

FROM PERIPHERAL TO PIVOTAL: THE ROLE OF LEGAL WRITING IN THE MODERN LAW SCHOOL MISSION

KARIN MIKA¹

Legal Writing, once considered peripheral to a quality legal education, has evolved into one of the most important components of the law school curricula and legal education. However, the journey from the margins to the forefront of legal education has not been straightforward. Prior to the 1980s, most law schools did not offer organized Legal Writing programs, dismissing the subject as little more than remedial grammar instruction.² This view diminished the role of Legal Writing and anyone who taught Legal Writing.

Legal Writing teachers, who were mostly called “instructors” (rather than professors) were often relegated to low-paying, part-time positions without job security or status.³ Because the field was dominated by females who were doing part-time, low paid labor, Legal Writing began to be known as the “pink ghetto”⁴ and not taken seriously by the legal academy.

Law schools often “capped” the contracts of Legal Writing teachers so that those teaching Legal Writing had to find other employment after two or three years.⁵ This did not enable the development of any level of professionalism because few programs could develop consistency.

¹ Karin Mika is a Senior Legal Writing Professor at Cleveland State University College of Law. She made this presentation at the Western States Legal Writing Conference at Seattle University School of Law in September 2024.

² See generally William A. Reppy et al., *Should Permanent Faculty Teach First-Year Legal Writing?: A Debate*, 32 J. of Legal Educ. 413 (1982).

³ Mary S. Lawrence & Karin Mika, *Into the Spotlight: Ralph Brill*, 27 Legal Writing 157, 180 (2023).

⁴ *Id.*

⁵ Mary S. Lawrence, *An Interview with Marjorie Rombauer*, 9 Legal Writing 19, 29-30 (2003).

Moreover, because of the negligible status of Legal Writing, legal publishers found no need to publish Legal Writing textbooks. The concept of a Legal Writing course was considered transient and thus, not a profitable area in which to publish.⁶

Pressure for Change: The 1970s and 1980s

By the 1970s and 1980s, however, both students and practicing attorneys began voicing their dissatisfaction with law schools for failing to provide sufficient skills' training. Students did not like the inconsistent experience of having adjunct professors, many who were more available than others, and law firms complained that new attorneys were entering the profession without any practical skills.⁷ There was a demand that law schools respond to this problem.⁸ In 1979, the ABA commissioned the Cramton Report, which analyzed the curriculum of law schools and how the legal academy should respond to the growing demand for skills' teaching.⁹ It was the first of several reports that started a shift in the way that legal education handled teaching skills.

Over the course of the following two decades, the ABA enacted new accreditation standards that pressured law schools to incorporate skills training into their curricula.¹⁰ Legal Writing programs began to emerge and became a necessary part of first-year education. These programs were designed to provide students with the fundamental tools they would need to succeed in the legal profession. Nonetheless, skills teachers, including Legal Writing "instructors" and clinical faculty, still faced significant challenges in gaining recognition and respect within the broader law school community.¹¹ Most doctrinal faculty did not consider skills training to be integral to the law school's intellectual mission.

⁶ Lawrence & Mika, *supra* note 2, at 170.

⁷ *Id.* at 159.

⁸ *Id.* at 186-87.

⁹ The American Bar Association's Section of Legal Education and Admission to the Bar commissioned the Cramton Report, also known as the Report and Recommendations of the Task Force on Lawyer Competency, in 1979. See generally Gene R. Shreve, *Bringing the Educational Reforms of the "Cramton Report" into the Case Method Classroom – Two Models*, 1981 Wash. U. L. Q. 793 (1981).

¹⁰ See Martin H. Belsky, *Law Schools as Legal Education Centers*, 34 U. Toledo L. Rev. 1, 7-9 (2002).

¹¹ Lawrence & Mika, *supra* note 2, at 187.

The Fight for Status and Job Security: The 1990s

In the 1990s, the ABA increased its pressure on law schools to develop programs that integrated practical skills with traditional legal education. The new ABA standards encouraged law schools to place greater emphasis on experiential learning, which included legal writing, clinical work, and externships. Pressure from the ABA was particularly significant for Legal Writing programs because law schools began to recognize the importance of teaching students how to apply legal theory to practice.¹² Because of pressure on various fronts, first-year Legal Writing became a mandatory course.¹³ As a consequence, the number of full-time Legal Writing teachers greatly increased as did the establishment of departments that developed cohesive programs.

Although some schools responded to these developments by increasing their full-time Legal Writing hires and granting Legal Writing faculty more status and stability, the shift was not uniform. Many schools continued to treat Legal Writing teachers as second-class citizens within the faculty hierarchy, offering limited job security, minimal pay, and little opportunity for advancement.¹⁴ Despite these challenges, Legal Writing professionals pushed forward, advocating for greater recognition of their role in training competent, practice-ready lawyers.¹⁵

Legal Writing teachers, recognizing the importance of their work, began organizing themselves into professional organizations such as the Legal Writing Institute (LWI)¹⁶ and the Association of Legal Writing Directors (ALWD).¹⁷ These organizations provided a forum for Legal Writing teachers to share resources, develop best practices, and push for greater professional recognition. Over time, these efforts began to bear fruit, as more law schools acknowledged the essential role that legal writing played in preparing students for legal practice.

¹² *Id.*

¹³ *Id.* at 186. The requirement that Legal Writing be taught in the first year was adopted by the ABA in 2001.

¹⁴ Melissa H. Weresh, *The History of American Bar Association Standard 405(d): One Step Forward, Two Steps Back*, 24 *Legal Writing* 125, 128-34 (2020).

¹⁵ *Id.*

¹⁶ See Mary S. Lawrence, *An Interview with Marjorie Rombauer*, 9 *Legal Writing* 19 (2003); see also Mary S. Lawrence, *The Legal Writing Institute, The Beginning: Extraordinary Vision, Extraordinary Accomplishment*, 11 *Legal Writing* 213 (2005).

¹⁷ Lawrence & Mika, *supra* note 2, at 181-82.

The Modern Era: Legal Writing as a Core Component of Legal Education

Today, Legal Writing programs have become a central part of legal education, often regarded as the most important course that students take in law school.¹⁸ Far from being a remedial course in teaching grammar and sentence structure, modern Legal Writing programs teach students how to think, write, and argue like lawyers. These courses provide a solid foundation in legal analysis, research, and advocacy, skills that are indispensable for any aspiring attorney.¹⁹

In many law schools, Legal Writing teachers are now full-time, tenure-track faculty members (or have long term contracts) who have a voice in the governance of the institution.²⁰ Although there are still disparities in status and compensation between Legal Writing faculty and traditional doctrinal faculty at some schools, the progress made over the past few decades is undeniable. Legal Writing teachers are no longer relegated to the margins; they are at the forefront of developing innovative curricula that respond to the evolving needs of the legal profession.²¹ Legal Writing teachers, who are generally now known as professors, have also become integral to the life of the academy, engaging in scholarship, becoming deans of numerous schools, and becoming contributing members of the international legal community.

One of the key areas where Legal Writing programs have shown leadership is in the integration of technology and online learning into legal education. As law schools increasingly offer hybrid or fully online programs, Legal Writing professionals, who have always been at the

¹⁸ See generally Jessica L. Clark, *Grades Matter; Legal Writing Grades Matter Most*, 32 Miss Coll. L. Rev. 14 (2014).

¹⁹ Carol McCrehan Parker, *Writing Throughout the Curriculum: Why Law Schools Need It and How to Achieve It*, 76 Neb. L. Rev. 561, 562-68 (1997).

²⁰ In the most recent [Annual Legal Writing Survey](https://teach.aals.org/lrw/#:-:text=In%20the%20most%20recent%20Annual,least%20one%20non%20DLRW%20course), 52 of the 182 responding schools (29%) reported that they employ legal research and writing faculty as tenured or tenure-track with traditional tenure. Faculty in this category often teach at least one non-LRW course. AALS, *Becoming a law teacher, Legal Writing and Research Faculty*, <https://teach.aals.org/lrw/#:-:text=In%20the%20most%20recent%20Annual,least%20one%20non%20DLRW%20course>.

²¹ Mark Osbeck, *What is "Good Legal Writing" and Why Does it Matter?*, 4 Drexel L. Rev. 417, 417-20 (2012).

forefront of developing active learning exercises,²² are at the forefront of expanding these techniques into the digital era. This expertise is critical as legal education adapts to new methods of delivery, ensuring that students continue to receive rigorous training in the core competencies of legal practice.²³

Innovation and the Future of Legal Writing

Legal Writing programs have not only expanded in scope but have always been at the forefront of innovative and improved teaching methodology.²⁴ It was professors in Legal Writing who first incorporated tech tools, such as the early word processors that enabled the computer composition of assignments, grading assignments electronically, and even encouraging the integration of Lexis and Westlaw into the Legal Writing curriculum (often over the objections of doctrinal colleagues).²⁵ Today, they continue to innovate by incorporating new technologies and adapting assessments to meet the needs of a diverse student body.²⁶ This pioneering spirit has positioned Legal Writing faculty as key players in the development of online legal education.

As the legal profession increasingly relies on technology and artificial intelligence, Legal Writing courses are evolving to ensure students are prepared for this shifting landscape.²⁷ Legal Writing programs are pioneering the use of online simulations, virtual feedback sessions, and digital peer-review processes, enabling students to refine their writing and research skills in dynamic, tech-enhanced environments.²⁸ By embracing these innovations, Legal Writing programs

²² Eric Townsend, *Elon Law Administrator honored with Legal Writing Award*, Elon University: Today at Elon, Sept. 27, 2023, <https://www.elon.edu/u/news/2023/09/27/elon-law-administrator-honored-with-legal-writing-award/>.

²³ See generally Carolyn V. Williams, *Bracing for Impact: Revising Legal Writing Assessments Ahead of the Collision of Generative AI and the NextGen Bar Exam*, 28 *Legal Writing* 1 (2024).

²⁴ See generally Ruth Ann Robbins, *Painting with Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents*, 2 *J. Ass'n Legal Writing Dir.* 108 (2004).

²⁵ Lawrence & Mika, *supra* note 2, 172-73.

²⁶ David I. C. Thomson, *What We Do: The Life and Work of The Legal Writing Professor*, 50(2) *J. Law & Educ.* 170, 178-81(2021).

²⁷ See generally Tracy G. Crump, *Providing Virtual Legal Writing Support to Law Students Beyond the Classroom*, 34(1) *The Second Draft* 1 (2021).

²⁸ See generally Joseph Regalia, *From Briefs to Bytes: How Generative AI is Transforming Legal Writing and Practice*, 59 *Tulsa L. Rev.* 193 (2024).

not only remain relevant but are also leading the way in the broader transformation of legal education.²⁹

²⁹ Kristin B. Gerdy et al., *Expanding Our Classroom Walls: Enhancing Teaching and Learning Through Technology*, 11 *Legal Writing* 263, 273 (2005).