

Legal Writing Institute One-Day Workshop

Practice and Teaching:
What We Can Learn from Each Other

Friday, Dec. 4, 2020
9:30 am–5 pm (CST)



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School of Law

Agenda

- 9:30–10 am **Welcoming Remarks**
Tom Cobb, Director of Legal Writing
Dean Anthony Niedwiecki
Mitchell Hamline School of Law
- 10–10:25 am **Finding Inspiration in the Wisdom of bell hooks:
Embracing the Revolutionary Notion of Education as a Practice of Freedom**
Erin Carr
Mitchell Hamline School of Law
- 10:25–10:50 am **Professionalism in a Pandemic**
Nicole Raymond Chong
Penn State Law
- 11–11:25 am **Crash and Burn? The Meeting of Practice and Academia**
Megan Davis
University of Houston Law Center
Jonathan Brush
Partner at Rogers, Morris, and Grover, LLP
- 11:25–11:50 am **Walking the Walk: Practicing the Skills We Teach**
Ezra Ross
University of California Irvine School of Law
- 11:50 am–1 pm **Break**
- 1–1:25 pm **Helping Students Understand the Attorney-Client Relationship and
the Importance of Legal Writing by Having Them Draft Engagement Letters**
Tim Duff
Suffolk University Law School
- 1:25–1:50 pm **How to Incorporate Job-Search Strategy into First-Year Legal Writing**
Erin A. Donelon
Vanessa Beary
Tulane University School of Law
- 2–2:50 pm **Technological Competence: Law Student Perceptions of Online
Teaching Strategies**
Andrele Brutus St. Val
University of Pittsburg School of Law
- 2:50–3:15 pm **Technology Tools to Make Commenting and Providing Feedback Easier**
Michelle Zakarin
Touro Law Center
- 3:30–3:55 pm **Roles, Responsibilities, and Respect:
Navigating the Adjunct & Student Teacher Tandem**
J.J. Pristanski
Director of Parliamentary Affairs for Honourable Kerry-Lynn Findlay
- 4:10–4:35 pm **Technological Collaboration in Client Counseling**
Gregory M. Duhl
Amanda Soderlind
Selva Palani
Mitchell Hamline School of Law
- 4:35–4:45 pm **Closing Remarks**
Sara Krassin, Program Administrator
Wendy Shea, Assistant Director of Legal Writing
Mitchell Hamline School of Law

Presentations

Finding Inspiration in the Wisdom of bell hooks: Embracing the Revolutionary Notion of Education as a Practice of Freedom

In her classic pedagogical treatise, "Teaching to Transgress, Education as the Practice of Freedom," bell hooks espouses a new instructional practice that conceives of teaching as an act of resistance. As relevant today as it was when it was originally published in 1994, hooks posits that the crisis within higher education, and within our society more broadly, requires all forms of domination, including those that exist within spaces of learning, to be systematically deconstructed. Teachers, hooks argues, have a critical role to play in this process. Hooks provides thoughtful guidance and tangible recommendations to encourage teachers to create spaces for constructive confrontation and interrogation of existing structures. This presentation will seek to explore and expand upon hooks' theory of education as a liberatory practice by discussing what we can learn from each other as we strive towards self-actualization, an essential quality of engaged pedagogy.



Erin Carr

Adjunct Professor, Mitchell Hamline School of Law
Director of Equal Opportunity and Title IX Programs, Everett Community College
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Professor Erin Carr teaches and writes in the areas of educational inequality, criminal and juvenile justice, power and privilege, and legal research and writing. Carr's work has been published in or is forthcoming in the Georgetown Journal of Law & Modern Critical Race Perspectives, The UC Davis International Affairs Journal, The Seattle Times, The Orlando Sentinel, The Baltimore Sun, The Atlantic Journal Constitution, The Tampa Bay Times, The Athens Banner-Herald, The Sun Sentinel, The Santa Maria Times, and The Gainesville Sun.

In addition to her teaching and scholarship, Carr has experience as a higher education administrator, presently serving as the Director of Equal Opportunity and Title IX Programs at Everett Community College where she provides strategic guidance and manages institutional compliance initiatives pertaining to equity-based policies and federal and state non-discrimination laws. Carr previously served as the Associate Director for Career Development at the University of Florida Levin College of Law where she was recognized for her commitment to student success as the recipient of the University of Florida Superior Accomplishment Award. Prior to transitioning into academia, Carr served as Senior Program Attorney for the Guardian ad Litem Program where she represented abused, abandoned and neglected children in the dependency system.

Carr received her bachelor's degree magna cum laude from the University of Florida and joint J.D./M.A degrees from the Florida State University, where she served on the Journal of Transnational Law and Policy.

Professionalism in a Pandemic

Professionalism skills are important in legal writing courses. Timeliness of submissions, prompt and engaged attendance, and personal accountability are important "soft" skills. In response to the pandemic, law schools have moved to more flexible models, which support and accommodate students' needs and anxiety. Moving to a more flexible method is a positive move in challenging times overall. However, will this flexibility benefit students in terms of "professionalism" when they are in actual law practice, which isn't always flexible? This presentation will discuss the difficulty in striking the balance between professionalism and the pandemic.



Nicole Raymond Chong

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Nicole Chong is the Associate Dean and Professor of Legal Writing at Penn State Law (University Park). She teaches Applied Legal Analysis & Writing I and II, Research and Writing for Judicial Clerkships, and Introduction to U.S. Legal Systems. Associate Dean Chong is an active member of the Legal Writing Institute and the Association of Legal Writing Directors. Before joining the faculty, she was an associate with Klett Rooney Lieber & Schorling in Philadelphia. Most of her work was focused in the area of commercial litigation. She was involved in a variety of matters, including representing a major international telecommunications carrier in collection matters, a local manufacturer and retailer of fashion accessories in patent infringement litigation, as well as local and national companies in contract and tort litigation. She also was a member of Klett Rooney's Appellate Practice Section.

Crash and Burn? The Meeting of Practice and Academia

As an academic, I find it easy to forget the applicable and necessary skills to be an excellent practitioner. But as the result of a collaboration with a partner, Jonathan Brush, from my previous firm, I was reminded of what I love about practice and what my students need to hone in order to succeed.

We recently co-taught a course and, through our partnership, our students came to appreciate both the academic aspects and practical application, what a law school may expect and what the court may ask for, and, through practical writing exercises, how to hone key skills.



Megan Leigh-Wilson Davis

Clinical Assistant Professor, University of Houston Law Center
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Professor Davis joined the faculty of the University of Houston Law Center in 2018 as a Lecturer. Professor Davis teaches FLLMs and graduating 3Ls. She teaches Introduction to American Law, Legal Analysis and Writing, Professional Writing Skills, and Education Law K-12. Prior to joining the Law Center, she practiced as a school law attorney and represented Texas school districts in matters varying from contracts and procurement to internal investigations. Professor Davis established a legal department in a non-profit radio station and ticketing agency prior to entering private practice. Her career began as a deputy city attorney with a blend of criminal prosecution and transactional work.

Professor Davis earned her J.D., cum laude, from the University of Houston Law Center, her M.Ed. in Curriculum and Instruction from Texas A&M University, and her B.A. in Hispanic Studies, cum laude, from Texas A&M University. She is admitted to practice in Texas.



Jonathan Brush

Partner, Rogers, Morris, and Grover, LLP
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Mr. Brush is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization. He has a broad litigation practice, at both the trial and appellate court levels, that includes the representation of private and public entities as plaintiffs in commercial and construction disputes, and defendants in employment, civil rights, commercial, and construction disputes. Mr. Brush has successfully handled cases involving federal constitutional claims, Title VII, the Americans with Disabilities Act, the Rehabilitation Act, the Age Discrimination in Employment Act, Chapter 21 of the Texas Labor Code, the Texas Whistleblower Act, and other statutory and common law causes of action, including wrongful termination, personal injury, defamation, intentional infliction of emotional distress, breach of contract, construction defect, consumer claims, insurance claims, governance disputes, and disputes involving the Texas Public Information Act. He is also an adjunct professor in the area of education law. Prior to joining the Firm, Mr. Brush worked as an associate in the litigation section of Orgain, Bell & Tucker, L.L.P. in Beaumont, Texas from 2004 to 2007. Before law school, Mr. Brush worked as a residential construction superintendent.

Mr. Brush earned his J.D., cum laude, from Baylor University, and his B.A. in Art History and B.A. in History from the University of Texas. He is admitted to practice in the U.S. Supreme Court, the Fifth Circuit Court of Appeals, and all federal and state courts of Texas.

Walking the Walk: Practicing the Skills We Teach

Reformers have fought to suffuse the law school curriculum with skills and professionalism instruction. We should rejoice at these efforts to bolster student competencies.

But what about sharpening our own practice-oriented skills? Many professors haven't practiced law for years or even decades. Is there a way for us to walk the walk—and practice the legal skills we preach—all while fulfilling our demanding teaching, administrative, and scholarly responsibilities?

In this talk, I discuss opportunities for, and challenges to, realistically reconnecting with practice. I also detail some of the benefits of doing so for our students, institutions, and communities.



Ezra Ross

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Professor Ross teaches introductory and advanced skills courses and supervises students in the Appellate Litigation Clinic. He helped develop the Federal Judicial Center's online legal writing program for federal judicial clerks, co-supervised UCLA Law's Trial Advocacy Clinic, and worked with the Legal Aid Society of Orange County to help provide legal services to the homeless. He has also researched and written about federal administrative agencies and regulatory failure (Yale Law & Policy Review article).

After graduating cum laude from Harvard Law School, Professor Ross served as a federal judicial clerk, practiced complex commercial litigation, and was named a Super Lawyer-Rising Star four times by Los Angeles magazine.

Helping Students Understand the Attorney-Client Relationship and the Importance of Legal Writing by Having Them Draft Engagement Letters

Professor Duff will discuss how he has used an assignment in which students work together to develop engagement letters to help them understand the attorney-client relationship, as well as such things as helping them understand the importance of tone in communicating with clients.



Tim Duff

Visiting Assistant Professor of Legal Practice Skills, Suffolk University Law School
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Tim Duff is a Visiting Assistant Professor of Legal Practice Skills at Suffolk University Law School in Boston, Massachusetts. Professor Duff previously taught first-year legal writing, advanced legal writing, and appellate practice at Case Western Reserve University School of Law in Cleveland, Ohio. He also practiced law for more than 27 years. He began his legal career clerking for the Ohio Court of Appeals, Eighth Appellate District, eventually becoming a partner at Taft, Stettinius & Hollister LLP, and then a member of Berns, Ockner & Greenberger, LLC, a nationally recognized boutique land-use and litigation firm. He is an Ohio State Bar Association Board Certified Specialist in Appellate Law and has been recognized as an Ohio SuperLawyer in Appellate Practice.

Professor Duff is actively involved in the national legal-writing community, including AALS's Section on Legal Writing, Reasoning, and Research, LWI, and ALWD. He is also the Chair-Elect for AALS's Section on New Law Professors. Professor Duff presents frequently at national and regional conferences on legal writing, teaching methods, experiential education, and litigation.

How to Incorporate Job-Search Strategy into First-Year Legal Writing

First-year students often rely on memos and briefs drafted during legal writing classes as writing samples. Students also frequently seek assistance in the drafting of cover letters, cvs, and diversity statements. Our presentation will discuss whether and how LRW faculty should reasonably assist students in their job searches. We will consider the pros and cons of offering direct instruction on drafting cover letters, the suitability of memos as writing samples, and whether and how often LRW faculty should review and offer guidance on application materials.



Erin A. Donelon

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Erin Donelon has been teaching legal research and writing for more than seventeen years. She has directed the first-year program at Tulane Law School since 2007. She was editor-in-chief of the Loyola Law Review and graduated first in her law school class. She clerked for U.S. District Judge Eldon Fallon and then Judge Jacques Wiener on the Fifth U.S. Circuit Court of Appeals. An article she co-authored on copyright law, "Questioning Strict Liability in Copyright," was published in the Rutgers Law Review.



Vanessa Beary

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Vanessa Beary is an Adjunct Professor of Legal Research and Writing and a Career Counselor with the Career Development Office at Tulane University Law School. She also has five years of experience on the faculty and staff of the University of California at Hastings Law School, where she served both as a professor in the legal writing and moot court programs and as Associate Director for LLM Advising, counseling international and graduate students on career development.

A native of New Orleans, Vanessa earned her undergraduate degree from Tulane University and her J.D. from University of California at Hastings. At Hastings, she studied international and comparative law in the Netherlands and served as a judicial extern for the Honorable Martin Jenkins in the Northern District of California. She is admitted to practice in California and Louisiana and currently serves on the Board of Directors for the New Orleans chapter of the Federal Bar Association.

Vanessa has substantial private practice experience with law firms in California and New Orleans. She has practiced law with three major firms in the San Francisco Bay Area (Sedgwick, LLP; Selman Breitman, LLP; and Gordon Rees, LLP) and, more recently, with Adams & Reese in New Orleans.

Technological Competence: Law Student Perceptions of Online Teaching Strategies

Students are entering a legal workforce that is highly skilled and reliant on technology. Yet, their legal education is mostly divorced from technology due in part to the ABA's limitations on distance education. Legal academia and the ABA are being forced to explore ways to provide and improve online legal education. To help provide guidance and empirical support, I surveyed law students in a blended learning program about their perceptions of the engagement strategies used by their professors. I will present the survey findings and interpretations to help improve teaching methods and prepare students for the workplace.



Andrele Brutus St. Val

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Andrele Brutus St. Val is an assistant professor at Pitt Law, where she teaches legal writing. She previously taught legal writing at Mitchell Hamline School of Law as a visiting professor. Her experience teaching and supervising legal writing also includes teaching Legal Research and Writing in the Paralegal Studies Program at the Henry Ford College and supervising law students as a staff attorney in the University of Michigan Unemployment Insurance Clinic. Andrele found her passion for legal writing during an internship as a law student with the Florida Second District Court of Appeals, where she returned after law school and became a career law clerk. At the court of appeals, she drafted opinions, orders, and memoranda and became an expert on criminal and post-conviction appeals. She has nearly ten years of experience working in the judiciary, most recently as a Court Attorney with the Wayne County Probate Court in Detroit, MI. She received her J.D. from Florida A&M University College of Law, her LL.M. in Labor and Employment Law from Wayne State University Law School, and she is licensed to practice law in Florida and Michigan.

Technology Tools to Make Commenting and Providing Feedback Easier

I have been teaching legal writing for nearly eighteen years and I'd like to help newer professors provide meaningful feedback to their students as easily and quickly as possible. I have found that the better the feedback, the better the student learning. It is worth spending the time to make sure the feedback is helpful and clear. Technology today allows professors to save comments and edit them instead of re-typing them each time. I primarily use the "speedgrader" function on Canvas that allows for a wide array of comments and saves everything in one place. Technology allows for paperless commenting and a record of all comments so students cannot misplace them. When using a learning management system, like Canvas, students are also unable to delete the feedback inadvertently. On a simpler level, commenting using Microsoft Word is a nice option that also allows professors to comment and save these comments for student review.



Michelle Zakarin

Associate Professor of Legal Process, Touro Law Center
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I am an Associate Professor of Legal Process at Touro College, Jacob D. Fuchsberg Law Center. I have been teaching Legal Process, a first-year legal research and writing course, since 2003. In 2010 I proposed and developed the course Cybercrime, which I have been teaching since its adoption. With an undergraduate degree in Computer Science, I have combined my interest in technology with my interest in the law by creating this popular elective course. In Cybercrime, law students study issues involving technology and the applicability of the Fourth Amendment, statutory regulations in obtaining stored data, cyberbullying, stalking, harassment and more. I recently authored a book chapter in *Millennial Leadership in Law Schools*, to be published by Hein. My chapter is titled "The Importance of Feedback" and it discusses, among other things, the use of technology to provide feedback.

Roles, Responsibilities, and Respect: Navigating the Adjunct & Student Teacher Tandem

Having recently spent two years as a student legal writing instructor at the University of Minnesota Law School, I'd like to share my experience and tips for working with and supporting student instructors. With proper training, encouragement, and responsibilities, student instructors can be a valuable addition to any legal writing program. I'd like to show you how.



J.J. Pristanski

Director of Parliamentary Affairs for Honourable Kerry-Lynn Findlay
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J.J. is a '19 graduate of the University of Minnesota Law School, where he taught legal writing as a student instructor for two years. After graduating, he completed a yearlong fellowship at the National Football League in New York City. He currently serves as the director of parliamentary affairs for the Honourable Kerry-Lynne Findlay, Member of Parliament for South Surrey—White Rock in Ottawa.

Technological Collaboration in Client Counseling

In our blended learning Contracts class, we engaged students in a client counseling exercise as part of a capstone simulation. Hampered by the constraints of the pandemic, we turned to the technological tools available to practicing lawyers to design the exercise for online learning. The exercise resulted from a design and teaching collaboration among the course professor, an instructional designer, and an educational technologist. While we'll demonstrate the exercise and share student work product, we'll also discuss the benefits of pedagogical collaboration between professors and design and technology professionals.



Gregory M. Duhl

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Gregory Duhl is the Rolf and Nancy Engh Distinguished Professor of Law and Senior Academic Technology Officer at Mitchell Hamline School of Law. He previously served at MHSL as the executive director of the hybrid JD program, the associate dean for strategic initiatives, and the faculty director of blended learning. In those roles he had principal oversight over MHSL's pioneering hybrid JD program and its progeny. Professor Duhl is the co-editor-in-chief of The Business Lawyer and teaches Contracts and Commercial Law courses.



Amanda Soderlind

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Amanda is a Senior Instructional Designer and Manager of the Instructional Design team at MHSL. Amanda has worked in the field of instructional design in higher education for the last 10 years and holds a Master's degree in Instructional Design for Online Learning. In her work Amanda enjoys collaborating with faculty to design effective and engaging learning experiences for students by leveraging technology tools and educational best practices.



Selva Palani

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Selva is the Manager of Academic Technology for Mitchell Hamline School of Law. He has been with Mitchell Hamline for more than 16 years and worked in various positions. Selva has been in his current position for 2 months and manages all academic technologies and classroom technologies. He has a MS from University of St. Thomas and MLIS from University of Wisconsin – Milwaukee.