

Central States Regional Legal Writing Conference
20th Anniversary Edition
September 13-14, 2019

Hosted by
University of Illinois Chicago's John Marshall Law School
315 S. Plymouth Court
Chicago, Illinois 60604

FRIDAY, SEPT. 13

9:00 A.M.-NOON

Room 1202

ALWD Scholars Forum

Facilitators

Brad Desnoyer, Indiana University, Robert H. McKinney School of Law

Kim D. Chanbonpin, UIC, John Marshall Law School

1 P.M.-4:30 P.M.

12th floor

Registration

2:00-2:50 P.M.

Room 1200A

My Adventures in Smuggling Learning Theory

Kari Johnson, Chicago-Kent College of Law

In this presentation, I will share my geeky devotion to three principles of modern learning theory--**spaced repetition, schema work, and retrieval practice**—and how I have systematically worked to smuggle those principles beyond the borders of my legal writing classroom and into the larger law school. In the past two years, I have brought my three favorite learning tools to interdisciplinary projects affecting three different constituencies: 1Ls adjusting to law school, 3Ls readying for the bar exam, and faculty.

The Front Line: Writing and the Bar Examination

Meredith Stange and Jeanna Hunter, Northern Illinois University College of Law

This presentation revisits the foundational skills it takes to pass the bar examination, from critical reading and case briefing to organization and analysis, and considers how these skills are taught in our fundamental Legal Writing courses and how they are critical for success on the bar exam. We will discuss the intentional focus on these bar skills in a Legal Writing course and the need to make explicit the connection between these skills and ultimate success on the bar examination.

Room 1200B

Cracking Student Silos: Linking Legal Writing and Clinical Education

Mary Bowman, Sandra Day O'Connor College of Law, Arizona State University

This presentation will explore opportunities and challenges in helping students connect what they learn in their foundational legal writing courses and their later externship and clinical experiences. It will draw on my research and experiences described in my recent article in the *Clinical Law Review*, and it will engage participants in a discussion of these issues. Specifically, I will summarize key insights from both learning theory regarding transfer of student learning and my experience taking a colleague's clinical course.

“A Court Would Probably (60-80%) Find...”: Defining Legal Writing Probability Expressions

Joe Fore, University of Virginia School of Law

As advisors, lawyers are in the business of using their professional judgment to predict the likelihood of various outcomes for clients. And because lawyers face many sources of uncertainty, legal writing guides often encourage students to use qualitative probability expressions — words like “unlikely,” “likely,” “probably,” or “almost certainly” — to give the reader an approximate sense of the chances of reaching a desired legal outcome. But these probability expressions suffer from a fundamental problem: they don't have generally accepted meanings.

Room 1102

The Same but Different: Working with Psychologists to Learn about First Generation Law Students

Susan Bakhshian and Jean Boylan, Loyola Law School Los Angeles

Stress levels and mental health challenges are increasing among law students nationwide. The presentation will discuss working with psychology professors to collaborate on the stress levels and psychological needs of first-generation law students. The collaboration between two psychologists and a clinical professor resulted in a law review article entitled “Blazing a New Trail: How First-Generation Law Students Perform in and Experience Law School.” This presentation will quickly share the findings and discuss ways to implement these insights into the legal writing classroom.

3:00-3:50 P.M.

Room 1200A

Bursting the Bubble: Developing Cultural Competency in the Skills Classroom

Elizabeth Bloom and Stephanie Roberts Hartung, Northeastern University School of Law

The presenters will share strategies for teaching students critical lawyering skills while building cultural competency. Examining the systemic inequities created and reinforced by our legal system, we use a variety of learning techniques to teach students how lawyers can help shape stories in the pursuit of justice for vulnerable and marginalized groups. Focusing on the power and responsibility associated with shaping narrative, we guide our students through a variety of challenging conversations and interactive exercises involving social justice concepts.

Room 1200B

The United States Territories in the Context of Legal Writing: Same, Same, But Different

John Cook, Elon University School of Law

While most residents of the United States have some familiarity with Puerto Rico, far fewer are familiar with the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Yet the residents of four of these five United States jurisdictions are United States citizens, and all five have a non-voting representative in the United States Congress. The laws governing the United States territories provide many unique legal situations for students to analyze in the legal method and communication context.

Integrating a Judicial Writing Module into a Legal Writing Curriculum

Janet Brown, Northwestern University Pritzker School of Law

My presentation will focus on strategies for teaching judicial writing, i.e. drafting bench memos, opinions, and orders. The presentation would address the design of a judicial writing course or module, learning outcomes, and teaching strategies, including graded assignments and in-class discussion topics and exercises. This type of course/module is highly beneficial for students who intend to clerk or extern/intern for judges. But it also has value for students who simply want to understand better how judges approach decision-making, so that they can improve upon their own persuasive writing as advocates.

Room 1102

Better Tools for Evaluating Legal Writing Teachers

Douglas Wm. Godfrey, Chicago-Kent College of Law

Traditional tools for evaluating professors have come under heavy criticism as they have been found to be biased against women, professors of color, and younger teachers. So, if the traditional surveys are not to be used, what should we use instead? The presenter will outline several suggestions, and we will explore as a group what tools of evaluation should be used. This will force us to ask: 1) what makes a good Legal Writing instructor? 2) how do we measure that? and 3) who should be doing the evaluating?

4:00-4:50 P.M.

Room 1200A

Collaboration with Your University Writing Center

Jo Ellen Dardick Lewis, Anne Shields, Jane Moul, Denise Field, and Jeff Drobish, Washington University Law

As the diversity of the undergraduate majors of our law students has increased, so has the number of students without significant writing experience. At Washington University we have the good fortune to have a wonderful Writing Center. While the Writing Center is open to all students, few law students took advantage of it. So, we decided to try to bring the Writing Center to them. During this presentation, we will share the specifics of how we brought the university Writing Center to our law students.

Room 1200B

Visual Rhetoric: An Interdisciplinary Approach

Michael Murray, University Kentucky College of Law

The presentation will discuss the interdisciplinary study of visual legal rhetoric. This presentation will use examples from cartoon briefs and comic book contracts, from photographic arguments to video reenactments, and from graphic evidence to graphic novels. Legal writing professors can aid future attorneys to develop advocacy and applied legal storytelling skills that take into account the lessons and principles from multiple disciplines that define how visual works fulfill the attorney's role of communication and advocacy.

N to the O: Saying No and Preserving Relationships

Kim Holst, Sandra Day O'Connor College of Law, Arizona State University

As we face increasing demands on our time, we find it necessary to turn down requests and opportunities. Often, there is a fear that failure to say yes will have negative consequences or rule us out of future opportunities. This presentation will focus on ways to say no that help maintain relationships with colleagues, supervisors, and more.

Room 1102

Legal Writing and Regulatory Compliance: Teaching Students to Draft Effective Policies and Procedures

Rodney Miller, UMKC School of Law

Businesses operating in highly-regulated industries use written policies and procedures to direct the behavior of their employees to ensure their organizations' compliance with governing laws. These documents must provide clear and concise recitations of applicable law—and guidance on how to conform behavior—in a manner that can be quickly and successfully read, appreciated, and carried out by an organization's employees, regardless of their various cultural or educational backgrounds. Using health care law as an example, this presentation will focus on teaching students how to successfully draft corporate policies and procedures for use in business in any regulated area of law.

Emails, E-Mails, and E-mails

Brad Desnoyer, Indiana University, Robert H. McKinney School of Law

This presentation has three acts. Act I will review the results of an empirical study about attorneys' email habits and expectations. Act 2 will cover how professors should incorporate emails into the classroom. Options range from procedural e-memos, standalone substantive e-memos, and e-memos that summarize traditional memos. Act 3 will move to other courses within the law school and ask how e-memos can increase student engagement and learning.

5:00 P.M.

Room 200

Moment of silence in memory of Ralph Brill

Welcome address by Dean Darby Dickerson

Reception

Featuring The Fat Shallot food truck

SATURDAY, SEPT. 14

8:30-9:30 A.M.

Outside of Room 1200A

Continental Breakfast

Room 1200A

Welcome and Plenary Speaker—Michelle Silverthorn, Founder and CEO of Inclusion Nation

“They Still Call Me the Nanny: How to Make Inclusion a Reality for Everyone”

9:45-10:35 A.M.

Room 1200A

Oral Advocacy Across the Curriculum

Vanessa Zboreak, Elon University School of Law

While the Socratic Method may help students become more comfortable with public speaking, it trains them to answer questions rather than to prepare and deliver information. It also centers the professor as the recipient of the student’s distillation of the law, while passing up the chance to help students learn how best to convey that information to a non-expert audience, or how to use that information persuasively. This presentation will model opportunities to convert Socratic dialogue to client-centered delivery or persuasive advocacy.

Crossing Borders: Using Immigration Advocacy to Teach Rules of Statutory Construction

David Austin, Brooklyn Law School

This presentation ties together legal writing with social advocacy, student organizations, and immigration law. It focuses on a statutory interpretation exercise that I use to help students understand how canons of statutory construction are used to justify policy outcomes. The exercise provides students with an interactive opportunity to engage on important social issues of the day while learning more about abstract rules designed to help interpret statutes.

Room 1200B

Lessons Learned Outside the Trenches

Pam Keller, Betsy Six, Joyce Rosenberg, and Shawn Watts, University of Kansas School of Law

This presentation will discuss how legal writing professors' experiences in teaching upper level courses directly bear on teaching a first-year lawyering skills or legal writing course. Each panelist will discuss insights from teaching various upper level courses—including doctrinal courses with a skills component, advanced legal writing, advocacy, mediation, and academic support courses—and how those insights informed their teaching in the first year. We'll use an interactive approach and provide specific tips and in-class exercises that participants can incorporate into their teaching in their first-year legal writing course.

Room 1102

How to Put the Writing Back into Legal Writing

Whitney Werich Heard, University of Houston Law Center

Every year, I meet first-year students who confess that they haven't written a paper exceeding ten pages since high school. I decided to create an interactive lecture to review word choice, sentence structure, and paragraph formation during the Fall 2017 semester. Much to my shock and delight, students embraced the unit. So much so, that during the Fall 2018 semester, I designed an effective legal writing assignment for them to complete outside of class. The assignment allowed them to receive my feedback on their identification of clear and concise writing as well as their ability to write clearly and concisely.

Assigning Legal Updates to Help Students Rediscover the Lost Art of Case Briefing

Emily Aleisa, Chicago-Kent College of Law

Because of the abundance of online commercial case briefs, students sometimes resist drafting their own. But as educators, we know that case briefing is essential to case analyzing, which lies at the heart of what lawyers do. Plus, the skills students use to brief cases for class translate well into a real-life task often assigned to new attorneys: drafting a legal update. I will discuss the legal update exercise I'm developing to remind students why they must know how to identify *and* communicate the significance of a particular case—in a short period of time and without the assistance of a prepackaged brief.

10:45-11:35 A.M.

Room 1200A

Neuroscience & Legal Writing: How the Science of Reading Might Impact Our Editing Advice to Our Students

Jim Dimitri, I.U. Robert H. McKinney School of Law

“Proofread more than once.” “Edit on paper.” “Set your draft aside for a while before you come back to edit it.” Do modern principles of neuroscience support the editing advice we give to our students? In particular, how might studies about our brains’ activity while we read text inform the way we teach effective editing practices to our students? This presentation will explore this topic and offer possible answers to these questions.

Attention Spans

Alyssa Dragnich, Sandra Day O’Connor College of Law, Ariz. State U.

Matthew Butterick says that while writers tend to assume that readers have an indefinite attention span in reading the writer’s work product, the truth is far from that. Similarly, legal writing professors may want to believe that our students breathlessly await our every lesson, when in fact they ... don’t. This presentation will discuss current cognitive science research on adult attention spans, with a particular emphasis on what this means for best practices in teaching.

Room 1200B

Something Wicked This Way Goes: Reviving Analytical Frameworks Across Disciplines

Leslie Culver, U.C. Irvine School of Law

Heralded as a cultural phenomenon, the musical *Wicked* — the untold story of the witches of Oz— transformed the way we forever view the classical and beloved Wizard of Oz. Using *Wicked* as a contemporary framework, forthcoming work juxtaposes identity development with legal writing as a conceptual way to broaden novice law students’ opinions of what is good writing. This presentation will discuss the need for the legal academy to effectively tell the untold story of the analytical framework that undergirds IRAC, and similar paradigms.

Interdisciplinary Collaboration: Using Examples to Increase Student Cognition

Adam Eckart, Suffolk U. School of Law

With an increasingly over-crowded syllabus, working with other disciplines within the law school to enhance the educational experience of our students is often seen as a competing priority to existing course objectives. Integrating interdisciplinary teaching, however, can be accomplished without the complete rewrite of a syllabus and can be complementary—not competing—to the goals of fostering student learning and cognition in the classroom. This session will discuss how legal writing professors can integrate interdisciplinary teaching into the legal writing classroom using the “small teaching” approach.

Room 1102

Murder by Consensus: Academic Mobbing, Professional Gas-lighting, and Other Hierarchical Transgressions

Lucy Jewel, University of Tennessee College of Law

Deborah Borman, University of Arkansas Little Rock, William H. Bowen School of Law

In broad strokes, this presentation addresses how to handle toxic office politics and painful inter-group power dynamics in legal academia. A growing body of literature exists on academic mobbing. In addition to collective forms of academic violence, we will describe individualized forms of academic oppression, i.e., antisocial tendencies and controlling behaviors such as gas-lighting. We will draw and build upon Deborah Borman’s extensive research on professional identity and Lucy Jewel’s extensive work on social hierarchy.

11:45 A.M.-12:35 P.M.

Room 1200A

Tips to “Like”: Helping Students Cultivate a Professional Identity Online

Jenny Carey and Abigail Patthoff, Chapman University School of Law

Current and incoming law students are digital natives. But even though they use social media regularly, they need guidance about how to use social media professionally. Instead of simply warning students to stay off of social media (which is not realistic) or to closely monitor their privacy settings (although still a good idea), law schools should be advising students about how to responsibly use and leverage social media’s capabilities. In this presentation, we will discuss how we can

encourage students to curate an online presence for themselves that helps them develop a professional identity.

The Future of Law Practice: Preparing Tech-Competent Lawyers

Karen Sanner, St. Louis University School of Law

Are we producing graduates who meet the current standards of technological competency to practice law? The requirement that attorneys be competent to practice law has evolved significantly since the turn of this century. The ABA Model Rules of Professional Conduct now require attorneys to understand and learn about the benefits and risks associated with technology relevant to the practice of law in order to be “competent.” As the front line for teaching students practice skills, legal skills faculty are in a unique position to introduce and embed the idea that competent attorneys must understand the intersection of legal technology and law practice.

Room 1200B

Incorporating Ethics into the LW Class

Mary Ann Robinson, Villanova University Charles Widger School of Law

Many legal writing professors incorporate lessons on professional responsibility when we teach appellate advocacy because it is an area where there is an obvious intersection between ethics and legal writing. In addition, when teaching predictive writing, we can sometimes assign research memos that involve issues arising under the ethics rules. This presentation will focus on some additional ways we can introduce ethical concepts in the legal writing classroom through exercises, assignments, and discussion.

Incorporating Professional Conduct Rules into the Legal Writing Curriculum

Cristina Lockwood, U. Detroit Mercy School of Law

I am a co-author of a legal writing book with Pam Lysaght, Brad Clary, and Christopher Soper. For the 2017 edition, we added instruction on incorporating the ABA Model Rules of Professional Conduct into the legal writing curriculum. Familiarizing students with the rules of professional conduct that govern decisions lawyers make in their writing, both predicative and persuasive, is easy to do. Incorporating professional conduct rules into the legal writing curriculum enhances

students' educational experience because students recognize that abiding by professional conduct rules is necessary to maintaining their law license.

Room 1102

Warp & Weft: Strengthening Legal Writing Pedagogy Through Interdisciplinarity

Cynthia Bond and Hugh Mundy, UIC John Marshall Law School

This panel engages theories and methods of interdisciplinary legal writing pedagogy. Topics include integrating civil procedure doctrine and skills training; drawing on narrative studies in integrating “live client” work into legal writing classes; and activating metaphors from literary criticism and rhetorical studies to teach revision.

12:45-1:50 P.M.

Lunch

2:00-2:50 P.M.

Room 1200A

Come Together: Successful Collaborations between LRW and Student Organizations

Olympia Duhart and Heather Baxter, Nova Southeastern U. Law School

In this never-ending age of austerity, law faculty are asked to do more with less. At the same time, it is more important than ever for legal research and writing professors to offer innovative programming to motivate students and reinforce critical lawyering skills. With a little planning and a few committed folks, LRW professors can meet these goals by collaborating with student organizations. This session will offer practical advice law professors can use to successfully collaborate with student organizations such as law review and moot court to advance the Legal Research & Writing curriculum.

Teaching to Transfer

Michelle Cue and David Ganfield, DePaul U. College of Law

This presentation will describe pedagogical techniques that professors can use to help law students transfer their knowledge of legal skills to new situations.

Participants will learn both forward-looking methods that help prepare learners for

transfer at the time knowledge is initially obtained and backward-facing methods that enhance learners' ability to quickly make sense of new information.

Room 1200B

Decolonizing Rhetoric for a “Woke” Legal Academy

Teri McMurtry-Chubb, Mercer U. Walter F. George School of Law

In this presentation, I introduce Indigenous, African Diasporic, Asian Diasporic, and Latinx Rhetorics as oppositional discourse to Western Rhetoric. The roots of rhetoric, how we teach legal writing, and the whole of legal education are rooted (colonized) by Western ideals. I position these multicultural rhetorics as a way to expose the Western roots of writing and legal education (decolonization), and to teach students how they are useful in both objective and persuasive writing.

Reconceiving the First Semester

Michelle Falkoff, Northwestern U. Pritzker School of Law

The Communication and Legal Reasoning program at Northwestern recently piloted a new first-semester curriculum, which we designed with the needs of students, CLR faculty, and the other first-year teaching faculty in mind. We sought to make the course more responsive to student needs, such as easing student stress, increasing the amount of revision, providing a variety of feedback opportunities, and creating assignments that were closer to those the students would write in practice. In this session, I will discuss the impetus for the changes in more detail, the steps we took to consider all the different affected constituencies, and some of what we learned from the process.

Room 1102

What Students and Teachers Must Know about Textualist Judging

Joseph Kimble, WMU-Cooley Law School

For better or worse, more and more state and federal judges and justices are professed textualists. And those numbers are increasing in the current political climate. So it's critical that our students know how those judges are likely to approach and decide cases. I will discuss six or seven of the most prominent canons of construction by looking at some high-level cases. I'll include a little drafting advice and some useful examples along the way.

3:00-3:50 P.M.

Room 1200A

Learning Leadership: Diverse Approaches for a Diverse Profession

Suzanne Rowe, U. Oregon School of Law

Lawyers are often expected to be leaders in a range of settings: in their law offices, on bar association committees, and in their communities. This expectation suggests we might teach leadership in law school. To the extent law schools consider leadership, however, most simply assume students arrive with leadership skills and hone those skills through activities that take place beyond faculty involvement. This presentation will explore diverse types of leadership and ways to teach leadership in the law school curriculum and through guidance in co-curricular and extracurricular activities.

What a Legal Writing Professor Can Learn from a TESOL Professional

Mark Wojcik, UIC John Marshall Law School, John B. Thornton, Northwestern U. Pritzker School of Law, and Nell Novara, Assistant Director of International and Area Studies, Northwestern U. Pritzker School of Law

Many legal writing professors are teaching either an increased number of students who speak English as a Second Language (ESL) in their J.D. legal writing classes, or all-ESL classes for international LL.M. students. TESOL professionals can provide valuable guidance in several areas. First, they can inform our understanding of contrastive rhetorical styles. Second, they can help legal writing professors to arrive at realistic goals for how we can help our ESL students to improve their written and spoken English. Third, they can provide valuable guidance for how to adjust our teaching styles to improve ESL student comprehension and participation in the classroom.

Room 1200B

The Summary Judgment Blanket Exercise and Other Fun Ways to Weave Civil Procedure into the 1L Legal Writing Program

Anne Alexander, U. Missouri School of Law

Summary judgment. Who has the burden? What does that party have to show? Why is it different for plaintiffs and defendants? On an appeal of a grant of summary judgment, how can a defendant/respondent lose on one element but still win? For several years, I noticed that students could answer these questions in a vacuum but

not apply them to a simulated case. They *knew* the answers but did not *understand* the concepts. I became determined to change all that. During my presentation I will share a hands-on, interactive exercise that brings summary judgment concepts to life. Specifically, I will share my use of a blanket and four student-volunteers to provide students with an unforgettable demonstration of summary judgment legal concepts.

The Group Feedback Technique: A Strategy to Accelerate the Development of Essay-Writing Skills without the Necessity of Individual Feedback

Patrick Gould, Appalachian School of Law

Reality tells us that the larger the class, the less individual feedback is possible. Finding ways to give effective feedback without taking enormous amounts of faculty time is a challenge. This presentation will focus on a group feedback technique designed to improve students' legal essay-writing skills through the modality of minimal group instruction. The instruction showed marked improvement in the students' performance.