasting power of Mary’s books: “It is indeed remarkable to note that your two books rank #8 and #5 on our 12 months sales analysis ended 12/80. And Michigan has close to 500 titles in print.” Three years later, Sears congratulated Mary on the lasting power of her two books: “Not only are both titles in print but each sold three thousand copies in fiscal year ‘84. When one considers the fate of ninety percent of the texts published every year this is a remarkable intellectual accomplishment.”

Many of the innovations Mary would bring later to legal writing she first introduced in her two TESL books. Mary’s books were the first to “break away from the grammatically-based mode and teach organization and process in writing.” The springboard for Mary’s approach to teaching writing was this simple, yet powerful maxim: “If writing communicates what and how the writer thinks, writing and thinking cannot be separated.” In her groundbreaking 1972 book, Writing as a Thinking Process, Mary explained that her purpose was to create a cognitive method for writing instruction that “treats writing not as an end-product to be evaluated and graded but as an activity, a process, which the student can learn how to accomplish.” By the early 1970s Mary had developed a theory and a pedagogy on “writing as process” that she would later use to revolutionize legal writing.

Mary also created her trademark “spiralling” method while teaching English as a second language. Spiralling means developing a student’s cognitive abilities by first introducing core concepts and

39 Letter from Walter E. Sears, Dir., The Univ. of Mich. Press, to Mary Lawrence, Professor, Univ. of Or. Sch. of Law (Apr. 20, 1981) (on file with author).
40 Id.
41 Letter from Walter E. Sears, Dir., The Univ. of Mich. Press, to Mary Lawrence, Professor, Univ. of Or. Sch. of Law (Sept. 11, 1984) (on file with author).
42 Letter from Barry P. Taylor to Donald W. Brodie, supra note 36.
44 LAWRENCE, supra note 6, at 3. Other well-known experts on writing also saw the link between thinking and writing. See, e.g., HENRY WEIHOVEN, LEGAL WRITING STYLE 6 (1961) (“The self-discipline of writing is excellent training in rigorous thinking. . . . To write properly, one must both think properly and interpret properly.”).
45 See Letter from Kyle Perkins to Donald W. Brodie, supra note 12 (“I know of no otherscholar who has contributed to the field of ESL composition as much as Professor Lawrance. Her books have been adopted both domestically and internationally. It was she who first integrated the spiralling technique and the cognitive approach to teaching the composing process.”).
then circling back to those concepts with new and more difficult material. Mary’s books taught students how to impose order on information through a sequence of exercises emphasizing key cognitive methods of logic like chronological order, categorization, equivalence, contrast, cause and effect, analogy, and prediction.\textsuperscript{46} Students gained an understanding of these logical principles first by analyzing material in simpler, shorter assignments.\textsuperscript{47} The lessons then “spiralled” in complexity. Students analyzed material using the same logical principles, thus allowing them to gain confidence in the “known.”\textsuperscript{48} But as the book progressed, logical principles were woven together and the lessons became increasingly complex. Spiralling empowered students to see the relationships between logical principles and to appreciate the logical thinking process that leads to good writing. In short, spiralling taught students to think for themselves.\textsuperscript{49}

\textit{Writing as a Thinking Process} contains hundreds of lessons in the “logical methods of written organization.”\textsuperscript{50} Each method is “practiced first in isolation in short compositions. Later assignments demand a synthesis of logical methods . . .”.\textsuperscript{51} The text divides the logical methods of organization into three “levels” with each level increasing in complexity.\textsuperscript{52} Level One methods include chronological order, spatial order, generalizations and specifics, classification, and comparison and contrast.\textsuperscript{53} Level Two builds on these basic principles of organization with lessons in classification by expansion, cause and effect, explanation, cycles and chain reactions, analogy, and

\begin{itemize}
\item \textsuperscript{46} \textsc{Lawrence, supra} note 6, at vii–viii.
\item \textsuperscript{47} \textit{Id.} at 11–37.
\item \textsuperscript{48} See \textsc{Kunz, supra} note 14, at 7.
\item \textsuperscript{49} In the second edition of \textit{Writing as a Thinking Process}, Mary credited Jerome S. Bruner and his book, \textit{Towards a Theory of Instruction}, for her cognitive theories on spiralling and process. \textsc{Mary S. Lawrence, Writing as a Thinking Process} 111 (2d ed. 1996); see \textsc{Jerome S. Bruner, Towards a Theory of Instruction} 72 (1968) (“To instruct someone . . . is not a matter of getting him to commit results to mind. Rather, it is to teach him to participate in the process that makes possible the establishment of knowledge. We teach a subject not to produce little living libraries on that subject, but rather to get a student . . . to take part in the process of knowledge-getting. Knowing is process, not a product.”).
\item \textsuperscript{50} \textsc{Lawrence, supra} note 6, at 5.
\item \textsuperscript{51} \textit{Id.} at 5–6. Each lesson in logical ordering also includes a section called “Structure Vocabulary” which contains lists of words used in association with that method or organization. \textit{Id.} at vii–viii.
\item \textsuperscript{52} \textit{Id.} at 6 (“The methods of organization are arranged in order of increasing difficulty for the non-native speaker of English. Hypothesis, for example, is introduced late in the course because of the difficulties students encounter with the \textit{if} construction.”).
\item \textsuperscript{53} \textit{Id.} at vii.
\end{itemize}
prediction.\textsuperscript{54} Level Three exercises cover advanced forms of organization like definition, hypothesis, proposals, personal opinion, refutation, and discussion.\textsuperscript{55} While Mary presented these methods of organization in order of their complexity, she stressed that writers use and synthesize multiple forms of logical ordering.\textsuperscript{56} The goal of the book was to empower students to choose combinations of logical ordering to express their thoughts.\textsuperscript{57} Mary distinguished her book from “rhetoric texts” on this ground:

> The logical methods of organization—classification, definition, and so on—are, by and large, those found in most rhetoric texts. However, the approach to teaching these methods of organization differs from that of conventional rhetoric books. . . . The text avoids the artificiality of the composition assignment which is wholly classification or wholly comparison and contrast—a type of writing which many rhetoric books demand. The emphasis is on enquiry, on synthesis, and on choice.\textsuperscript{58}

The lessons in logical ordering are linked to a wide range of subject areas including health, biology, transportation, education, geography, biography, and even murder mystery.\textsuperscript{59} The text “spirals” around these subjects, returning to them as the principles of logical ordering become more complex.\textsuperscript{60} For example, geography is one of the subjects used to teach comparison and contrast, in a relatively simple Level One exercise comparing the vegetation and population patterns of mountainous regions in Mexico and Iceland.\textsuperscript{61} The exercise describes how the vegetation and population of both countries change with rising elevation.\textsuperscript{62} Students had to write two statements of comparison, five statements of contrast, two inferences based on the data, and a paragraph of contrast about the two countries.\textsuperscript{63} Geography appears again, this time joined with weather, in the more complex Level Two method of classification.\textsuperscript{64} For this exercise, students had to write an essay based on detailed data on the

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\textsuperscript{54} Id. at viii.
\textsuperscript{55} Id.
\textsuperscript{56} Id. at 6.
\textsuperscript{57} Id. at 3.
\textsuperscript{58} Id. at 6.
\textsuperscript{59} E.g., id. at 59–60.
\textsuperscript{60} See LAWRENCE, supra note 49, at 1 (“The topics are spiralled to allow for vocabulary review. Thus, all the exercises on population are not placed together, one after the other.”).
\textsuperscript{61} LAWRENCE, supra note 6, at 89.
\textsuperscript{62} Id.
\textsuperscript{63} Id.
\textsuperscript{64} Id. at 146–48.
number, locations, and severity of tornadoes, hurricanes, and blizzards, and the average wind speeds for fourteen American cities.\footnote{Id. at 181–82.}

Finally, Mary combined geography with economics in an advanced Level Three exercise in which students used hypothesis and cause and effect to write a composition on what changes might result from the discovery of oil and the building of a highway in a hypothetical country.\footnote{\textit{LAWRENCE}, supra note 49, at 1.}

Each exercise in a subject-matter spiral (like geography) adds new and more detailed information to a basic statistical framework. Students gain confidence in more complex forms of logical ordering and synthesis by building on skills learned in simpler assignments. As Mary explained in the book’s second edition, “[s]piralling (presentation in recurring cycles) forces you to actively recall. It allows you to synthesize information and subject matter vocabulary from an expanding inventory of sources.”\footnote{\textit{LAWRENCE}, supra note 6, at 4 (“[The] subject matter areas . . . were chosen because they are topics in which educated persons are interested.”).}

The breadth and depth of the 165 exercises in the three levels of organization (and the dozens of exercises in the “Explanatory and Preparatory Exercises” that begin the book) are singular. Although the exercises are designed to teach cognitive principles of organization, they are also enlightening and entertaining, to beginning and to experienced writers.\footnote{See, e.g., id. at 106–09.} Some subjects, like population and education, appear more than once in each level of organization and contain interesting data from the period.\footnote{Id. at 120–22.} Several exercises address environmental degradation, with one presciently focusing on global warming.\footnote{\textit{LAWRENCE}, supra note 6, at 4 (“[The] subject matter areas . . . were chosen because they are topics in which educated persons are interested.”).}

Mary explains some logical principles with a touch of humor. Here, for example, is a Level Two exercise on cause and effect:

As the United States was settled, many towns were founded. Some of these towns were named for the places the immigrants came from. Some were given [Native American] names, or the names of people, both the names of famous people and those of ordinary settlers. Some settlements were given very distinctive names such as Hell, Michigan; Big Bottom, Ohio; and Bad Axe, Michigan. Often these distinctive names were the result of some interesting happening in the early history of the town.

A. Why do you think Salt Lake City was given that name?
B. Tell why you think the following towns were given their names. You may be as inventive as you wish in the reasons you give. You may invent anecdotes about the town’s early history, or ascribe to the town geographical features, peculiar characteristics, etc.

- Crooked Falls
- Milk River Town
- Dead-Mule Canyon
- Hen-Roost

Poverty Hill
Old Mission
Crazy Horse
Tombstone

*Your REASONS are INFERENCES*\(^\text{71}\)

In the second edition of the book, Mary added Boring, Oregon, to the list of distinctive town names, but deleted Hell, Michigan.\(^\text{72}\)

Mary’s influence in the TESL field went beyond her two books. She published articles that presaged the “problem solving” movement years later in law schools\(^\text{73}\) and was a frequent presenter at national TESL conferences.\(^\text{74}\) In her decade in the field, Mary had a “direct and lasting influence on the professional lives of a great number of teachers and researchers” in TESL.\(^\text{75}\) But this was just Mary’s first dazzling professional act. At the age of forty-four, Mary sought a new challenge—she went to law school.\(^\text{76}\)

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\(^{71}\) *Id.* at 123–24.

\(^{72}\) MARY S. LAWRENCE, WRITING AS A THINKING PROCESS 111 (2d ed. 1996).

\(^{73}\) See Mary Lawrence, *Enquiry Method and Problem Solving in the EFL Classroom*, TESL Rep., Fall 1972, at 1, 12 (“Within a teacher-directed framework, problem-solving provides the students with the opportunity for individual personal expression. It allows the student to put his linguistic skills, however limited, into active use by capitalizing on his natural ability to think.”); H. Joan Morley and Mary S. Lawrence, *The Use of Films in Teaching English As a Second Language*, 21 LANGUAGE LEARNING 117, 126 (1971) (noting that films “serve a dual purpose. The student is taught to identify the method of organization in question as it is utilized in the film, and secondly, he can apply the rhetorical method in his own writing”); Mary S. Lawrence, *Operation Expediency–Using Tutors to Supplement the EFL Class*, in SELECTED CONFERENCE PAPERS OF THE ASSOCIATION OF TEACHERS OF ENGLISH AS A SECOND LANGUAGE 1 (David C. Wigglesworth ed., 1967).

\(^{74}\) See Letter from Kyle Perkins to Donald W. Brodie, *supra* note 12 (“Professor Lawrence has been asked to deliver plenary addresses on the subject of composition to major national conventions.”).

\(^{75}\) Letter from John H. Esling to Donald W. Brodie, *supra* note 36.

\(^{76}\) Mary S. Lawrence, Vita (Sept. 1982) (on file with author).
II
MARY’S INNOVATIONS IN LEGAL WRITING

Mary received her J.D. from the University of Oregon School of Law in 1977 and became the first director of the law school’s Legal Writing Program a year after graduating. Legal writing was in a sorry state at Oregon’s law school when Mary arrived. The course was taught by full-time faculty who prioritized their doctrinal classes over teaching legal writing. Dale Goble, a student in the old system and later an instructor in Mary’s program, described the problem in frank terms:

[T]he faculty members assigned to teach the writing and reasoning units were still responsible for their substantive courses. Since the faculty members were understandably more interested in their regular courses, the writing sections were their lowest priority. As a result, the quality of instruction in the writing sections was often quite low. My written work, for example, was returned with only a grade. There were no comments on either the writing or the analysis. The professor simply was not interested in teaching writing skills.

During the 1977–78 academic year, the Curriculum Committee formulated a new writing program that removed “regular” faculty members from teaching first-year writing. The new program would be staffed by “instructors devoted solely to the program” and would “be supervised by an experienced faculty member possessing special qualifications in composition, research techniques, and library usage geared to the instructional needs of beginning law students.” Naturally, they hired Mary.

77 Id.
78 See Letter from Dale Goble to Derrick Bell, Dean, Univ. of Or. Sch. of Law (July 9, 1981) (on file with author).
79 Id. Goble also complained that the research component, taught by the librarians, “was largely a meaningless exercise. The instructor simply trundled in his weekly cartload of books. The actual instruction in research techniques was little more than a disjointed show-and-tell session. Furthermore, the research unit was not integrated with the writing unit.” Id. Chapin Clark, who was Dean at the time, also recognized this problem. Letter from Chapin D. Clark, Professor of Law, Univ. of Or. Sch. of Law, to Richard Hill, Provost, Univ. of Or. (Nov. 2, 1984) (on file with author) (“No aspect of any law school curriculum for beginning students has been the object of more experimentation and frustration than the teaching of legal research, bibliography, and writing skills in the preparation of legal documents. Many law faculty members are not adept at this instruction and even those who are, soon tire of the drudgery.”).
80 Letter from Chapin D. Clark to Richard Hill, supra note 79.
81 Id.
82 Id.
Mary’s legal writing curriculum is famous for several innovations that made it the “gold standard” in the early days of the new legal writing discipline. These included an integrated curriculum that “spiralled” instruction in research, analysis, and writing; emphasized statutes throughout the course; treated grammar instruction as an aspect of a larger concern with sound legal method and not as the sole purpose of a legal writing course; and pioneered using rubrics to assess outcomes.\(^{83}\)

A. “Spiralling” Research, Analysis, and Writing in a Fully Integrated Curriculum

Mary applied her cognitive theories from TESL to legal writing. She created a legal writing curriculum that taught writing as a thinking process and seamlessly fused research, analysis, and writing in one course. In doing so, Mary was taking sides in a century-old debate about how and whether to integrate research, writing, and analysis. Professor Marjorie Rombauer chronicled this debate in her 1973 article, First-Year Legal Research and Writing: Then and Now.\(^{84}\) Legal research and writing were first joined in one course in the early twentieth century, following the publication in 1906 of Roger Cooley’s Brief Making and the Use of Law Books.\(^{85}\) Rombauer approved of Cooley’s weaving together of research, analysis, and writing.\(^{86}\) Soon, however, a competing text from Professor Frederick Hicks, which focused exclusively on legal research,\(^{87}\) gained in popularity.\(^{88}\) Hicks asserted that teaching “brief making” was not appropriate for the first year, and should be separated out into its own course.\(^{89}\) The Hicks model held sway, and, thereafter, legal research and legal writing were often taught in separate courses.\(^{90}\) When they

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\(^{83}\) LAWRENCE, supra note 13.

\(^{84}\) Marjorie Dick Rombauer, First-Year Legal Research and Writing: Then and Now, 25 J. LEGAL EDUC. 538 (1973).


\(^{86}\) Rombauer, supra note 84, at 539–40.

\(^{87}\) FREDERICK C. HICKS, MATERIALS AND METHODS OF LEGAL RESEARCH (1923).

\(^{88}\) Rombauer, supra note 84, at 539.

\(^{89}\) HICKS, supra note 87, at 18 (stating that a course in brief making “necessarily cannot be given advantageously in the first year”).

\(^{90}\) Rombauer, supra note 84, at 539–40.
were joined in one course, research “was the dominant partner in the new union.”

Legal writing programs became popular in the 1940s. The most well-known program in the country at the time was the Bigelow Fellows Program at the University of Chicago Law School. Harry Kalven described this ambitious program in an influential article in the first volume of the Journal of Legal Education. In the program, students wrote twelve assignments totaling 25,000 words. The program emphasized the fusing of analysis, research, and writing. The teachers were recent graduates who taught for one year. Rombauer lamented that the “real promise” of the Chicago program was not recognized at other schools because too many early legal writing programs focused on the product and “remedial” writing instead of the inter-relationship of the three components of problem solving. But the “neat finesse of the staffing problem” did catch on. To save money, most schools staffed the legal writing course with short-term hires, adjuncts, or students.

Law schools recognized the problem of poor student writing, but did not want to devote the resources required to address it successfully, and casebook faculty had little or no interest in helping to fix it. The Journal of Legal Education published a revealing

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91 Id. at 539; see, e.g., HOW TO FIND THE LAW: WITH SPECIAL CHAPTERS ON LEGAL WRITING (William R. Roulfe ed., 6th ed. 1965) (devoting three of seventeen chapters to legal writing).
92 Rombauer, supra note 84, at 540–42.
93 Id. at 541–42.
94 Harry Kalven, Jr., Law School Training in Research and Exposition: The University of Chicago Program, 1 J. LEGAL EDUC. 107 (1948). Early volumes of the Journal of Legal Education are filled with articles describing legal writing programs at schools across the country.
95 Id. at 109.
96 Id. at 110.
97 Rombauer, supra note 84, at 542.
98 Id.
99 Id.
100 Id.
101 Irvin C. Rutter, Designing and Teaching the First-Degree Law Curriculum, 37 U. CIN. L. REV. 9, 55 (1968) (“The problem of deficiencies in writing ability has engaged the attention of the law school community for more than a generation.”).
102 In 1959, Dr. Sheldon D. Elliott, then Director of the Institute of Judicial Administration, offered this acerbic assessment of what happens when casebook faculty are assigned to teach legal writing:

Number One: Give the first-year course in legal research and writing to one of your older faculty men, and free him pro tanto from the subjects he’d much rather teach. The chore of devising research problems, checking solutions,
debate in 1982 on the question of whether permanent faculty should teach first-year legal writing.103 Willard Pedrick, Professor of Law at Arizona State University, answered no, and said that legal writing programs staffed by full-time faculty “pose a significant threat to legal education.”104 First, Pedrick found the term “legal writing” to be “off-putting.”105 He said that “[w]riting is writing. The ability to write an organized, persuasive argument is in no way peculiar or special to the legal profession.”106 He felt schools should hire English composition teachers or practitioners to teach the course.107 Pedrick worried that requiring full-time faculty to teach legal writing would harm the professor’s “self-image” as a law teacher who teaches in large classes and spends the rest of his time “writing for consequent publication in the law journals.”108 If professors were required to do the “donkey work” of teaching legal writing, their scholarship would suffer.109 This, in turn, would mean the law school “risks losing ground in the recognition accorded that faculty in the world of legal education.”110

Number two: Give it to your junior faculty member; same result, with alacrity.

Proceedings of the Fifty-Second Annual Meeting of the American Association of Law Libraries, 52 LAW LIBR. J. 350, 355 (1959) (transcription of a panel discussion on “The Teaching of Legal Writing and Legal Research”). Dean William C. Warren of the Columbia University School of Law thought that, rather than spending valuable time in law school teaching writing, the problem could be solved by simply not admitting poor writers. Id. at 353 (“If we require that students display some degree of excellence in English grammar before they can gain entrance to law school, the colleges will begin to pay attention to basic writing skills. Once the colleges become interested, they will force secondary schools to examine their programs. The problem will solve itself.”).

103 Willard Pedrick, Should Permanent Faculty Teach First-Year Legal Writing? A Debate, 32 J. LEGAL EDUC. 413 (1982).
104 Id. at 413.
105 Id.
106 Id. at 414.
107 Id.
108 Id.
109 Id.; see also Reed Dickerson, Legal Drafting: Writing as Thinking, or, Talk-Back From Your Draft and How to Exploit It, 29 J. LEGAL EDUC. 373, 374 (1978) (commenting on the “widespread reluctance of senior law teachers to expose themselves to the stupefying tedium of scrutinizing each student’s written work”).
This was the attitude many professors held toward legal writing when Mary began teaching the subject. Mary quickly developed a nationally recognized legal writing program, which moved legal writing instruction out of the narrow “product” approach and into the new paradigm of process and integration. Other founders of the modern discipline of legal writing were theorizing about process and integration at this time, but the professor who influenced Mary the most was her mentor and close personal friend, Marjorie Rombauer. Professor Rombauer began teaching legal writing in 1960 at the University of Washington Law School. In 1970, she published the first textbook to integrate fully legal research, writing, and analysis. In 1973, West published the second edition, and

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111 See, e.g., Letter from Deidre S. Alfred, Assistant Dean, Univ. of San Diego Sch. of Law, to Derrick A. Bell, Jr., Dean, Univ. of Or. Sch. of Law (Apr. 12, 1984) (on file with author) (“Recently I was asked by Dean Sheldon Krantz of our law school to review our first year [sic] Legal Research and Writing Program and to recommend any changes that should be made. I immediately called a few colleagues to learn the names of individuals who were directing these programs at other schools. I was interested in talking with the ‘leaders’ in the field. The name of Mary Lawrence of your law school was suggested repeatedly. . . . I have learned, after talking with individuals at many law schools, that your program is considered one of the best. It is known to be well-organized, well-developed, and ‘scholarly’ in that analytical skills are developed as well as legal research, legal writing, and oral advocacy skills.”).

112 See Phelps supra note 3, at 1094 (“Writing is a process; the process is recursive rather than linear; pre-writing, writing, and revision are activities that overlap and intertwine.”); see also Helene S. Shapo, Commentary, The Frontiers of Legal Writing: Challenges for Teaching Research, 78 LAW LIBR. J. 719, 726 (1986) (advocating for an integrated research and writing course so that students “can learn legal research not only for itself, but as part of the analytical process that lawyers undertake”); Dickerson, supra note 109, at 374 (“The prevalent narrow view of writing, which even many professionals share, is that it is merely putting down what the writer already has in his head; first the thought, then its expression. Such a view ignores its most important potential: By using the best writing strategies, the writer can generate valuable ideas not only in other heads but in his own.”).

113 See Memorandum from Dennis Hyatt, Law Librarian, Univ. of Or. Sch. of Law, to the Law School Personnel Committee, Univ. of Or. Sch. of Law (Sept. 5, 1984) (on file with author) (“Although developed along somewhat different lines, the legal research and writing program created by Professor Lawrence matches the concept and format of the renowned program of Professor Marjorie Rombauer at the University of Washington.”). Mary dedicated her article on the formation of the Legal Writing Institute to “Marjorie D. Rombauer, Legal Writing Icon, Mentor, and Friend. With gratitude, love, and deepest respect.” Mary S. Lawrence, The Legal Writing Institute: The Beginning: Extraordinary Vision, Extraordinary Accomplishment, 11 J. LEGAL WRITING INST. 213, 213 (2005).


after that Rombauer’s book became a leading legal writing textbook. Rombauer presented “legal problem-solving” as the “unifying theme” linking analysis, research, and writing.\(^\text{117}\) Her textbook weaves all three processes together in a way that no textbook did before and few have done since. Each facet of the process receives equal weight.\(^\text{118}\) Research is not carved out as a special subject for a different book or even a different course. Rather, research is placed in the center of the book with extensive coverage of many resources.\(^\text{119}\) Rombauer wanted students to learn “the whole, integrated sequence of thinking and developing the question.”\(^\text{120}\) According to Mary, Rombauer’s textbook proved that “legal writing instruction was more than mechanics and grammar,” and that legal writing “could be as academically demanding as any other law school course.”\(^\text{121}\)

Mary modeled her program on Rombauer’s integrated approach, but she created her own, Oregon-specific, course packet to implement her integrated pedagogy.\(^\text{122}\) By the 1970s, several legal writing textbooks, in addition to Rombauer’s, had been published, but none of them integrated research in the way that Mary intended.\(^\text{123}\)


\(^{117}\) Rombauer, supra note 84, at 542. The problem-solving approach to law training has long had its advocates. See, e.g., David F. Cavers,\textit{ In Advocacy of the Problem Method}, 43 COLUM. L. REV. 449, 455 (1943) (“Law, however inclusively one defines it, represents a socially organized method of solving the problems which arise among men in society. The lawyer is a professional problem-solver, using legal methods to arrive at solutions.”); J. H. Landman,\textit{ The Problem Method of Studying Law}, 5 J. LEGAL EDUC. 500, 505 (1953) (“The merits of the problem method lie in the fact that it approximates the thinking of the practicing lawyer when confronted with a new problem. Second, it tends to be highly instructive in that it obliges the student to analyze, discriminate, compare, and contrast, voluntarily or involuntarily, for himself before he pronounces judgment. ”).

\(^{118}\) See Rombauer, supra note 116, at xix–xxi.

\(^{119}\) Id. at 65–144.

\(^{120}\) Lawrence, supra note 114, at 46.

\(^{121}\) Id. at 19. Rombauer retired from teaching in 1993 but remains active in the legal writing community. Id. at 66. Her many honors and awards were capped in 2011 when she received the Burton Award for Outstanding Contributions to Legal Writing Education. See \textit{The 2011 Burton Awards}, \textit{Burton Awards for Legal Achievement}, http://burtonawards.com/2011event.html (last visited July 21, 2012).

\(^{122}\) Lawrence, supra note 13.

\(^{123}\) See, e.g.,\textit{ William P. Statsky & R. John Wernet, Jr., Case Analysis and Fundamentals of Legal Writing} (1977) (providing an otherwise commendable effort focusing intensely on techniques for reading and applying caselaw (sixteen chapters, pages 101–280, are devoted to “How to Brief and Understand an Opinion”) but with little treatment of research); John C. Dernbach & Richard V. Singleton II,\textit{ A Practical Guide to Legal Writing and Legal Method}, at xvii–xviii (1981) (providing another excellent early source for understanding the principles of legal analysis and legal method,
Rombauer’s book gives legal research serious coverage, and treats it as a necessary component of effective analysis and writing, but it omits problem-solving exercises designed to train students to see the inter-relationship of research, writing, and analysis.124 Mary developed a course that sequences lessons in research, analysis, and writing instruction one after another. The course packet includes hundreds of research exercises, many of them Oregon-specific, which teach analytical lessons in precedent, levels of authority, and relationships between authority.125 Even for the simplest exercises, students had to do more than just find the relevant statute, regulation, or case. They also had to summarize their answers in paragraph form, using principles of sound logical progression.126 In her presentation at the AALS Workshop on Legal Writing in 1985, Mary explained how the problem-solving exercises reinforce the integration of the research, analysis, and writing:

Unlike many programs, our research instruction centers not so much on learning about books as research tools as on process. Students engage in cumulative problem-solving exercises. These research exercises differ from the mechanical exercises in most research texts in that they require students to use research tools in combination. . . . Each problem-solving exercise requires the student to write a coherent paragraph substantiated by authority. In short, the exercises require the students to impose order on information and to synthesize. In order to write the answer, the student must understand levels of authority and relationships. That understanding is, in turn, reflected in the overall organization and internal logical progression of the student’s written answer.127

We see in this explanation the seamless blending, or “spiralling” of research, analysis, and writing that distinguished Mary’s legal writing curriculum. In describing Mary’s curriculum, Christina Kunz aptly captured the meaning of “spiralling” with a triple-helix metaphor:

but dismissing research instruction in a footnote, as a subject “covered in detail elsewhere”).

124 See Rombauer, supra note 116.

125 See Lawrence, supra note 13. Not every scholar at the time agreed that research should be included in a legal writing course. See, e.g., Reed Dickerson, The Fundamentals of Legal Drafting 354 (2d ed. 1986) (“Misreading the need to join form with substance, we have needlessly diluted writing courses by requiring the student to do the kind of time-consuming legal research traditional to courses on law library research, term papers, or law review assignments. Unfortunately, we cannot make a concentrated attack on the legal writing problem if we continue to combine it with a comparable attack on legal bibliography . . . . No course aptly called ‘Legal Research and Writing’ can provide adequate training in legal writing . . . .”).

126 E.g., Lawrence, supra note 13, at 155–56.

127 Lawrence, supra note 7, at 4–5.
[Mary’s course] materials broke each traditional assignment apart into manageable bite-size steps and smaller assignments that helped students to consciously see how legal research, writing, and reasoning are inexorably linked in a single process. Her syllabus demonstrated her course design concept of “spiralling” —a triple helix of these linked skills that gradually spirals upward in increasingly difficult exercises.

Legal research is a process driven by an appreciation of the order and relationships among authority. Mary stressed that research instruction reinforces analytical principles because it “emphasizes . . . relationships among legal authority; levels of authority; and legal process.” In this way, legal analysis informs effective legal research and vice versa. In turn, good legal writing is the product of critical analysis of the research results and logical ordering of the found authority based on accepted principles of legal method. Mary combined legal research, analysis, and writing—the DNA of good legal writing—in a semester-long sequence of carefully crafted exercises spiralling in complexity.

Mary’s course packets were massive and meticulous. Her 1985 course packet for Legal Research, Analysis, and Writing—a two-credit Fall semester course—was 504 pages long. It began with a 144-page reference section. This section was divided into color-coded subsections, with the first subsection, at ninety-one pages, devoted to research aids. This subsection included a narrative “Overview” of legal research, numerous research and analysis “Strategy Charts,” research diagrams (for using particular research texts), nine pages on updating legal sources presented in a columned format, and a lengthy section on federal legislative history. The research strategy charts trained students in successful

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128 Kunz, supra note 14, at 7.
129 LAWRENCE, supra note 13, at xiii.
130 Id. The 1984 course packet for APPELLATE ADVOCACY, the second-semester course, is 624 pages long. MARY S. LAWRENCE, APPELLATE ADVOCACY (1984) (on file with author). These are the oldest course packets still available in Mary’s files.
131 LAWRENCE, supra note 13, at 1–144.
132 Id.
133 Id. at 5–10.
135 There are 17 of these. Id. at 33–49.
136 Id. at 53–61.
137 Id. at 69–91.
research and analytical methodologies; they also laid plain Mary’s approach to legal method. Every strategy chart, for example, directed students to determine first whether any enacted law was pertinent.\footnote{Id. at 13–28.} The research aids subsection ended with a fifteen-page interactive “Research Review Questions for Self-Evaluation.”\footnote{Id. at 93–108.} The reference section also included a helpful eighteen-page guide to The Bluebook citation rules with the most important rules highlighted in a six-page “Selected Basic Rules Illustrated.”\footnote{Id. at 111–29.} The reference section concluded with instruction on basic principles of legal writing such as clarity, precision, use of authority, logical progression, and a lengthy self-editing checklist for the first writing assignment.\footnote{Id. at 130–44.}

The instructional portion of the course packet began with an introduction to legal process and levels of authority by explaining the various courts in Oregon and how they relate to one another.\footnote{Id. at 151–54, 168–74.} Following this, the first exercises asked students to answer basic research questions using the Oregon Revised Statutes.\footnote{Id. at 155–56.} For example, the first question in “Research Practice Exercise 1.1” posited, “My sister, who is nineteen years old, was caught using false identification at a local bar. Can she be fined or put in jail?”\footnote{Id. at 155.} Students used key words in the index to find the relevant statute, and then had to write their answers in paragraph form using proper citation.\footnote{Id. at 173–74.} Suggested completion time for these exercises was 10 minutes.

Spiralling began when students were challenged with more complex assignments addressing the relationship between statutes and common law precedents.\footnote{Id. at 184–87.} Students also learned how to update statutes and cases—not with a “how to” but through exercises.\footnote{Id. at 209–13.} As students gained confidence in legal method, they were assigned problem-solving exercises that required them to find and update statutes and then use cases to interpret the enacted law. Here, for example, is the first exercise in “Problem Solving Exercises 2.3”:

\begin{quote}
\textbf{Research Practice Exercise 1.1:} Of the following, which statute is more specific? Write the statutory language in paragraph form:


-\textit{Statute B:} 18 U.S.C. \textsection 1001(b).
\end{quote}
Maria has been arrested under ORS 166.270 for possessing a firewall. She had previously been convicted of a felony ten years ago. She wants to know if it is a defense to the charge of possession that she inherited the World War I handgun in question from her grandfather and reasonably believed that it was no longer operable. Police tests showed that the handgun was operable.

Suggested completion time for this assignment was 45 minutes. Mary’s spiralled curriculum was highly structured and student friendly. Each research or problem-solving exercise began with a research strategy flowchart with the sources students should consult to find the answers, and concluded with a summary, in chart form, of “What You Should Learn” from the exercise. In this way, and with Mary’s careful guidance, students spiralled into control of increasingly complex subjects.

After a thorough grounding in statutory and case law research/analysis/writing, Mary’s curriculum introduced students to administrative law. The research process was the same—spiralling involves “circling back” to known subjects—with students first directed to the Oregon Revised Statutes to begin answering the exercise questions. To complete the answer, students then had to consult the corresponding chapter in the Oregon Administrative Rules. The format of the exercises was also the same. Here is an example: “Client’s face was badly burned in an accident. Client is now seriously disfigured. He wants to obtain a driver’s license without a photograph. Can he do so?”

Once students worked through problem-solving exercises using regulations, they had spiralled through the major sources of law and were ready for the first major office memo assignment. This assignment, based on Oregon’s version of the Uniform Child Custody Jurisdiction Act (“UCCJA”), offered an ideal blend of statutes, cases, and regulations that drove home the lessons of the problem-solving exercises. It included realistic practice documents like affidavits, a motion to show cause, and a divorce decree. The assignment also

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149 Id. at 216.
150 Id.
151 Id. at 214–19.
152 Id. at 219–22.
153 Id.
154 Id.
155 Id. at 221.
156 Id. at 223–77.
157 Id. at 224–33.
included a detailed grading rubric—yet another innovation that put Mary ahead of her time.\textsuperscript{158}

The first major office memo assignment completed the first cycle through the spiral. Mary then repeated the process with additional research and problem-solving exercises exploring the common law, precedent and \textit{stare decisis}, the relationship between enacted law and judge-made law, and more refined topics like the relationship between different state versions of uniform laws (circling back to the UCCJA problem in the first cycle).\textsuperscript{159} The course concluded with a similar treatment of federal law.\textsuperscript{160}

Mary’s course packet also included many sample memos with Mary’s handwritten critiques and typed closing comments.\textsuperscript{161} The course packet contained dozens of “analysis charts” designed to show in graphic form the appropriate methodologies for solving statutory, common law, and administrative problems.\textsuperscript{162} It also included lessons in drafting client opinion letters.\textsuperscript{163} Mary’s curriculum was ambitious, especially for a two-credit course, but students rose to the challenge because of the care Mary took to implement her pedagogical insights.

\textbf{B. Emphasizing Statutes}

Along with its “process” and “spiralling” innovations, Mary’s curriculum is also notable for its emphasis on statutes. Most legal writing textbooks then and now start with either secondary sources or common law rule synthesis before turning to statutory law. Mary saw it differently. In her program, students were trained to turn first to statutes, whatever the legal problem to be solved.\textsuperscript{164} As the course spiralled through increasingly complex levels of authority, statutes were always at the center of the analysis.\textsuperscript{165} The “Introduction to Common Law” does not appear until Part III of the course packet at page 299.\textsuperscript{166} Yet even here, the basic research strategy for finding

\textsuperscript{158} \textit{Id.} at 276–77.
\textsuperscript{159} \textit{Id.} at 299–424.
\textsuperscript{160} \textit{Id.} at 427–90.
\textsuperscript{161} See, e.g., \textit{id.} at 467–90.
\textsuperscript{162} See, e.g., \textit{id.} at 292 and 295.
\textsuperscript{163} \textit{Id.} at 493–504.
\textsuperscript{164} See, e.g., \textit{id.} at 183.
\textsuperscript{165} Lawrence, \textit{supra} note 7, at 8–9 (“This emphasis on statutory analysis is spiralled throughout the course. The analysis required expands and cumulates to include imposing order on and synthesizing all levels of authority in statutory interpretation, as for example, by using: administrative regulations, administrative opinions, legislative history, ‘parent’ statutes, uniform laws as well as judicial opinions.”).
\textsuperscript{166} \textit{Lawrence, supra} note 13, at 299.
common law begins with “Step #1 Any Enacted Law?” Mary used the common law section of the course to reinforce the primacy of statutes.

Mary’s approach makes sense for practical and pedagogical reasons. Statutes take primacy over cases in every field of law, except constitutional law. All lawyers work with statutes, regardless of their specialty. A lawyer may first discover the statute by reading a case, but once she does, the lawyer, properly trained in levels and relationships of authority, will re-orient her research and analysis with the statute at the center of inquiry. Mary used her course to develop this good habit in law students. Pedagogically, Mary thought it better to start new students with deductive reasoning and the application of a rule to a new set of facts. Even allowing for the complexities of statutory interpretation, this analytic process might be easier for new students to grasp than the challenge of inducing a rule from a series of cases. Students could learn sound analytical habits, as well as gain confidence in their abilities, if they first find and apply “black letter law” from a statute. Starting with statutes reminds students of the appropriate hierarchies of authority, and “helps students to synthesize the relationship between the legislature and the courts.” Statutes play a central role in most every lawyer’s life. Mary felt this should also be true for law students.

Mary insisted on starting with statutes, even when it meant gently criticizing her colleagues (and close friends). In 1990, Mary co-authored a review of the legal writing textbook *Writing and Analysis in the Law* by Helene Shapo, Marilyn Walter, and Elizabeth

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167 *Id.*

168 Lawrence, *supra* note 7, at 7 (“The common law analysis [portion of the course] is more demanding because the relationships among the authority are more complex. Here once again, though, the student is not allowed to forget the potential for legislative action. The student must, at the end of the exercise, confront the relationship between enacted law and case law.”).

169 See Paul Beneke, *Start With Enacted Law, Not Common Law*, 10 PERSP.: TEACHING LEGAL RES. & WRITING 76, 77 (2002) (“Starting with statutes emphasizes that common law can be subordinate to statutory law.”). Paul Beneke taught in Mary’s program in the late 1990s, and became the program’s first Assistant Director and Associate Director. See *id.* at 76. Mary and Paul were great allies and dear friends. Paul died in 2010, leaving behind a wife and young child. Mary misses Paul dearly, and reports still thinking about clipping articles for Paul—and then remembering he is gone.

170 LAWRENCE, *supra* note 13; see Beneke, *supra* note 169, at 78 (“Students who learn to always look for statutes first are more efficient and accurate researchers.”).


Fajans. The review cleverly presents perspectives on the book from a legal writing director, a legal writing instructor, and a first-year law student. Mary’s review, while generally laudatory, took exception with one aspect of the book:

[In one significant area [the book] . . . may induce students to draw erroneous inferences: the chapter on common law (twenty-two pages) precedes that on statutes (sixteen pages). Concededly, the authors devote a section of Chapter One to the importance of enacted law. Yet even the title of that section with its juxtaposition of case law before statutes tacitly suggests an inaccurate hierarchy. The research strategy chapter makes clear that students should begin by looking for applicable statutes. Unfortunately, students do not reach that language until Chapter Nine.]

To Mary, legal research, analysis, and writing all begin with statutes.

C. Putting Grammar in Its Place

Mary and the other founders of the “process” paradigm took pains to distinguish an integrated legal writing course from a course in grammar and composition. This is one of the disconnects between how legal writing professors perceive their course and how some casebook faculty perceive it. Legal writing professors do teach grammar. Books like Richard Wydick’s Plain English for Lawyers, and Bryan Garner’s The Redbook, are staples in legal writing classes. Still, legal writing professors see the course as much more than a course on grammar and style. Mary Ellen Gale, who played an important role in the development of the discipline, succinctly

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174 Id. at 1301.
175 Id. at 1305–06 (“That the first semester curriculum in most law schools is exclusively common law implicitly conveys to beginning students a superior importance of judicial opinions in legal analysis. The onus of rectifying so predictable an extrapolation falls to legal research and writing programs.”).
176 See Lisa Eichhorn, Writing in the Legal Academy: A Dangerous Supplement?, 40 Ariz. L. Rev. 105, 115–16 (1998) (“[L]aw school deans and tenured faculty . . . tend to see only the ‘writing,’ and not the analysis, in legal writing programs. I think many of my colleagues believe that much class time in my legal writing course is devoted to comma usage and the diagramming of sentences; why else would they direct their comments about unfortunate grammar in upperclass students’ papers to me? In fact, law faculty and administrators themselves often mistakenly view legal writing programs as remedial courses in junior high school English.”).
177 RICHARD C. WYDICK, PLAIN ENGLISH FOR LAWYERS (5th ed. 2005).
summarized the conception of legal writing held by many, including Mary:

Properly taught, legal writing is not a return to bar-anticipation courses. It is not a course in basic research techniques or in basic examination writing techniques. Still less is it a course in grammar, syntax, punctuation, and spelling—despite the need of some law students for a remedial English course. It is a necessary supplement to the case method of teaching law and to interdisciplinary teaching about the policies behind the law.179

Compare this view with that of Quintin Johnstone, a professor at Yale Law School. Writing in 1970, Johnstone’s article is a manifesto for curricular change. Among his suggested reforms is more in-depth student participation in “problem solving.”180 Yet, unlike Rombauer, he does not suggest this take place in the legal writing class, preferring instead that it be actualized through independent research projects, seminars, law review work, and clinics.181 Johnstone expressed his belief in how to improve student writing in a separate reform. He bemoaned the “deplorable number of law students [who] write badly, unable to express themselves on paper with clarity and precision or to organize their ideas effectively.”182 His solution? More writing for law students—but with a catch:

If the regular law teaching staff cannot or will not put in the requisite amount of time correcting student written work, others should be hired to do so. Graduate students in English, teaching fellows with law degrees, and upperclass law students are possible sources of assistance. . . . As assistants they could at least oversee the preparation of student written work until papers were in adequate shape to submit to the regular teacher for substantive evaluation.183

This approach assumes that writing and analysis are severable. Mary and her pioneering colleagues proved conclusively that they are not. To be sure, Mary’s course packet contained extensive treatment of key principles of writing style like clarity, precision, conciseness, logical progression, signals, etc.184 It also contained sample memos.

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181 Id. at 269–70.
182 Id. at 273.
183 Id.
184 LAWRENCE, supra note 13, at 109–44.
with critiqued comments referencing basic rules of grammar.\textsuperscript{185} Undoubtedly, discrete basic grammar rules could be taught separately from an integrated approach to legal writing, but Mary did not see this as tackling the root of the problem. At the 1985 AALS Workshop, she diagnosed the problem this way:

\begin{quote}
\begin{itemize}
  \item From my evaluation of first year law student writing for the past seven years, I conclude that the single most important reason for unsatisfactory legal writing is failure to communicate relationships:
  \begin{itemize}
    \item (1) the relationships among legal authority;
    \item (2) the relationships between authority, fact, and inference;
    \item (3) the logical relationships within sentences and paragraphs.
  \end{itemize}
\end{itemize}
\end{quote}

The only way to improve student writing is to keep substance and writing together—good writing grows out of a thorough understanding of the legal method, which, in turn, drives effective legal research, and all come together in the thinking process of writing. Students in Mary’s course received extensive instruction in grammar and style. Yet the premise of her program is best captured in Harry Kalven’s whimsical aphorism—“Give a man a live problem, push him hard on his analysis, give him an interested reader, and his literacy will begin to take care of itself.”\textsuperscript{187}

\section{D. Using Rubrics to Assess Outcomes}

Mary has so many interesting pedagogical ideas that time will allow for just a brief discussion of a few more. Presaging the outcomes and assessments movement, Mary believed it was important to identify the teaching process and the learning process for each goal of the legal writing program.\textsuperscript{188} She created a guided exercise and a process “checklist” for students to develop critical self-evaluation skills.\textsuperscript{189} After students completed their first office memo, involving a state statute and a limited number of cases, they were given a list of “Suggested Processes” and asked which of the processes they applied in the memo.\textsuperscript{190} The list is long, and deliberately includes processes not relevant to the problem, forcing students to think carefully about

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\begin{itemize}
  \item \textsuperscript{185} Id. at 467–90.
  \item \textsuperscript{186} Lawrence, supra note 7, at 4.
  \item \textsuperscript{187} Kalven, supra note 94, at 117.
  \item \textsuperscript{188} Mary S. Lawrence, Univ. of Or., Presentation at the AALS Workshop on Legal Research & Writing: Designing Goals for a Legal Writing Program 10 (July 1993) (transcript on file with author) (“I . . . recommend that we communicate to the students not just what our general goals are (they can guess those), but the processes they, the students, can use to achieve them.”).
  \item \textsuperscript{189} Id. at 11.
  \item \textsuperscript{190} Id. at 13–15.
\end{itemize}
the processes.\footnote{Id. at 12, 15.} The process list includes everything from “read statutory sections together” to “apply language of regulation” and “apply parallel common law rule.”\footnote{Id. at 15.} Later in the semester, students were encouraged to note in the margins of their memos which processes they were using.\footnote{Id. at 16.} Mary felt the “major advantage” of this approach is that it requires students to “focus on [the] process rather than just the substantive law involved.”\footnote{Id.} This method improved the retention and application of analytical skills to different problems. Students’ legal writing improves when “they must communicate the process they are using through their choice of paragraph organization and sentence structure.”\footnote{Id. at 17.}

Mary also believed in the value of the “good mistake.”\footnote{Id. at 23–24.} Once students reviewed the processes checklist, they might see they missed a step in their analysis. After seeing it marked on the checklist, Mary felt students would remember the mistake and not make it again. Mary put it this way:

> We all know that people remember their mistakes. In fact, some of us hoard those memories. We remember the one negative student evaluation among the hundreds of positive ones. When you go to a bar conference, people who know you teach legal writing can recount after decades the errors they made on their first memo.

> We should, I suggest, capitalize on this very human trait. Each process we expect our students to perform in their written assignments should have the potential to be a “good mistake.” If the student misses a step in the analysis; if the student misreads a statute or case; if the student fails to apply the law to the facts; these should be processes worth remembering. I favor telling the student he’s made a “good mistake,” and that he’ll never do that again especially after the first assignment. One of my goals, then, is to build good mistakes into our assignments.

The curricular innovations described here make plain the obvious: Mary’s innovations in legal writing pedagogy helped establish the dynamic discipline of legal writing we know today.
III
MARY’S CAREFUL ATTENTION TO HER INSTRUCTORS, STUDENTS, AND OTHERS

Mary,

In clearing out my office, I ran across my old St. Louis files. Looking over them brought home once more how advanced your Program is here at the U. of O. I will repeat something I’ve already told you: You deserve the credit for whatever accomplishments I may have achieved in the legal writing field. Your guidance has been invaluable. You are a terrific mentor. I thank you for your tireless effort to make me a better teacher. I think you are a wonderful person. I will miss your company. I wish you all the best!

Your friend,
Greg

I wrote this letter in 1992 as I was leaving the University of Oregon School of Law for a clerkship with a Justice of the Alaska Supreme Court. My four years in Mary’s program were pivotal in my development as a teacher. Like everyone else, I was enlightened, indeed blown away by Mary’s ideas on process, integration, and “spiralling.” I am not alone. Mary mentored a generation of new legal writing professors. She gave much of her time to our training. She motivated us with her boundless energy and enthusiasm for legal writing, and she inspired us with new ideas about how to teach.

Mary developed a comprehensive instructor’s manual covering all aspects of teaching the course. The 1984 Instructor’s Manual for Legal Research, Analysis and Writing I is 545 pages long. It begins with a forward describing a “Theory of Instruction” for teaching each of the three components of the course. This is followed by a detailed explanation of the curriculum for each week of the semester and careful explanations of how each of the three office memorandum

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198 Letter from author to Mary Lawrence (Apr. 9, 1992) (on file with author). I taught legal writing at St. Louis University School of Law for one year, 1987–88, before coming to Oregon. The legal writing program at St. Louis has been dramatically improved since then, and under the talented direction of Christine Rollins and her excellent staff of legal writing professors, bears little resemblance to the program I taught in.
199 LAWRENCE, supra note 11.
200 Id.
201 Id. at v, xi (“The research problem-solving exercises . . . integrate instruction in research, analysis and writing; such integration is a crucial aspect of legal research and writing instruction which most legal bibliography texts and research exercise books ignore.”). Book Two of the 1984 Instructor’s Manual contains the answers to the fifty research exercises interspersed throughout the course packet. MARY S. LAWRENCE, 2 INSTRUCTOR’S MANUAL FOR LEGAL RESEARCH, ANALYSIS, AND WRITING: RESEARCH EXERCISES (1984) (on file with author). It is 161 pages long. Id.
assignments should be taught and graded. Mary created refined rubrics for each assignment. Mary dissected the elements and sub-elements of each claim at issue so carefully that most of the sub-elements only have one point on the rubric, and on one problem, six of the statutory sub-elements are each given half of a point. The manual includes sample critiqued memos of varying quality. In addition to many insightful margin comments, Mary appended extensive end-comments to each memo. They are daunting in their length and in the careful reading Mary gave each student’s writing. One sample is four type-written, single-spaced pages, another is six, yet they do not contain “canned” comments dropped into multiple critiques. Mary’s lengthy comments speak directly to each student’s analytical strengths and weaknesses with a detailed precision proving Mary spent a great deal of time with each memo. These critiques set a standard of excellence for all professors in her program.

Mary conducted a fabulous orientation for all new legal writing professors in the weeks prior to the start of class. The orientation in 1984, for example, began on Wednesday, August 8, and lasted two weeks. The daylong sessions included discussions on a wide range of topics and paid particularly close attention to teaching the first few weeks of class. Among the topics discussed were student counseling, academic standing rules, student evaluations, and the honor code. The orientation included an “active learning” session on evaluating student papers. As part of the orientation, everyone went to the University of Puget Sound Law School in Tacoma, Washington, to attend a legal writing conference. This was the hallowed conference that brought together legal writing teachers from all over the country and led to the creation of LWI. Yes, that conference,
where so many lifetime friendships were formed, and where Jill Ramsfield played piano in the lounge.\textsuperscript{211} All the excitement about teaching legal writing, all the energy, all the ideas, all the community—imagine how thrilling and educational this must have been for the new instructors at Oregon. Yet the orientation was still not over. It concluded on Monday after the conference with a debriefing on the conference and workshop sessions on topics like classroom preparation and teaching research.\textsuperscript{212} Classes began with the professors well prepared and ready to go.

Mary was generous with her time and helpful with her ideas and guidance with everyone—new professors, students, members of the bar, and members of the legal writing academy. Students loved her. Mary received “very high ratings” from her students, with numbers significantly higher than the overall average for all first-year classes and for all law school classes.\textsuperscript{213} Derrick Bell, who was Dean of the University of Oregon School of Law in the mid-1980s, was a big supporter of Mary’s. Every year he received “two to three dozen letters from former students commenting on the value of their first-year Legal Writing and Research Course.”\textsuperscript{214} Typical of the comments from former students is this, from William R. Turnbow an attorney at a large Oregon firm:

> [B]ecause of Professor Lawrence’s teaching ability and her willingness to provide a large amount of personal attention to my needs, my writing greatly improved. I feel that Professor Lawrence is an excellent teacher and I have little doubt that my legal writing course was the most valuable single course that I took in law school.\textsuperscript{215}

One student felt so indebted to Mary and her program that he established a $1,000 annual award for the best brief in the moot court program.\textsuperscript{216}

\textsuperscript{211} Id. at 219.
\textsuperscript{212} LAWRENCE, supra note 11, at 6.
\textsuperscript{213} Memorandum from Law Sch. Pers. Comm. to Derrick A. Bell, Jr., Dean, Univ. of Or. Sch. of Law 14 (on file with author).
\textsuperscript{214} Letter from Derrick A. Bell, Jr., Dean, Univ. of Or. Sch. of Law, to Richard J. Hill, Provost, Univ. of Or. Sch. of Law (Dec. 20, 1984) (on file with author).
\textsuperscript{215} Letter from William R. Turnbow, Hershner, Hunter, Miller, Moulton & Andrews, to Frank R. Lacy, Pers. Comm. Chair, Univ. of Or. Sch. of Law (June 22, 1984) (on file with author). Elizabeth Ashburn (now Watson), a former student of Mary’s, sent a letter to Mary with similar comments. See Letter from Elizabeth Ashburn to Mary Lawrence (Nov. 3, 1993) (on file with author) (“I don’t believe I would be as successful in my work as I am if it hadn’t been for the excellent LRW program. . . . Take a bow! You are great.”).
\textsuperscript{216} Letter from D. Ben Tesdahl to Mary S. Lawrence, Univ. of Or. Sch. of Law (Mar. 12, 1990) (on file with author); MARY S. LAWRENCE, LEGAL RESEARCH AND WRITING:
Mary’s files also contain many letters from attorneys who judged moot court oral arguments in the spring-semester course, Appellate Advocacy. The attorneys praise Mary’s attention to detail. They compliment her for how well organized the moot courts were, and how well written the bench memos were. The attorneys also praise the high quality of the students’ oral arguments and briefs, with one saying he was “particularly impressed with the evolution of the quality of arguments” during Mary’s tenure.217

Sometimes a small story can speak volumes about a person’s character. Sharon Rudnick, an attorney who had a positive experience judging moot court, shared this story:

> I would like to point to a specific example of Professor Lawrence’s concern for her students. During one round which I judged, a first year student panicked and was unable to complete his argument. Professor Lawrence counseled him and encouraged him for several days until she could convince him to give it another try. She then set up a special round, with another student advocate and lawyers as judges, to help that student overcome his confidence-shaking experience. As I understand it, that student continued in school and has even taken part in the second year [sic] moot court program.218

Readers who know Mary are likely nodding their heads now saying, yep, that’s Mary.

Many legal writing professors from other law schools wrote to Mary asking for copies of materials Mary had discussed during her presentations at legal writing conferences.219 Consider, for example,
this testimonial from Professor Jacqueline Kanovitz at the University of Louisville School of Law:

The Chicago workshop has forged me into a crusader to unify our legal research, reasoning and writing programs. The University of Louisville has traditionally compartmentalized these three subjects. Our experience bears out that this approach provides a sterile learning experience and is met with little enthusiasm by students. The packaged model that you outlined in Chicago, backed up by provocative teaching materials, promises to put zip into what is now regarded as drudgery to the path of graduation.

To me, one of the more impressive requests for materials came from Professor Peter Gross. Gross was one of the early leaders in the movement toward a “process” paradigm of legal writing and analysis. His ideas on process and integrating research, writing, and analysis coincide with Mary’s. Gross deconstructed legal method to develop a set of “analytical strategies” that law students could separately identify, study by increments, and use to acquire proficiency in “the basic methodologies which underlie legal task performance.”

Gross saw Mary’s presentation at the 1985 AALS Workshop. He, too, was wowed. He wrote to Mary, “I was extremely impressed by the concept—and, from what I have seen, the content—of the materials you shared at the conference. I write to inquire how

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220 Letter from Jacqueline R. Kanovitz, Professor of Law, Univ. of Louisville, to Mary S. Lawrence, Professor, Univ. of Or. Sch. of Law (Mar. 26, 1985) (on file with author) (asking Mary to provide her teaching materials to the Louisville curriculum committee as they restructured their program adopting a “unified approach”).

221 See Peter W. Gross, On Law School Training in Analytic Skill, 25 J. LEGAL EDUC. 261, 287–88 (1973) (“Published materials on legal writing and research, while presenting much excellent guidance on the sources of law do not adequately recognize the importance to the student of the underlying processes of research analysis. . . . One way to counter this deficiency in law school training is to make instruction in research methods more expressly congruent with the analytic processes which underlie research.”); Peter W. Gross, California Western Law School’s First-Year Course in Legal Skills, 44 ALB. L. REV. 369, 369 (1980) (“One cannot separate the teaching of writing from the teaching of reasoning. . . . The ‘meta-skill’ of consolidating and applying reasoning-writing-research skills in basic legal writing tasks should be recognized as the crucible of the educational process.”).

222 Gross, On Law School Training in Analytic Skill, supra note 221, at 269 (“Analytic strategies, therefore, are best understood as graspable tools which embody a resolution of basic operational skills into their components. Analytic strategies thus are the vehicle for staged assimilation of a learnable methodology of legal analysis.”).
you would feel about exploring the possibility of my using them at Boalt Hall, under whatever arrangement you would feel suitable.”

For someone so steeped in legal analysis theory to find something new and exciting in Mary’s materials that he thought of using them in his own course affirms the wealth of creative ideas Mary shared with her legal writing colleagues. In this way Mary played a key part in moving the discipline forward into a new, dynamic era.

IV
MARY’S ILLNESS

Alas, no profile of Mary is complete without mentioning her illness. In 1987 Mary contracted spasmodic dysphonia, a neurological disorder of the larynx that “strikes the muscles that control the vocal chords, causing painful, uncontrollable spasms.” Mary lost her voice, and it happened without warning in the middle of class. A 1992 article in the Eugene, Oregon, newspaper describing Mary’s struggle to fight the disease describes the traumatic moment in chilling detail:

Mary Lawrence speaks in thin whispers of the day that it happened. She paces her sentences carefully, deliberately. Pause. Deep breath. Release. A soft stream of words tumbles out, gaining a gentle momentum. Pause.

That is the way it has been—sometimes better, sometimes worse—since that strange morning in February 1987 when Lawrence first lost her voice. She pauses. Takes a breath. Continues with her story.

There she was, pressing home the finer points of appellate advocacy before a roomful of students at the University of Oregon School of Law, when the words came to an abrupt halt, evaporating mid-sentence.

It was as if the voice she had known for a lifetime had vanished in an instant. Her voice. Her instrument. The vehicle that had carried her through distinguished communication careers in both linguistics and legal research/writing. Gone.

Because her doctors were unable to diagnose the cause, Mary set about trying to do so herself. Helped by a friend at the University of British Columbia Medical School, Mary “systematically scoured data bases for fragments of medical research that might fit her symptoms. It became, [Mary] remembers, ‘a great and very interesting research

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224 Kimber Williams, Into Thin Air, REGISTER-GUARD (Eugene, Or.), June 21, 1992, at 1F.
225 Id.
puzzle,’ and she tackled it with a ferocious intellectual appetite.”226 After more than a year of searching, Mary came upon new research from doctors in New York describing experimental treatments for spasmodic dysphonia.227 Mary eventually traveled to New York and became one of the first patients to be given the trial therapy.228 Doctors performed an “unlikely procedure that involved injecting small amounts of botulinum toxin directly into the muscles that control the vocal chords.”229 Doctors essentially injected botox into Mary’s vocal chords.

Mary returned to New York for treatments periodically for several years. The treatments worked, to an extent. Mary’s voice did come back, but it never returned to normal. She was forced to cut back on teaching and conference presentations and Mary missed the 1988 LWI conference at Puget Sound.230 This was my first LWI conference. I reported back to the Oregon Law School Dean about how stimulating the conference was, and how much Mary was missed:

You will be pleased to know that our law school’s legal writing program is very highly regarded by other teachers in the field. Several seminar leaders favorably quoted Mary Lawrence in their presentations (especially in relation to her use of a “spiralling learning process”) and many, many people wanted to know how she was doing. There was a manila envelope on the message board reserved solely for notes to Mary. A group “get well” card was also passed around the conference.”231

Mary would attend and present at legal writing conferences in the 1990s, but her illness limited her opportunities to inspire others with her dynamic conference presentations.

While the disease quieted Mary’s voice, it did not diminish her energy or enthusiasm for helping to develop the discipline of legal writing. Although Mary retired in 2000, she remains active in the national legal writing community despite her disability. Still, one is left wondering how many more genre-establishing innovations Mary

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226 Id.
227 Id.
228 Id.
229 Id.
230 Id.
231 Id.

See Letter from author to Maurice J. Holland, Dean, Univ. of Or. Sch. of Law (Aug. 19, 1988) (on file with author).
might have brought to legal writing if it were not for the onset of this rare and debilitating disease.\(^{232}\)

**CONCLUSION**

I come to praise Mary, not to bury her. Since her retirement Mary has published two valuable interviews with the founders of legal writing.\(^{233}\) She continues to attend AALS, ALWD, and LWI conferences. During the conferences Mary invites friends and colleagues to wonderful dinners at her expense. Age has slowed her down, but she is just as committed to the legal writing community today as she was in 1978.

Many of the pedagogical innovations Mary developed and championed have been embraced across the legal writing academy. The “process” approach to teaching legal writing, for example, is now “dominant.”\(^{234}\) Most contemporary legal writing professors accept Mary’s pivotal premise that legal research, analysis, and writing must be fully integrated in the curriculum for students to grasp essential lessons in legal method. Jan Levine speaks for many of today’s legal writing professors when he says that the best approach to teaching legal writing is “to wholly integrate research and writing in the overall context of legal analysis. This natural combination results in a synergy of learning.”\(^{235}\) Where one starts—statutes, common law, or secondary authority—is ultimately not as important as the basic integration principle. Mary and the other founders of the process approach taught us that students learn best when research, analysis, and writing are integrated in an iterative way, with each informing and building upon the other.

Mary would be the first to say that other legal writing pioneers, like Marjorie Rombauer, Laurel Currie Oates, Jill Ramsfield, Chris Rideout, Christopher Wren, Ralph Brill, Helene Shapo, and Teresa Phelps, among others, were also instrumental in shifting the focus

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\(^{232}\) For example, Mary had drafted a prospectus for a book entitled, *LEGAL WRITING AS A THINKING PROCESS: STRATEGIES FOR EFFECTIVE LEGAL RESEARCH, ANALYSIS, AND WRITING*. The University of Michigan Press, not surprisingly, agreed to publish the book. *See* Letter from Walter E. Sears, Dir., The Univ. of Mich. Press, to Mary S. Lawrence, Univ. of Or. Sch. of Law (Feb. 15, 1985) (on file with author). The onset of Mary’s illness prevented this project from being completed. Imagine the contribution this book could have made to the advancement of the legal writing discipline.

\(^{233}\) *Lawrence, supra* note 113; *Lawrence, supra* note 114.

\(^{234}\) *Supra* note 9.

from product to process and thereby creating the new, dynamic discipline of legal writing. Many heroes of the movement—sung and unsung—contributed time, energy, and creative ideas in the early years of the discipline. Yet Mary looms large as a critical figure in the early development of the discipline.

Building on this base, modern scholars are moving legal writing beyond the once “new” thinking about process. For example, Chris Rideout and Jill Ramsfield, who have been with LWI since the very beginning, continue to press the discipline forward. They argue that “process” is only one component of teaching legal writing, and that a “richer vision” of our pedagogy should include an emphasis on the “social view” of the teacher and the student/writer. They have developed a sophisticated “discoursal model for identity,” which presents “a way of talking about the relationship between legal writers and the contexts within which we ask them to write.”

Other legal writing professors are theorizing on ways to integrate doctrine into legal writing courses. Mary, of course, stressed the importance of analysis in the integrated model, but each memo assignment focused on a different field of law. Some scholars today argue that students learn best when a legal writing course is tied to a specific subject matter or doctrine. Susan Thrower has argued persuasively that legal writing professors should be “exporting doctrine” into legal writing classes rather than “importing writing” into the casebook classes. This is what we do at Vermont Law School. For example, students in Legal Writing II choose from seven different subject areas. Each Legal Writing II class focuses exclusively on that subject. This allows for a textured and deep understanding of the subject. Students who care about the subject matter are more likely to be motivated to care about their writing. My colleague Laurie Kadoch has described the theory behind this course as the “marriage” of doctrine and writing. She argues that this

236 Rideout & Ramsfield, supra note 9, at 707–08, 712 (“[T]he social view can liberate the classroom and the writer by helping both professor and student discover their places in a complex discourse.”).
237 Id. at 744.
239 Kadoch, supra note 3, at 68 (“The marriage of doctrine and writing derives from a basic premise about law school teaching that is germane to legal writing and doctrinal curricula alike. In all law school courses, the analytic challenge for the student and the pedagogical goal for the professor are the same: the need to find a framework that fosters increasingly more complex thought processes about a given substantive topic.”).
marriage is moving legal writing beyond the process approach and into a new “third paradigm.”

If so, then the time is right to reflect on the mighty accomplishments of the generation of legal writing pioneers who created the context for our amazing progress into the future of legal writing. Many deserve praise, but this article identifies Mary Lawrence as a founding mother of the discipline. Mary brought a special set of skills to legal writing. Her professional background and energy made her uniquely qualified to advance legal writing pedagogy into the modern “process” paradigm. Mary has devoted her (second) career to making legal writing a better discipline, for the students who take the class and for the professors who teach it. Mary has counseled, inspired, and encouraged a generation of professors.

We love you, Mary! I will close with a fitting quote from the esteemed Ralph Brill, himself a living legend in legal writing:

Diminutive in size, soft-spoken always, Mary Lawrence is a giant among teachers in this very important field. She has this uncanny ability to just drop something into a conversation some of us are having at dinner about a talk we’ve heard, or some problem we’re experiencing, or a frustration with our inability to get some idea across to our students. And without exception, every time it has been Mary who just says, without fanfare, “Have you ever tried such and such?” and then goes on to explain why this technique works better than any other, and what theory underlies it, and how the students relate to it. And we all just sit there stunned, saying, “Now, why didn’t I think of these things. Mary Lawrence is a one-of-a-kind original.”

\[^{240}\text{Id. at 67–68.}\]

\[^{241}\text{Ralph Brill, Chicago-Kent Coll. of Law, Re: Mary Lawrence (Apr. 19, 1996) (transcript on file with author) (prepared comments in celebration of Mary Lawrence being named the first recipient of the AALS Section on Legal Writing, Research and Reasoning Award for Distinguished Service to the Profession).}\]