

**NINETEENTH ANNUAL
ROCKY MOUNTAIN LEGAL WRITING CONFERENCE
MARCH 15 & 16, 2019**



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FRIDAY, MARCH 15, 2019

12:00 p.m. – 6:00 p.m.

First Floor **Registration**

First Floor
Hallway **Vendor Exhibits**

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1:00 p.m. – 1:10 p.m.
Opening Remarks

Room 102 Dean Daniel W. Hamilton, William S. Boyd School of Law, University of Nevada, Las Vegas

1:10 p.m. – 2:00 p.m.
Concurrent Sessions

Room 110 **Know Your Audience: Using a Role-Play Exercise to Enhance the Client Letter Assignment**
Joseph S. Jackson, University of Florida Levin College of Law

Learn the nuts and bolts of an in-class client role-play exercise that improves students' understanding of client letters.

Ask a "Real" Lawyer: The Numerous Classroom Benefits of Incorporating a Virtual Interview Between Students and Practitioners

Kerry Kornblatt, Wayne State University Law School

Using a "virtual interview" helps prepare students for the expectations of the workplace by facilitating a uniquely candid dialogue about professionalism, research and writing techniques, and the development of professional identity.

Room 117 **Teaching Our Students to Write to the Audience—Top Brief-Writing Tips from Judges**
Tessa L. Dysart, The University of Arizona James E. Rogers College of Law

This presentation will look at research on judicial brief-writing preferences for top brief-writing tips from judges that we can teach our students.

Pass the OODA Loops: A New Paradigm for Large-Scale Organization

Kenneth Dean Chestek, University of Wyoming College of Law

Students often inappropriately latch on to IRAC as the large-scale organizing principle for their assignments. This presentation suggests OODA (Observe, Orient, Decide, Act) as a more useful paradigm.

Room 112

Student Collaboration and Assessment of Practical Writing Assignments

Evelyn H. Hutchison, University of Tulsa College of Law

Gina Nерger, University of Tulsa College of Law

The presentation will cover in-class collaborative writing assignments and corresponding student assessments, using an objective email assignment and a persuasive demand letter assignment.

Are Our Policies on Deadlines Passé?

Joel Schumm, Indiana University, Robert H. McKinney School of Law

Contrasting the often strict policies on deadlines in LRW courses with the liberal policies on extensions and late filings in practice, this interactive presentation will consider alternatives to ensure we are imparting the “professional skills” for modern practice under ABA Standards 301 and 302.

Room 102

From LSAT to Law School

Scott A. Anderson, Capital University Law School

This presentation could help entering law students grasp the relation between formal logic, as exemplified in the LSAT's "logic games," and legal analytical structures, such as CREAC and CRuPAC.

Using Group Conferences Effectively

Deborah McIntosh, University of Idaho College of Law

Jessica Gunder, University of Idaho College of Law

A discussion of how legal writing faculty can incorporate group conferences into their curriculum to provide additional feedback to students, introduce interpersonal communication skills with colleagues, and increase student investment in writing assignments.

Room 110

Creating an Inclusive Classroom Environment

Shailini J. George, Suffolk University Law School

This presentation will discuss the importance of creating and fostering an inclusive classroom environment and will include tips and techniques to help develop and strengthen that inclusive environment.

Fostering Professional Identity Development with Team-Based Learning

Melissa H. Weresh, Drake University Law School

This presentation demonstrates how the use of team-based learning in the legal writing classroom fosters many of the skills and characteristics critical to professional identity development.

Room 117

Write Worse? Rethinking Fluency

Andrew M. Carter, Sandra Day O'Connor College of Law at Arizona State University

A growing body of research suggests that disfluent reading may serve, not undermine, the writer's goals. So maybe, at least sometimes, it's better to write worse. Let's discuss.

The Power of Connectivity: The Science and Art of Transitions

Diana J. Simon, The University of Arizona James E. Rogers College of Law

This presentation covers research on how transitions facilitate understanding, then it covers transitions in legal writing, and finally, it covers in-class ideas designed to teach the importance of transitions.

Room 112

This is Not Your Grandmother's Brief: Borrowing from Harry Potter to Teach Our Students Persuasion in the Magical World of Digital Filings

Maureen Johnson, Loyola Law School, Los Angeles

Ready for some legal wizardry? How about a legal brief where hyperlinks to cited evidence magically appear? What once was a judge's dream is fast becoming reality. This presentation discusses not only the mechanics of e-filing but also how the art of persuasion is changing in our digital world. In particular, this presentation will examine recent guidelines on e-briefing drafted by the American Bar Association. Do bring your iPad or other device as this presentation includes an onscreen trek into the world of digital persuasion, and hyperlinked evidence.

Digital Justice: Shining Future or Illusory Chimera?

Scott Fraley, Baylor University School of Law

This presentation discusses the effects—positive and negative—of the rapidly increasing digitization of the law on whether the law tends to achieve just outcomes.

Room 102

The When and How of Teaching the "Why" in Legal Writing

Timothy J. McFarlin, University of La Verne College of Law

Students often struggle to summarize *why* the key facts of a given situation support their conclusions. This presentation offers ideas on when and how to teach this vital skill.

Teaching 1Ls to Effectively Make Policy Arguments in Legal Analysis

Angela D. Morrison, Texas A&M University School of Law

This presentation outlines two assignments and in-class exercises designed to teach 1Ls to effectively make policy arguments.

**3:10 p.m. – 4:00 p.m.
Concurrent Sessions**

Room 110

High-Tech Peer Feedback: Peer Review Software as Legal Writing Technology Tool

Kirsten K. Davis, Stetson University College of Law

Brian Larson, Texas A&M University School of Law

Learn how to use peer feedback software in the first-year legal writing course to improve students' skills in drafting, revising, and giving and receiving feedback.

Room 117

Dancing In the Dark: Advocating for Legal Writing Faculty with Law School & University Administrations

MaryBeth Beazley, Moderator, William S. Boyd School of Law, University of Nevada, Las Vegas

Christine Coughlin, Wake Forest University School of Law

Brian A. Glassman, Cleveland-Marshall College of Law

Richard J. Neumann, Jr., Hofstra University, Maurice A. Deane School of Law

Gaining new/expanded rights for legal writing professors requires intensive planning, strategizing, and effort. Status goals are worth striving for. Learn how others have succeeded."

Room 112

Live Grading (or Critiquing): A 30-Year Retrospective

Joseph Kimble, Western Michigan University-Cooley School of Law

I'll discuss why I think live grading (or critiquing) works, techniques for making it more effective, and some of the latest research. I'll end with a short video presentation.

Room 102 ***Pay No Attention to the Assessment Behind the Curtain: The Two-Way Rubric that You (and Your Students) Will Love***
Elizabeth Sherowski, University of North Carolina at Chapel Hill School of Law

The two-way rubric does it all: it helps students monitor their progress toward skills mastery while allowing the professor to simultaneously provide formative feedback and quantitatively assess student performance. Attendees will leave with templates that they can use to develop their own two-way rubrics.

4:10 p.m. – 5:00 p.m.
Concurrent Sessions

Room 110 ***What Have We Wrought? How Learning Expectations, Outcomes Assessments, Best Practices, and Standardized Testing Have Undermined Learning at Every Level***
Karin Mika, Cleveland-Marshall College of Law

This presentation will discuss the pros and cons of the Outcomes Assessment/Best Practices Bandwagon. It will suggest that we are doing no favors for our students by providing so much specificity in all we ask them to do.

How to Foster Mindful and Creative Problem Solving in an Age of Innovation
Kathleen Elliott Vinson, Suffolk University School of Law

In an era of unprecedented change and ubiquitous technology, it is impossible to predict the future of legal practice. The need for law students and lawyers to be mindful and creative problem solvers, however, will remain constant.

Room 117 ***Authority's Tacit Conventions***
Amy J. Griffin, Colorado Law, University of Colorado, Boulder

When and why do judges rely on non-binding (optional) authority? This session presents preliminary analysis of the role of optional authority in the Tenth Circuit's published 2017 opinions.

Finding Deeper Meaning: Guiding Students to Look Past What Courts Say and Extract What They Mean
Sarah B. Hadjimarkos, University of Wisconsin Law School

Students too often fail to read cases closely and dissect why a court reached its decision, resulting in shallow, incomplete analysis. This presentation focuses on strategies for encouraging deeper thinking and more insightful writing.

Room 112

Critical Case-Reading Skills: Clarifying Common Areas of Confusion for (New) Law Students

Queena Mewers, UC Irvine School of Law

This presentation will clarify the most common areas of confusion that law students experience when they try to read and understand cases. What "gaps" can we fill to help better prepare students for case-reading comprehension?

#Fail: How Law Schools Are Violating ABA Standards by Overlooking that Law Students Can't Critically Read

Carolyn V. Williams, The University of Arizona James E. Rogers College of Law

By failing to recognize that incoming students lack critical reading skills, law schools cannot achieve the ABA mandate to establish learning outcomes to prove students' competency in written communication.

Room 102

Politics, Bias, & Rhetoric: The Art of Using Student Surveys

Susan Smith Bakhshian, Loyola Law School, Los Angeles

This presentation includes a discussion of best practices in survey drafting and pitfalls to avoid, along with how to use survey drafting as a vehicle to teach basic legal writing concepts.

Helping Law Students Improve Their Legal Writing by Developing Editing Checklists

Timothy J. Duff, Case Western Reserve University School of Law

Lawyers are professional writers but law students often fail to understand the writing process and have difficulty with legal writing basics. Having students develop editing checklists is one way to address these problems.

5:00 p.m.-6:30 p.m.

Second Floor

Opening Reception

Sponsored by Lexis



SATURDAY, MARCH 16, 2019

8:00 a.m. – 12:00 p.m.

First Floor **Conference Registration**

8:00 a.m.-5:00 p.m.

First Floor
Hallway **Vendor Exhibits**

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8:00 a.m. – 9:00 a.m.

Second Floor **Breakfast**
Sponsored by Carolina Academic Press, Thomson Reuters, and UNLV



8:15- a.m. – 9:50 a.m.
90 minute presentation

Room 106 ***The Reading-Writing Club [for Books, Articles, Journals]***
Linda L. Berger, William S. Boyd School of Law, University of Nevada, Las Vegas
Linda H. Edwards , William S. Boyd School of Law, University of Nevada, Las Vegas
Ellie Margolis, Temple University, Beasley School of Law
Terrill Pollman , William S. Boyd School of Law, University of Nevada, Las Vegas

Reading and responding to each other's work helps strengthen and enrich the legal writing discipline. Please join us for coffee and conversation about a recent article and the elements that distinguish good legal writing scholarship.

9:00 a.m. – 9:50 a.m.
Concurrent Sessions

Room 117

Transactional Storytelling

Susan M. Chesler, Sandra Day O'Connor College of Law at Arizona State University
Lori D. Johnson, William S. Boyd School of Law, University of Nevada, Las Vegas
Karen J. Sneddon, Mercer University School of Law

This presentation explores the panelists' current research into narrative and transactional drafting. The presenters will provide examples of narrative techniques and discussion of underlying narrative theory as applied to transactions.

Room 112

Writing Effectively to Convince the Family Court Judge

Honorable Gerald W. Hardcastle, District Court Judge, Ret.

As a Family Court and Senior Judge in Las Vegas's busy Family Court for 25 years, Judge Hardcastle shares his experiences and belief that effective writing is essential to effectively representing clients before the Court.

Room 102

Competing Definitions of Gibberish and Their Relation to Philosophy's Consensus Definition of Bullshit as a Precise Concept

Richard K. Neumann, Jr., Hofstra University, Maurice A. Deane School of Law

We have no consensus definition for *gibberish*. Philosophy, however, precisely defines bullshit because of Frankfurt's books *On Bullshit* and *On Truth*. To define gibberish precisely, we'll examine—with audience participation—statutes relevant to the epic struggle between one part of the federal government, which has deployed vast amounts of bullshit against other parts, which are armed mostly with gibberish.

10:00 a.m. – 10:50 a.m.
Plenary Presentation

Thomas &
Mack Moot
Court Room

The Rising Tide in Legal Writing: Lifting Boats in a Changing Climate?

Suzanne Rowe, University of Oregon School of Law

The legal writing community has experienced phenomenal successes through our contributions to teaching, service, and scholarship. But, despite hard work, not all in legal writing are enjoying a better environment, as smaller student applicant pools, financial tensions, and national rankings nudge us away from our collaborative, collegial foundation. In these changing times, a deeper commitment to mentoring colleagues and building community may be the keys to lifting legal writing further.

Room 110

Zen and the Art of Teaching Millennials

Chad Noreuil, Sandra Day O'Connor College of Law at Arizona State University

This presentation will focus on the evolving millennial brain and what methods are best for teaching this generation of learners, including how best to use technology in the classroom.

Not all Law Review Articles: Why You Should Consider Writing Short, Practical Pieces for a Practitioner Audience (and How to Do It!)

Susie Salmon, The University of Arizona, James E. Rogers College of Law

Susie Salmon will tell you how to boost your teaching, your program, your career, and your life by writing short, practical pieces for a practitioner audience.

Room 117

Reclaiming Your Time and Empowering Students Through Live Grading

Iva Johnson Ferrell, Widener University, Delaware Law School

How many times have you thought about trying Live Grading/Feedback and talked yourself out of it? The mere idea ... too daunting to attempt! After finally taking the plunge, I wonder why I waited so long! Through this presentation, I endeavor to provide a few reasons why you too might consider trying this win-win process.

Being a Legal Writer: Professional Identity Formation and Legal Writing for 1L's

Christopher Corts, University of Richmond School of Law

Taking a personal and practical approach, Professor Corts will share his experiences from an ongoing experiment to make professional identity formation instruction a more intentional and explicit component of his 1L legal analysis and writing curriculum.

Room 112

Integrating Transactional Skills into the Legal Writing Classroom Through Small Teaching

Adam Eckart, Suffolk University Law School

This session will address how integrating transactional examples into existing legal writing curriculum, through the practice of small teaching, can foster increased student cognition and retention and give a valuable transactional perspective.

Making Legal Logic Click: Using Metaphors to Teach Tough Concepts

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

Some concepts, like CREAC, are tough for entering students to grasp at a deep level. This presentation will discuss how metaphors can help students understand tough concepts and provide examples the presenter has found useful.

Room 102

Ding, Dong! The (Wicked?) Upper-Level Writing Survey Class Is (Not) Dead

Tamara Herrera, Sandra Day O'Connor College of Law at Arizona State University

This presentation will discuss how to offer an upper-level writing survey course that challenges students who (mistakenly) believe the course will not prepare them to be practice-ready

End of the Line

Kimberly Y.W. Holst, Sandra Day O'Connor College of Law at Arizona State University
Deborah L. Borman, University of Arkansas at Little Rock, William H. Bowen School of Law

The practice of underlining should end in the practice of law as well as in the teaching of citation in legal education.

12:00 p.m. – 12:40 p.m.

First Floor

Lunch sponsored by Wolters Kluwer

Seating available outside and in empty classrooms.
Some tables also available in room 203.



12:50 p.m. – 1:40 p.m.

Plenary Presentation

Thomas &
Mack Moot
Court Room

Reading, Writing, and Rhythm: Thinking about Teaching and Learning in a Collaborative Exercise

Charles Calleros, Sandra Day O'Connor College of Law at Arizona State University Professor

Professor Charles Calleros will present an interactive exploration of various approaches to teaching and learning, with the assistance of a UNLV student who studies classical guitar. The workshop should energize participants for continuing the creative, communal, and collaborative exchange of ideas in the remaining sessions.

1:50 p.m. – 2:40 p.m.

Concurrent Sessions

Room 110

Cognitive Science of Induction and Rule Synthesis

Jennifer M. Cooper, University of Denver, Sturm College of Law

Cognitive science research provides powerful insight on synthesis and inductive reasoning complementing legal writing and rhetoric scholarship to help first-year law students master rule synthesis and induction.

"Why Are My Best Students Always Women?" An Empirical Study of Gender and Performance in Legal Writing Classes

Peter Nemerovski, UNC School of Law

I recently studied the performances of over 350 students in my first-year legal writing courses. In this presentation, I will present data showing that women outperformed men and explore various explanations for the disparity.

Room 117

Breaking Away from the Linear Syllabus: Creating Resources to Facilitate Self-Guided Learning for a Diverse Student Body

Jason G. Dykstra, Concordia University School of Law

For students used to learning via YouTube, let's revisit the linear syllabus and embrace self-guided learning tools like cached video content and model notes, available whenever relevant to student learning

From Live to Online: Incorporating Online Instruction into Live Legal Writing Courses

Allison Martin, Indiana University, Robert H. McKinney School of Law

In this presentation, we will discuss incorporating online instruction into live legal writing courses. I also will demonstrate some useful online tools.

Room 112

"We Go Together": Strategic Partnerships Between Legal Writing Programs and Law Library Faculty

Alyson Drake, Texas Tech University School of Law

Wendy-Adele Humphrey, Texas Tech University School of Law

Learn how legal writing programs can develop strategic partnerships with their law library faculty colleagues and create a team-based approach to helping students develop stronger research and analytical skills.

Gen Z Is Coming to Law School—It's Time to Step Up Our Information Literacy Game

Kristen E. Murray, Temple University, Beasley School of Law

Ellie Margolis, Temple University, Beasley School of Law

This presentation is about teaching GenZ students using an information literacy paradigm. We argue that we need to understand these students' approaches and attitudes about information in order to give them the tools they will need to evaluate legal research sources.

Room 102

Repurposing Old Tools to Foster Deep Thinking in Writing Practice

L. Danielle Tully, Suffolk University Law School

This presentation describes how three old tools—reverse outlining, diagnostic reflection, and track changes—transform into new tricks that invigorate writing conferences and students' writing process.

Catching On: How Post-Critique Assessments Deepen Understanding and Improve Legal Writing

Katherine T. Vukadin, Thurgood Marshall School of Law, Texas Southern University
D'Andra Millsap Shu, Thurgood Marshall School of Law, Texas Southern University

Legal writing professors see the individualized assessment of student papers as one of the most important tasks they undertake. Assessment of legal writing also appears in the ABA's guidance on its accreditation standards and takes up much of the professors' time. Given the central importance of legal writing assessment, how can professors ensure that their critique is taken to heart? This presentation provides post-critique techniques that will help make sure students absorb their critiques and improve their legal writing on subsequent assignments

**2:50 p.m. – 3:40 p.m.
Concurrent Sessions**

Room 110 ***Gender Degradation: How the Law Perpetuates Occupational Segregation and Gender Disparities in the Workplace***

Kristen K. Tiscione, Georgetown University Law Center

With the legal academy as the starting point, this presentation will focus on the law's inability to address gender discrimination across and within occupations and efforts to re-frame our understanding of this problem.

Room 112 ***The Skills to Pay the Bills: How Well Are Experiential Courses Preparing Students to Use Essential Lawyering Skills in Their 2L Summer Jobs***

Gary Craig, Loyola Law School, Los Angeles
Aimee Dudovitz, Loyola Law School, Los Angeles
Katherine Lyons, Loyola Law School, Los Angeles

A discussion of survey results showing the effectiveness of experiential courses in preparing students to use important lawyering skills during their 2L summer jobs.

Room 102 ***Spinning Straw into Gold? The Challenge of Maintaining and Enhancing Legal Writing Programs Amid Institutional Austerity***

Claire C. Robinson May, Cleveland-Marshall College of Law

The current climate of austerity at many institutions threatens hard won gains in legal writing programs. This presentation discusses challenges and strategies for continuing to move our programs forward in lean times.

3:50 p.m. – 4:40 p.m.
Concurrent Sessions

Room 110

Getting Gritty with It: Practices that Promote Grit in the LRW Classroom

Olympia Duhart, Nova Southeastern University Shepard Broad College of Law
Hugh Mundy, The John Marshall Law School

This presentation will take the best advice from psychologist Angela Duckworth's book *Grit: The Power of Passion and Perseverance* and share specific lessons that promote grit in the LRW classroom.

Teaching Legal Writing to the Growth Mindset

Ezra Goldschlager, University of La Verne College of Law

Learn how to promote the growth mindset in your students, setting them up for greater learning in your classes and throughout their careers.

Room 117

Small Group Conferences

Alyssa Dragnich, Sandra Day O'Connor College of Law at Arizona State University

Many writing professors incorporate a “report to supervisor” assignment into their courses. I started conducting these conferences in groups of three to four students and saw substantial pedagogical advantages—beyond the time savings.

From Courtroom to Classroom

Ryan S. Lincoln, University of Idaho College of Law
Jessica Gunder, University of Idaho College of Law

Join new members of the legal writing community as they discuss the transition from courtroom to classroom: including tips for how you can successfully mentor new colleagues and ways to incorporate practiced-based exercises in your classroom.

Room 112

Doing Well by Our Students: Incorporating Wellness into the LRW Classroom

Nancy Soonpaa, Texas Tech University School of Law

This presentation introduces wellness and its facets, explores tips and techniques for incorporating wellness into the classroom, and encourages lively discussion of why that incorporation should be an educational imperative.

"My Favorite Law School Class"—The Wellness Perks of a Short Story Reading Group

Sylvia J. Lett, The University of Arizona, James E. Rogers College of Law

This presentation will describe the goals of the short story reading group, and the unintended, but much-appreciated, wellness benefits experienced by the group's participants. The presentation will also explain how to start and run a short story reading group at a law school. Finally, a handout of the list of short stories read by the UofA's short story reading group in its first year will be distributed.

Room 102

Escape the Ordinary: How to Close Out Your Semester with a Challenging "Escape Room" Competition

Joy E. Herr-Cardillo, The University of Arizona, James E. Rogers College of Law

Learn how an Escape Room can make your end-of-semester review both challenging and fun for your students.

So You Haven't Taught Legal Writing in a While . . .

Judith Stinson, Sandra Day O'Connor College of Law at Arizona State University

How do you jump back into teaching legal writing after a significant break (whether for administrative service or a temporary change in jobs)? This presentation provides some suggestions.

4:50 p.m. – 5:00 p.m.

Thomas &
Mack Moot
Court Room

Closing