ASU Sandra Day O'Connor College of Law
Arizona State University

20th Annual Rocky Mountain
Legal Writing Conference
March 4-5, 2022

CONFERENCE PROGRAM

FRIDAY, MARCH 4, 2022
12:30P.M.-6:00 P.M.

12:30 p.m. **Registration Opens**	
1:25 p.m. – 1:50 p.m. **Concurrent Sessions**	
Room 1	Danielle Tully (Brooklyn Law School), *Cultivating Culturally Responsive Lawyers in the 1L LRW Classroom* Are you looking for exercises class that will help students develop culturally responsive lawyering practices? Then you are in the right place. Come learn about reading the law, exploring law's players, and understanding bias in our work.
Room 2	Timothy J. Duff (Suffolk University School of Law), *The Value of Having Students Respond to Legal Writing* This presentation addresses the value of having students respond to legal writing by having them draft such things as memorandums in opposition to motions for summary judgment and judicial opinions.
Room 3	Chad Noreuil (Arizona State University), *The Zen of Overcoming Procrastination* This presentation will discuss causes of student procrastination and offer some solutions to help them start writing earlier, finish sooner, and (hopefully) deliver a more polished work product.

	2:00 p.m. – 2:50 p.m. **Concurrent Sessions**
Room 1	Yan Slavinskiy (Loyola Law School-Los Angeles), *A Worthy Adversary: Using the Bluebook to Teach Law Students to Question Legal Hierarchies* (25 minutes) A discussion of an approach to encourage legal writing students to recognize and confront legal hierarchies and consistently question the status quo while teaching the Bluebook's citation rules.
	Mary Bowman (Arizona State University) and Sue McMahon (Arizona State University), Teaching Legal Change in Legal Writing Classes (25 minutes) Students often attend law school to make a difference but are taught instead how to preserve the legal status quo. This session will discuss several approaches the presenters have used to bring legal change into the LRW curriculum
Room 2	Joe Kimble (Western Michigan University-Cooley Law School), *What Our Students Must Know About Textualist Judging: Canons, Supreme Court Cases, and Classroom Exercises* Our students must know textualism. Joe will discuss six or seven of the favorite textualist canons (using U.S. Supreme Court cases) and provide redrafts of the language at issue. The examples will be ready-made for classroom use.
Room 3	James B. Levy (Nova Southeastern University), *How I Learned To Stop Worrying And Love Zoom: Lessons From The Pandemic For Conducting More Effective Student Writing Conferences* (25 minutes) Many of us developed during the pandemic a love-hate relationship with Zoom for teaching legal research and writing. I'll leave to others a more thorough postmortem on the pros and cons of using Zoom to impart legal research and writing skills via a computer screen. Instead, this presentation will focus on using this technology to conduct an essential part of every LRW course, the individual student writing conference. As someone who taught online courses before the pandemic, I started out skeptical about how well Zoom would work for this purpose. With the pandemic behind us (sort of), I'm now an advocate for using Zoom and similar platforms to conduct these writing conferences moving forward. This presentation will discuss the lessons I learned during the pandemic about holding effective student writing conferences, the pitfalls to avoid, and even how to select the right equipment to maximize their effectiveness.
	Kelsey S. Holder (University of Tulsa), *Working Together: Advocating for Increasingly In-Depth Collaboration in the Legal Writing Classroom* (25 minutes) Legal writing instructors recognize and value the collaborative process as we prepare new attorneys for practice. Students must develop individual understanding and increased competence while learning legal writing's formats, style, and analysis. For our students, the opportunity to share struggles and successes provides multiple perspectives and built-in remediation. Participants will receive an overview of projects already tested, as well as an assignment in the planning stage to consider and discuss.

	3:00 p.m. – 3:50 p.m. Concurrent Sessions
Room 1	Pete Nemerovski (University of North Carolina) and Alyssa Dragnich (Arizona State University), *The Scholarship Debate* (25 minutes) Should the publication of legal scholarship be required for LRW professors to be retained and promoted? Professors Nemerovski and Dragnich will debate the merits of such a requirement.
	Joel Schumm (Indiana University-McKinney), *When Should We Let Our Hair Down?: Courts, Contractions, and "Cleaned Up"* (25 minutes) As judges write and cite in less formal ways, this presentation will survey trends and discuss if lawyers, law professors, and law students should use contractions and the parenthetical "cleaned up."
Room 2	Rachel Croskery-Roberts (University of California-Irvine), Derek Kiernan-Johnson (University of Colorado), Helena Whalen-Bridge (National University of Singapore), and Steve Johansen (Lewis & Clark Law School), *Proposed Guidelines for Ethical Legal Storytelling* Storytelling in law, whether in client counseling, advocacy, judicial-opinion writing, or teaching, raises serious ethical issues. We seek feedback on guidelines & examples we've drafted to help navigate these challenges.
Room 3	Bryan Schwartz (George Washington University), *Making it "Click" - Tailoring a Professor-Specific Peer Review Exercise* (25 minutes) Looking for a new way to make legal writing "click"? Using a tailored, professor-specific peer review exercise will give your students an opportunity to see the material through the eyes of their reader
	Diana Simon (University of Arizona), *How I Spent My Summer Vacation: Creating an Online Plagiarism Workshop for 1L Law Students* (25 minutes) This explains the process of creating an online plagiarism workshop. It also covers student feedback and modifications made as a result. Finally, it covers the different modules and the path to making it mandatory for all first-year students.

	4:00 p.m. – 4:50 p.m. Concurrent Sessions
Room 1	Sue Chesler (Arizona State University), *Leveraging Mistakes in the Legal Writing Classroom* (25 minutes) Educational research has shown that making mistakes is an integral part of the learning process. In this presentation, you will learn the theories behind errorful learning, and leave with concrete strategies on creating a mistake-friendly classroom.
	Gina Nerger (University of Tulsa), *Two Wrongs Can Make a Right: Introducing Flawed Samples for Effective Counter-Modeling* (25 minutes) As legal writing professors, we live and die by our samples. While the focus of our teaching rightly centers mostly on the "ideal" sample, this presentation will demonstrate how the use of flawed samples adds much depth to our teaching. For students, comparing ideal and flawed samples for specific writing prompts can turn the lightbulb on faster and, for many students, will help them

	avoid the common pitfalls that others before them have fallen victim to. Attendees will receive copies of the flawed samples the presenter prepared for a 2020 ALWD Teaching Grant.
Room 2	Tenielle Fordyce-Ruff (Arizona State University), Jessica R. Gunder (University of Idaho), and Suzanne Rowe (University of Oregon), *Fostering Community and Connection: The Benefits of Mentoring Relationships* Mentoring can increase personal and career satisfaction. Learn how mentoring relationships help you navigate your school and the academy, increase diversity, and ensure a learning culture. Also get tips for creating a mentoring relationship.
Room 3	Carolyn Williams (University of Arizona), *Contributing Factors to the Success of Law Students with Written Expression Disorder* (25 minutes) Written expression disorder aka dysgraphia is the most poorly understood and least studied of all the learning disabilities. Legal writing professors should know its tell-tale signs and contribute to the success of students with written expression disorder.
	Rachel H. Smith (St. John's University), *Hide & Seek: Balancing Anonymity and Individualized Attention* (25 minutes) This presentation will share specific approaches for balancing anonymous student engagement and individualized feedback that will help you reach your students in new ways. It is easy! I swear!
	5:00-6:00 **Welcome Reception**

8:00 a.m. – 9:00 a.m. **Breakfast**	
9:00 a.m. – 9:50 a.m. **Concurrent Sessions**	
Room 1	Stephanie Der (Loyola Law School-Los Angeles) and Jazzirelle Hill (Loyola Law School-Los Angeles), *Meeting Big Expectations: Top Legal Research and Writing Tips for Students Starting Big Law Associateships* (25 minutes) Students often approach their LRW professors for research and writing tips specific to their summer jobs. This program provides top tips for giving up-to-date advice on researching and writing for Big Law.
	Kristina Swanson (Indiana University-McKinney), *Straight from the Firm: Comparing First-Year LWR Teaching and Curriculum to Present-Day Practice* (25 minutes) This program will explore how standard first-year LWR curriculum compares to first-year attorney work and how we can best prepare our students for early law-firm practice.
Room 2	Joshua Jones (California Western School of Law), *Law as a Teaching Profession: Training Students to Teach* California Western School of Law professor Joshua Aaron Jones describes law as a teaching profession. By understanding education principles and mind, brain, and education science, professors become stronger educators, and students become efficient self-learners and effective communicators.
Room 3	Karin Mika (Cleveland-Marshall College of Law), *Friend or Foe? Lexis AI in Legal Writing* (25 minutes) This presentation will examine the pros and cons of two Lexis products that provide cite checking ability as well as enabling a student to enhance the research of a completed memo or brief.
	Nancy Costello (Michigan State University), *From Doomsayers to Zoom-sayers: Teaching Legal Writing in the Covid Era Isn't All Bad New* (25 minutes) Covid has forced radical change from in-class instruction to online teaching, but a baptism by fire can breed innovation. Learn about the changes legal writing professors are making permanent after their unplanned deep dive into online education.
10:00 a.m. – 10:50 a.m. **Concurrent Sessions**	
Room 1	Rachel Stabler (Arizona State University), *Teaching Law Students to Recognize Dicta* (25 minutes) Many law students struggle to recognize dicta in judicial opinions. This presentation will describe an in-class exercise that uses interactive polling software to help students build this necessary skill.
	Sophia Goodman (Indiana University-Maurer), *The Judicial Practice of Interpreting Opinions Through the Original Briefs and Oral Arguments* (25 minutes) When interpreting prior opinions, judges increasingly reference the contents and quality of the

	prior lawyers' submissions. This presentation explores the implications for teaching about stare decisis, case interpretation, and advocacy.
Room 2	Richard K. Neumann, Jr. (Hofstra Law School), *Oral Argument and Opinion Writing in the U.K. and U.S. Supreme Courts* In apex court oral arguments, American lawyers seem to do better work than British barristers. But video-recordings show U.K. justices behaving more professionally than ours do. British judicial opinions are evolving from descriptions of how a judge made a decision into American-style proofs demonstrating that the decision is right and other views are wrong. U.S. Supreme Court concurrences and dissents have evolved into self-indulgent personal essays.
Room 3	Gigi Walker (Boston University), *Confronting Language and Grammar in an Antiracist 1L Classroom* This presentation begins with a study of different dialects of English and invites attendees to critically examine where our ideas of "proper" grammar and legal writing come from. Materials include the myriad ways grammar affects legal outcomes and perception, including in major cases such as the trial of George Zimmerman and the death of George Floyd.
11:00 a.m. – 11:50 a.m. **Concurrent Sessions**	
Room 1	Sylvia Lett (University of Arizona) and Cas Laskowski (University of Arizona), *Making Learning Sticky: Increasing Retention with Thoughtful Collaboration and Digital Sticky Notes* (25 minutes) Through our use of Mural (a virtual sticky note program), we have increased learning transfer and retention of important analytical and practical skills in our joint 1L legal research, analysis, and communication class. We will explain and show (if time permits) how our collaboration using this fun, free program has created cohesion and "aha" teaching moments for ourselves and our students.
	Lynn *Su (New York Law School) and Anne Goldstein (New York Law School), Pedagogical Content Knowledge: A Tool to Enhance Learning Outcomes for Legal Writing Students* (25 minutes) Pedagogical Content Knowledge ("PCK") is a tool that can enhance learning outcomes. This presentation will show how to use PCK to design exercises that deepen understanding and heighten engagement
Room 2	John W. Strange (University of Wisconsin), *Stare Decisis: Bedrock or Fool's Gold? The Increasing Value of Teaching LRW Students How* Stare Decisis *Works –and Sometimes Doesn't.* Drawing on recent court opinions, scholarly research, and more, this presentation offers tools for better preparing LRW students to confront the realities of stare decisis in their writing and practice.
Room 3	Heidi Gilchrist (Brooklyn Law School), *Learning About Social Justice and Persuasion from MLK* (25 minutes) This presentation examines teaching about persuasive writing and social justice using Dr. Martin Luther King, Jr.'s Letter From a Birmingham Jail. The text is examined as part of the greater civil rights movement and students reflect on its meaning today.
	Brad Desnoyer (Indiana University-McKinney), *Writing Like Journalists* (25 minutes) Journalism tells a story, informs the reader, and (often) is just biased enough to persuade. This presentation will detail what legal writers can learn by studying journalism from varying sources.

12:00 p.m. – 1:20 p.m. **Lunch**	
1:25 p.m. – 1:50 p.m. **Concurrent Sessions**	
Room 1	Jim Dimitri (Indiana-McKinney), *Staying on the Virtual Path: Using Teaching Tools from Online Courses in In-Person Courses* This presentation will explore the use of teaching tools from online courses that may also work effectively in in-person courses.
Room 2	Matt Salerno (Case Western Reserve University), *Be Mindful About Mindfulness: Reflections on a Semester Using In-Class Mindfulness Activities* The presenter will share his experiences using mindfulness exercises in the classroom. The presenter will discuss the pros and cons of adding a brief mindfulness activity into a legal writing class and reflect upon the impact on students and on himself.
Room 3	Andrew Carter (Arizona State University), *Teaching Policing: The Challenges of Designing Exclusionary Rule and Section 1983 Problems* Based on my experience teaching exclusionary rule and Section 1983 problems, this presentation will try to tease out some of the challenges of "teaching policing" in the legal writing classroom.
2:00 p.m. – 2:50 p.m. **Concurrent Sessions**	
Room 1	Allison Mittendorf (Ohio Northern University), *Using the LR&W Classroom to Develop Students' Professional Identity* (25 minutes) This presentation will explore the importance of developing students' professional identities and how the legal research and writing classroom can be used to not only teach students to think like lawyers but think of themselves as lawyers.
	Angela (Anna) Debush (Chicago-Kent College of Law) and Mary Nagel (Chicago-Kent College of Law), *Using Interactive Evaluation Techniques to Inspire the 'Motivationally Challenged' Student* (25 minutes) "Without proper self-evaluation, failure is inevitable." - John Wooden We focus on self-evaluation throughout the legal writing process and in grading. The best way for a student to become a better writer is for that student to assess continually
Room 2	Iselin Gambert (George Washington University), Robin Juni (George Washington University), Natalia Blinkova (George Washington University), Brooke McDonough (George Washington University), and Erika Pont (George Washington University), *All that Jazz: A New Approach to Content and Coordination in the First Year Lawyering Class* A discussion of GW's innovative Fundamentals of Lawyering program, including strategies professors can incorporate to help students develop skills in professional identity formation, client service, and business development skills.
Room 3	Ann Ching (Arizona State University) & Kimberly Holst (Arizona State University), *The Pros of Pro Bono for Every Professor (Yes, Even You!)* (25 minutes)

	This presentation will explain how pro bono work can enhance your teaching and how to overcome the practical and ethical obstacles that keep many professors from providing pro bono legal services.
	Tessa L. Dysart (University of Arizona), *Law Professor as Career Counselor: Building a Clerkship Culture at Your Law School* (25 minutes) Let's face it, as legal writing professors we often serve as de facto career counselors. Learn how to advise your students to pursue judicial clerkships post-graduation—including why they should clerk, what types of clerkships are available, and how to pursue a clerkship.

	3:00 p.m. – 3:50 p.m. **Breakout Conversations:** Join your colleagues for an informal conversation on one of the topics below
Room 1	*Work and Parenting*: Join this session to discuss the highs and lows of teaching while parenting
Room 2	*Career Arcs:* Whether you're just starting out or dealing with mid-career changes, join this group to ask questions and find support.
Room 3	*Anything and Everything:* Join this session if you want to discuss any aspect of teaching and scholarship, or just to catch up with friends.

	4:00 p.m. – 4:50 p.m. **Concurrent Sessions**
Room 1	Mark K. Osbeck (University of Michigan), *What Role Does the Legal Memorandum (Properly) Play in Predicting Legal Outcomes, and Why Does it Matter for Legal Writing Professors?* (25 minutes) This presentation will explore two competing views about the appropriate role of legal memoranda in the practice of law, and the ramifications these views have for the way we teach students to prepare legal memoranda.
	Brian Larson (Texas A&M University), *The End of "Deduction"* (25 minutes) The use of "deduction," "syllogism," and "logic" in our rhetoric about legal reasoning is part of a socio-cultural "imaginary" meant to legitimize legal reasoning rather than to describe it. We should stop it.
Room 2	Joy Herr-Cardillo (University of Arizona), Candace Mueller Centeno (Villanova University), Allison Martin (Indiana University-McKinney), and Richard K. Neumann, Jr. (Hofstra Law School), *COVID at 2 years: Time for a Check Up and an Online Booster Offered by the ALWD Online/Distance Education Committee* Members of the Association of Legal Writing Directors' Online/Distance Education Committee share some of the tips and tricks to success in a virtual, in person, or concurrent environment.
Room 3	Charles Oldfield (University of Akron) and Sue Altmeyer (University of Akron), *Incorporating Ethics and Professionalism into the First-Year Writing Program* (25 minutes) Discuss and share ideas for incorporating ethics and professionalism training in the first-year writing curriculum and how to create a short professional conduct research assignment.
	Paul Koster (Emory University), *Morse v. Frederick – A Case Study in Competing Narratives* (25 minutes)

	This case study will compare competing narratives presented in *Morse v. Frederick* and explore the question: when presented with reasonable competing narratives, why does a court choose one particular narrative over another?