



UNIVERSITY OF OREGON
School of Law

Second Annual Western Regional Legal Writing Conference

*Olympic Gold:
The Teaching, Scholarship, and Service Triathlon*
August 10-11, 2012

CONFERENCE PROGRAM

Hosted by the University of Oregon School of Law
Professors Elizabeth Frost and Megan McAlpin

Friday, August 10

1:00 – 2:30 p.m. Conference Registration (Commons)

Session #1

2:30 to 2:55 Room 141	2:30 to 2:55 Room 142
<p><i>A Year of LRW in China: Thoughts on Pedagogy for International Students</i> Eric Mao</p> <p>A year of teaching legal research and writing in China will change your life (in a good way!). Hear how it did for me, my thoughts on pedagogical best practices for international students, and what any LRW professor can expect when going for the “Olympic Gold” triathlon abroad.</p>	<p><i>Teaching Informs Research</i> Kate O’Neill</p> <p>Do you identify and work up interesting, contemporary, unresolved legal issues for your students? This presentation describes how you might turn all that course preparation into published articles.</p>

Session #2

3:00 to 3:25 Room 141	3:00 to 3:50 Room 142
<p><i>The Mental Game for the Fearful Speaker: Taming the Fear Within</i> Janet K.G. Dickson</p> <p>For many students, a small amount of fear of public speaking can be beneficial; for some, however, the fear is paralyzing. This presentation provides techniques to help students manage the fear, so they can present their oral arguments at their highest levels.</p>	<p><i>Note: This 50 minute session runs concurrently with two 25-minute sessions but has no break.</i></p> <p><i>Rechristening the Rose: Why “Legal Writing” Needs a New Name</i> J. Lyn Entrikin</p> <p>Professors of “legal writing” understand the inclusive meaning of the term and the comprehensive skills we teach in legal writing courses, but other members of the legal academy often interpret the term far too narrowly. This session will discuss why it may be time to rename our evolving discipline to better describe our field, to encourage integration of the law school curriculum, and to help law schools comply with the new ABA accreditation standards focusing on outcomes assessment.</p>
<p style="text-align: center;">3:30 to 3:55 Room 141</p> <p><i>Are Bad Writers Bad Lawyers?</i> Lance Long</p> <p>Are poor legal writers more likely to be unethical? This presentation discusses research suggesting that lawyers who write poorly are more likely to be sanctioned by a bar for ethical misconduct.</p>	

Session #3

<p>4:05 to 4:30 Room 141</p>	<p>4:05 to 4:30 Room 142</p>	<p>4:05 to 4:55 Room 184</p>
<p><i>Teaching International LL.M.s</i> Hether Macfarlane and Maureen Watkins</p> <p>Law schools are admitting an increasing number of international LL.M. students and asking us to teach them legal research and writing skills. We will share how we have approached the task over a number of years, answer questions, and (we hope) learn new ideas we can incorporate into our course.</p>	<p><i>Sound and Sight in the Classroom</i> Karin Mika</p> <p>The generation now in law school is very much a technologically oriented generation that responds well to sight and sound in the classroom. My presentation will demonstrate how internet videos and music are an effective teaching tool that can also be the basis for Legal Writing assignments.</p>	<p><i>Note: This 50 minute session runs concurrently with two 25-minute sessions but has no break.</i></p> <p><i>Hamlet in the Classroom: How Can Theater Help Us Teach?</i> Jeanne Merino</p> <p>During this session, I will introduce techniques familiar to actors and directors to help us engage students. We will practice exercises to focus our minds, use our bodies to communicate, and project the passions that we all feel for our subject. This is definitely an interactive experience – bring comfy shoes or bare feet, and a willingness to experiment!</p>
<p>4:35 to 5:00 Room 141</p>	<p>4:35 to 5:00 Room 142</p>	
<p><i>Moving Beyond Law & Order: Introducing Transactional Drafting Skills in the First-Year Writing Curriculum</i> Lynn Su</p> <p>Many first-year law students aspire to practice transactional law – they envision themselves as budding dealmakers rather than litigators. Learn how transactional drafting skills may be integrated into the first-year legal writing curriculum through an in-role negotiation exercise.</p>	<p><i>Five Practical Steps to Ensure Your Students Listen: You Can Catch More Flies with Honey!</i> Mireille Butler</p> <p>Although this “millennial” generation presents particular challenges to Legal Research and Writing professors (from lack of motivation to lack of focus), some few, simple steps in the way we approach teaching can easily remedy those issues while also renewing a professor’s motivation to teach.</p>	

Session #4

<p>5:05 to 5:30 Room 141</p>	<p>5:05 to 5:30 Room 142</p>	<p>5:05 to 5:30 Room 184</p>
<p><i>Olympic Training for Law School: The First Year Lawyering Skills Bootcamp</i> Kirsten Dauphinais</p> <p>This presentation will provide an overview of a 14-hour program UND Lawyering Skills offers during first-year orientation, ironically entitled “Lawyering Skills Bootcamp.” I will discuss how the program came into being, review its curriculum, explore its goals, and share ideas as to how attendees might advocate for a similar program at their law schools and why they might want to.</p>	<p><i>Teach Like a Lawyer: Using Jury Instructions and Unedited Cases as Class Exercises</i> Susan Bakhshian</p> <p>Jury instructions are a fun way for students to practice their application skills, review a research project, or transition from objective to persuasive writing. Unedited cases can, of course, be used to teach case briefing, but they are also great sources of quick in-class exercises on oral argument or concise writing.</p>	<p><i>Symbiosis of LRW Pedagogy and Scholarship</i> Greg Johnson and Hillary Hoffmann</p> <p>Scholarship stimulates better teaching and teaching motivates better scholarship. This presentation takes these universally recognized maxims and provides concrete, practical advice on how to maximize the symbiotic relationship between teaching and scholarship.</p>

5:30 – 7:00 p.m. Reception (Commons)

Saturday, August 11

8:15 – 9:00 a.m. **Continental Breakfast and Saturday Registration (Commons)**

9:00 – 10:00 a.m. **Welcome from Dean Michael Moffitt and
Plenary Session by Associate Dean Judy Stinson (Room 110)**

Session #1

10:10 to 10:35 Room 141	10:10 to 10:35 Room 142	10:10 to 10:35 Room 184
<p><i>Supervising a JD Certificate Program</i> Adrienne Brungess</p> <p>Supervising a certificate or concentration program can be manageable and rewarding. This kind of service to the law school helps foster relationships with the students, faculty, and administrators.</p>	<p><i>How to Avoid “Hitting the Wall” with Service</i> Helen Anderson</p> <p>A particularly ill-defined part of the triathlon is service. What kinds of service activities should we seek out as Legal Writing faculty to better advance our program goals, our students’ welfare, and our own job satisfaction?</p>	<p><i>Email Memos in Context and in a First Semester Final Exam</i> Charles Calleros</p> <p>Professor Calleros will explain the place of email memos on the spectrum of research presentations to an assigning attorney. While affirming the central role of the full office memorandum in the first-semester curriculum, Professor Calleros will describe the email memo problem in the final exam of his 2011 first-semester legal writing class.</p>

Session #2

10:40 to 11:05 Room 141	10:40 to 11:05 Room 142	10:40 to 11:05 Room 184
<p><i>Walker v. City of Birmingham: Why the Iconic Case is an Example of Poor Judicial Writing</i> Anne Mullins</p> <p>The legal writing world celebrates the Supreme Court’s 1967 decision in <i>Walker v. City of Birmingham</i> as an icon of persuasive writing. But is it an icon of judicial writing? In this lecture and discussion, I will discuss why my Judicial Writing students answered with a resounding “no,” why they are right, and what they did about it.</p>	<p><i>Student Emotion, Student Performance, and Student Evaluations</i> Michael Oeser</p> <p>The process of learning to write is an intensely emotional process for most students, but particularly for law students. This presentation will provide suggestions on how to manage the emotional aspects of a class so they do not get in the way of learning and instead contribute to a sense of accomplishment.</p>	<p><i>To Give and Receive: Using Student Feedback to Enhance Scholarship</i> Sarah J. Morath</p> <p>Looking to jumpstart your scholarship? Look to your students. This presentation explores the use of student feedback in legal writing scholarship.</p>

Session #3

11:10 to 11:35 Room 141	11:10 to 11:35 Room 142	11:10 to 11:35 Room 184
<p><i>Cross Training for Maximum Results: LRW + Environmental Law (or other topic) = Opportunities for Triathlete Success</i> Kristen Martin</p> <p>This presentation will demonstrate how LRW professionals can create niches that will enhance opportunities in teaching, scholarship, and service. By focusing on a specific area of law, LRW professionals can become experts who provide practical value to students, administrators, and larger communities.</p>	<p><i>Killing Two Birds with One Stone: Using a Standardized Review Exercise as a Teaching Tool and Assessment Mechanism</i> Kelley Poleynard, Robert Somers, and Jennifer Mertus</p> <p>This presentation discusses how our department developed a graded standardized exercise in our teaching curriculum to review the skills our students should have learned throughout the year, and how the assessment committee will use the exercise when formally assessing our institutional goals.</p>	<p><i>Service Too? During Which Hour?</i> Terri LeClercq</p> <p>Learn how to make teaching assignments that allow students to serve their community. Learn how you can engage in interesting, concrete scholarship that provides a service to your academic or social communities.</p>

Session #4

11:40 to 12:05 Room 141	11:40 to 12:05 Room 142	11:40 to 12:05 Room 184
<p><i>Legal Writing Classroom: There's an App for That</i> Dustin Benham</p> <p>The Apple iPad is a dynamic classroom presentation tool. Attendees will learn how to make classroom presentations zing with basic wireless tablet projection, real time object manipulation, and feedback integration techniques.</p>	<p><i>Fostering Law Student Engagement and Success</i> Sarah Klein and Alyssa Dragnich</p> <p>This presentation will discuss the use of cross-departmental cooperation to 1) identify law students who are struggling, either academically or personally; 2) make the law school experience seem less impersonal; and 3) increase student engagement.</p>	<p><i>Cross-Cultural Communication: Those Who Can't Do, Teach</i> Laurel Currie Oates and Mimi Samuel</p> <p>While teaching students the theories behind cross-cultural communication is relatively easy, putting those theories into practice is more difficult. This structured discussion will focus on the challenges that we face when, as teachers, we try to practice what we teach our students, and how we can incorporate the lessons that we learn into our teaching.</p>

12:05 – 1:05 p.m. Lunch sponsored by LexisNexis and the University of Oregon School of Law (Commons)

Session #5

<p>1:10 to 1:35 Room 141</p>	<p>1:10 to 1:35 Room 142</p>	<p>1:10 to 2:00 Room 184</p>
<p><i>Teaching Emotional Competency in the Legal Skills Classroom</i> Robin Wellford Slocum</p> <p>Effective lawyering demands emotional competency across four broad domains: 1) self-awareness; 2) self-management; 3) social awareness; and 4) relationship management. In this presentation we will discuss strategies that can be used in any lawyering skills classroom to help students develop these important emotional competencies.</p>	<p><i>Teaching Law and Motion Practice: Harmonizing the Debate between Skills and Doctrine</i> David Finley</p> <p>David will discuss a new advanced writing course that he developed in an attempt to provide a real world solution to the ongoing practical skills vs. theory debate. David will explain how his course in law and motion drafting, procedure and strategy provides a unique bridge between theoretical legal doctrine and real-practice motion writing.</p>	<p><i>Note: This 50 minute session runs concurrently with two 25-minute sessions but has no break.</i></p> <p><i>Is Multi-Tasking the Key to Balancing All Our Roles</i> Anne M. Enquist</p> <p>You have a full life with a demanding job, but thank goodness you are a great multi-tasker, right? Think again. The research on multi-tasking suggests we may need to re-think the way we (and our students) are working.</p>
<p>1:40 to 2:05 Room 141</p>	<p>1:40 to 2:05 Room 142</p>	
<p><i>The Transactional Lawyer's Toolkit</i> Jeffrey E. Proske</p> <p>This presentation will demonstrate how the basic foundations of transactional drafting can be taught in a first-year legal writing class. The presentation focuses on the basic components of an enforceable contract, principals of risk identification, and an examination of the life cycle of a contractual relationship.</p>	<p><i>Putting It Together: Creating a Legal Writing Problem</i> Stacey Dowdell and Diana Lopez Jones</p> <p>Creating a substantial legal writing problem can seem burdensome, but it has substantial benefits, both for professors and students. We will discuss a general framework for creating such problems. Bring your own ideas and hints to share!</p>	

Session #6

<p>2:10 to 2:35 Room 141</p>	<p>2:10 to 2:35 Room 142</p>	<p>2:10 to 2:35 Room 184</p>
<p><i>The Teaching Scholarship Biathlon: Using Real-Life Problems to Enhance Both Teaching and Scholarship</i> Julie St. John</p> <p>After expending so much time and energy focused on teaching, how do you find time for scholarship? Learn about innovative curricular design that serves the dual purpose of combining effective teaching with efficient scholarship.</p>	<p><i>On Balls and Strikes: How Umpiring Differs from Judging</i> Mark Osbeck</p> <p>This presentation discusses the role of discretion in judicial decision-making. It examines critically a baseball metaphor Chief Justice Roberts has used to explain his judicial philosophy, and it argues that the metaphor is both misleading as to the supposed apolitical nature of judging and demeaning to the important role the judiciary plays in our society.</p>	<p><i>Teaching the Third Draft</i> Grace Hum</p> <p>Rewrite. What does it mean? It turns out that you have to say and do a heck of a lot more than just say “rewrite” to your students, which is what I did. Hear about my failures when I focused an entire semester on rewrites (without teaching my students how to rewrite) and the solutions I’ve come up with to address those failures.</p>

Session #7

<p>2:40 to 3:05 Room 141</p>	<p>2:40 to 3:05 Room 142</p>	<p>2:40 to 3:05 Room 184</p>
<p><i>Using Instant Replay in Sports to Teach Standard of Review</i> Jeremy Weintraub</p> <p>This presentation shows how instant replay in sports can be used to teach the meaning of different standards of review and how arguments are most effective when tailored to the applicable standard of review. The presentation includes specific videos, with the URLs, of close calls in sporting events that can be used for this teaching idea.</p>	<p><i>Training Students for Gold: Diary of a First-Time “Live Commenter”</i> Wendy Adele Humphrey</p> <p>Are you still deciding on whether or not to try “live commenting” (or live critiquing) when reviewing students’ legal memoranda and briefs? This presentation will track my diary as I experienced live commenting for the first time while training my students for legal writing “gold.”</p>	<p><i>Applying the Research Process on Lexis Advance</i> Aaron Meyers, LexisNexis Account Executive</p> <p>Enrich your fall research curriculum with Lexis Advance. Learn how to integrate Lexis Advance into your lesson plans while maintaining the integrity of the traditional research process. Also see the new enhancements released in July, including Search by Source, Search by Topic, and more.</p>

Session #8

3:35 to 4:00 Room 141	3:35 to 4:00 Room 142	3:35 to 4:00 Room 184
<p><i>We Are Teaching Our Students to Drive with Buggy Whips</i> Doug Godfrey</p> <p>By exploring a proposed syllabus for a first-year course that assigns the type of writing that lawyers actually use in practice, such as emails, texts, and PowerPoint presentations, I hope to make the case that we need to inculcate new skills within our students that are required by modern practice.</p>	<p><i>Grasping the Laboring Oar: Fostering Student Responsibility Through Role-Playing Conferences</i> Michael A. Sackey and Tina Boudreaux</p> <p>Student conferences form a vital part of our students’ development but often lead some students to relinquish ownership of their work and rely on us to make fundamental writing choices for them. In this session, we’ll discuss how conducting student conferences as “supervisor meetings” rather than “professor meetings” can help our students become more self-sufficient and practice-ready.</p>	<p><i>Research Presentations 2.0: What Our Students Have Taught Us About How to Teach This Skill</i> Ann Davis Shields</p> <p>This presentation will begin by briefly describing an approach we have long used for teaching students how to orally present their research results. It will then address how information gleaned from interviews with our students following their summer employment has led to changes in our approach that, we believe, build on and add value to this component of our curriculum.</p>

Session #9

4:05 to 4:30 Room 141	4:05 to 4:30 Room 142	4:05 to 4:30 Room 184
<p><i>Incorporating Professional Identity into the Writing Program</i> Deborah L. Borman</p> <p>The Carnegie Report identified three apprenticeships necessary in professional legal education: thinking (legal analysis), performance (practical skills), and professional conduct, or professional identity. This presentation will focus on developing professional identity as a component of teaching legal reasoning and writing.</p>	<p><i>It’s Not the End but the Beginning: How to Make the Most of the Last Class of the Year</i> Aimee Dudovitz and Gary Craig</p> <p>It’s after the final assignment and your students are “done,” but their legal writing careers are just beginning. From strategies for handling summer jobs to journal competitions, we will discuss ways to use the last class to prepare students for the writing challenges that lie ahead and share practical student handouts, including a summer assignment checklist and summer reading list.</p>	<p><i>Mastering the Contract Narrative</i> Cynthia Adams</p> <p>Contracts are simply stories about social interactions between persons or groups. Using storytelling principles, you can effectively teach your students the art of drafting contracts.</p>

Session #10

4:35 to 5:00 Room 141	4:35 to 5:00 Room 142
<p data-bbox="178 254 1045 324"><i>A Tale of Two Accreditors: Satisfying the ABA and a Regional Accrediting Agency</i></p> <p data-bbox="178 329 1045 358">Andrea Funk and Kelley Mauerman</p> <p data-bbox="178 435 1045 527">The ABA and a regional accrediting agency may have different expectations regarding law school assessment. We will offer tips on how to satisfy both.</p>	<p data-bbox="1052 254 1917 324"><i>A Spy in the House of Law: Interdisciplinary Observations on Teaching Legal Writing</i></p> <p data-bbox="1052 329 1917 358">Ron Gard</p> <p data-bbox="1052 388 1917 516">This talk draws on the presenter’s comparative experiences of teaching in both humanities and law school classrooms to reflect on how convergent forces in the latter shape and inform not only curriculum but also the manner in which that curriculum is delivered.</p>

5:05 – 5:15 p.m. Closing Remarks by Megan McAlpin and Liz Frost (Room 141)

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