



Newsletter for the AALS Section on Legal Writing, Reasoning, and Research



Martha Pagliari
Chair, AALS Section on
Legal Writing, Reasoning,
and Research

Many thanks to all of our dedicated colleagues who have made this Section a success for so long. This Section could not accomplish its goals without the time and talent of our members. The Section on Legal Writing is one of the busiest sections in AALS with a number of active committees: Awards, Diversity, Media, Nominations, Posters, Program, Welcoming, and Website. To be effective, the Section relies on many volunteers. Our call for volunteers last winter was met with an overwhelmingly positive response. The people who volunteered their time and talent ran the spectrum from veterans to new teachers. Our goal was to be as inclusive as possible and we hope that every volunteer is happily on a committee. A list of the Section's committees in this newsletter. This newsletter will also introduce each committee chair. Many of the committees have been actively working through the spring planning activities and programs for the annual meeting. Others have been working on long-term goals and projects.

The Program Committee has vetted many program proposals for the upcoming annual meeting and we are happy to announce that this Section will present two programs. In choosing our Section programs, we considered the theme of the 2011 Annual Meeting, which is the Core Values of AALS, found at Bylaw 6-1. The core values emphasize excellent classroom teaching across a rigorous academic curriculum in an environment free of discrimination and rich in diversity among faculty, staff, and student body with the goal of fostering a sense of justice and an obligation of public service. Law schools are also reacting to ABA accreditation standards relating to assessing student learning outcomes. The financial pressures on law schools and law students also had to be considered. This Section's programs were chosen with all of these factors in mind. Both of our programs highlight what legal writing teachers have been doing for a long time – excellent teaching. Our first program, How LRW Law Faculty can Contribute to their Law School's Assessment Plan, highlights legal writing faculty expertise on assessing student learning. The session will focus on outcome measurement and formative assessment that legal writing teachers do every day.

The panel speakers will share their perspectives on how LRW professors can help their colleagues, and their law schools, to build a path to a more intentional and accountable teaching environment.

Our second program, The Substance of Legal Writing and Reasoning: Rhetoric and Persuasion, showcases the core substance of our discipline: rhetoric and persuasion and will touch on every aspect of what we teach, from the most basic research skills to the most complicated reasoning. Congratulations again to Professor Joseph Kimble from Thomas Cooley who was the recipient of the 2010 Section Award in recognition of his contributions to the field of legal writing. Congratulations to Professor Steve Johansen from Lewis and Clark who was the recipient of the ALWD and LWI Blackwell Award that was presented in New Orleans. Thank you to all the people who made last year such a success! Our joint program with the Teaching Methods Section, Teaching to Law Students from Other Countries, was very informative and well done. Thank you to everyone who is contributing to the success of our Section. I am excited to work with you and I am looking forward to all of the wonderful work your committees are doing.

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The Section's 2010 Program: Teaching Law Students from Other Countries

The AALS Section on Legal Writing, Reasoning, and Research presented a joint program at the AALS Annual Meeting in New Orleans with the Section on Teaching Methods.

The program assisted legal writing professors and other educators who teach law students from other countries who are studying in the United States and professors who teach in other countries



The program was in two parts. The first part was a panel composed of two professors from **The John Marshall Law School** in Chicago (**Juliana V. Campagna**, and **Mark E. Wojcik**) and two professors from **Northwestern University School of Law** (**John Haberstroh** and **Elizabeth Inglehart**). Their panel presentation was on *How Can We Improve the Ways We Teach and Test Foreign Law Students?*



The second part of the program featured three additional presentations: **Leah M. Christensen** (**Thomas Jefferson School of Law**) spoke on *Teaching Law in China: A Progressive Law Professor's Experience Teaching Comparative Negotiations to American and Chinese Law Students*. **Brian K. Landsberg** (**University of the Pacific**) and **Cary Bricker** (**McGeorge School of Law**) spoke on *Training Chinese Law Professors in American Experiential Education Techniques*.



Deborah B. McGregor (**Indiana University School of Law, Indianapolis**) spoke on *Using Law School Examinations Not Only to Test But to Teach Our Students: Special Considerations for the International Student*.



Mary Lawrence (Orgeon) and Terri LeClerc at the Friends of Legal Writing Lunch.

The 2010 Annual Meeting took place in New Orleans, Louisiana, January 6-10, 2010 at the Hilton New Orleans Riverside. The AALS Annual Meeting is the largest annual-gathering of legal educators in the world. In addition to the networking opportunities, the "Meeting Place" in the exhibit hall, and the various organization receptions and breakfasts, AALS provided conference attendees the opportunity to organize an informal gathering with colleagues that share similar interests.

Friends of Legal Writing Luncheon/AALS Conference Presentation of the 2010 AALS Section Award: Joe Kimble



Joseph Kimble receiving 2010 section award from former Chair, Rachel E. Croskery-Roberts.

The AALS Section of Legal Writing, Reasoning, and Research proudly presented the 2010 Section Award to **Joe Kimble (Thomas Cooley Law School)** on January 7, 2010 in recognition of contributions to the section and to the field of legal writing.

Professor Kimble was a staff attorney for the Michigan Supreme Court and the Michigan Court of Appeals. He later practiced law in Flint, Michigan, and was an adjunct professor at Thomas Cooley. He joined the full-time faculty in 1984. He is the editor in chief of *The Scribes Journal of Legal Writing* and the longtime editor of the "Plain Language" column in the *Michigan Bar Journal*. He has published many articles on legal writing and research, has written a book called *Lifting the Fog of Legal-ese: Essays on Plain Language*, and has lectured on writing to legal organizations in the United States, Canada, Europe, Mexico, Australia, New Zealand, and South Africa. He served as a drafting consultant to the Sixth Circuit Committee on Pattern Jury Instructions and the Michigan Committee on Standard Criminal Jury Instructions. He now serves as the drafting consultant to the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. He led the redrafting of the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

Professor Kimble is also the past president of the international organization Clarity, served as the executive director of Scribes (the American Society of Legal Writers), is a founding director of the Center for Plain Language, and was on the board of the Legal Writing Institute. He is a Fellow of the State Bar of Michigan and a member

of the State Bar's Publications Committee.

In 2000, he was named a "Plain English Champion" by the Plain English Campaign, in England. In 2007, he won the first Plain Language Association International Award for being a "champion, leader, and visionary in the international plain-language field." Also in 2007, he won a prestigious Burton Award for Reform in Law for his work on the Federal Rules of Civil Procedure.

Excerpt from Joe Kimble's acceptance speech:

"... [W]e have at once the hardest and the most important job in the legal academy. We teach writing — disciplined, tangible thinking. And you can't point to a group of law professors that spends more time with students, thinks more creatively about teaching methods, reads and marks up more student work, or engenders so much grumbling that turns into appreciation down the road.

Nor is there a group that works more collaboratively. I've learned so much from all of you, through the AALS section, and the Legal Writing Institute, and ALWD — all the programs, conferences, and publications. Think of the incredible array of resources and scholarship we've produced, along with the efforts we make to mentor new profs, share assignments, maintain two active listservs, produce a yearly survey, push for better status, recognize each other's accomplishments, and take legal-writing instruction worldwide.

...

The highest compliment that one person can pay another is this: "He was my teacher. She was my teacher." And to be honored by teachers — like you, my friends and colleagues — is an honor supreme."

Note: The full speech can be found in the Winter 2010 issue of *The Scrivener (The Scribes Newsletter)* on p. 5

2010 Thomas F. Blackwell Memorial Award: Steve Johansen



Zebadiah Blackwell, Steve Johansen, Ezekiel Blackwell, Jillian Blackwell Photographer: David Austin

In recognition of his outstanding achievements in the field of legal writing the Thomas Blackwell Award was presented to: **Steve Johansen (Lewis & Clark Law School)**. The award is named for Thomas F. Blackwell, whose life was tragically cut short in 2002, while he was a Professor at Appalachian School of Law. At Appalachian, Tom taught Legal Writing, Contracts, Law Practice Management, and Intellectual Property. He had also taught Legal Writing at Texas Wesleyan School of Law and Chicago-Kent College of Law. Tom earned a B.S. from the University of Texas and an M.A. in Philosophy from Duke. He earned his J.D., with highest honors, from Duke University School of Law. He was active in both ALWD and LWI.

The Blackwell Award is given jointly by the Association of Legal Writing Directors and the Legal Writing Institute. The award recognizes a person who has made an outstanding contribution to improving the field of legal writing by demonstrating the ability to nurture and motivate students to excellence; a willingness to help other legal writing educators to improve their teaching skills and legal writing programs; and an ability to create and integrate new ideas for teaching and motivating legal writing educators and students.

Steve Johansen is a Professor of Law at Lewis & Clark Law School in Portland, Oregon, where he has led the school's Legal Writing program for more than twenty years. As a national leader in the field, Steve was a member of the Board of Directors of the Legal Writing Institute (1996-2008), and not only served as the Institute's President (2002-2004) and as Treasurer (1996-2000), but has also served on the Board of Editors of *Legal Writing: the Journal of the Legal Writing Institute*. He founded LWI's highly successful Writers Workshop. Steve is former Chair of the AALS Section on Legal Writing, Research, and Reasoning (2002), and he served on the section's Executive Committee (2000-2002), and as Chair

of its Program Committee (1999). He is one of the author/editors of *Interpreting Oregon Law*, a publication for the Oregon State Bar.

Steve's influence, however, extends far beyond the borders of the United States. He has been in the vanguard of developing Legal Writing pedagogy on the international stage. Steve was one of the first U.S. Legal Writing scholars to teach lawyering skills courses overseas, beginning as a visiting scholar at the University of Latvia (1999), then visiting at the University of Cork, Ireland (2002), and most recently, as a program planner or presenter at conferences in the Czech Republic, Kenya, Turkey, and the United Kingdom. In fact, Steve is the author of the first Legal Writing textbook in Latvian, *Juridiska Analize Un Tekstu Rakstisana*, now in its third edition. Steve was one of the creative forces shaping a new international series of conferences in Applied Legal Storytelling, the first conference being held in London, England, in July 2007, and the second in Portland, Oregon, in July 2009.

Excerpt of Steve Johansen's acceptance speech:

"My theory of directing is to hire great people and get out of their way. That's served me well. And if it weren't for (my staff), I couldn't do what I have done for the Legal Writing Institute . . . The one thing we (Tom and I) both agreed on is that we were blessed to be able to participate in the raising of people who were better than ourselves . . . The other thing . . . is why Tom chose to go to Appalachia . . . He went there to make a difference in a region of the country that needed more legal services and not a lot of people had the opportunity to go to law school, and Tom wanted to change that. He inspired students, he inspired me, and I am sure he inspired many people in this room."

Note: For those who would like to hear the entire acceptance speech, follow the link <http://blip.tv/file/3323247>.

AALS Poster Presentation:

See below for the posters that were displayed at the 2010 AALS Conference in New Orleans.

ACKNOWLEDGING AMERICA'S FIRST SOVEREIGN:
INCORPORATING TRIBAL JUSTICE SYSTEMS INTO
THE LEGAL RESEARCH AND WRITING CURRICULUM
35 OKLA. CITY U. L. REV. ___ (forthcoming summer 2010)

WHY?
Prepares Students for Practice
Respects the Diverse Student Body
Comports with *Best Practices & Carnegie*

WHAT?
Sovereign Nation Status of Indian Tribes
History of Tribal Justice Systems
Tribal Justice Systems Today
Jurisdiction
Recognition of Tribal Court Judgments
Exhaustion Doctrine
Sources of Law

HOW?
United States Legal System
Sources of Law
Analysis
Research
Writing Style
Citation

Suffolk Law School
Samantha A. Moppett, Professor of Legal Writing
AALS Section on Legal Writing, Reasoning and Research

Acknowledging America's First Sovereign: Incorporating Tribal Justice Systems Into the Legal Research and Writing Curriculum.

Samantha Moppett
Suffolk University Law School



Reintroducing First-Year Students to Policy Based Reasoning using "Hot Topics"



Twinette Johnson
St. Louis University School of Law

Reintroducing First-Year Students to Policy Based Reasoning using "Hot Topics"

Helping students to appreciate the use of policy based reasoning when transitioning from predictive writing to persuasive writing

STEP 1: SELECT "HOT TOPICS" THROUGH LOTTERY

- Professor creates a lottery
- Students select a topic and a "yes" or "no" position to argue

Topic Example: Should pageant winners' titles be stripped for controversial behavior?

Topic Example: Should health issues faced by older retired NFL players prompt changes to the NFL pension and retirement scheme to accommodate players experiencing prolonged and extraordinary health care costs?



STEP 2: REVIEW POLICY RATIONALE

- Students review policy rationale techniques
- Students use these techniques to craft policy reasons to support their hot topic positions



STEP 3: PRESENT ARGUMENT

- Students practice and formulate arguments at home
- Students present their prepared arguments in class



STEP 4: APPLY SKILLS ON BRIEFS & IN ORAL ARGUMENTS

Argument Before Hot Topics Exercise:
The Court should find Defendant's proffered reason for rejecting Plaintiff's application discriminatory because it is not tied to a legitimate business interest in that Defendant failed to apply his own rental policies consistently.

Enhanced Argument After Hot Topics Exercise:
The Court should find Defendant's proffered reason for rejecting Plaintiff's application discriminatory because it is not tied to a legitimate business interest in that Defendant failed to apply his own rental policies consistently. Further, maintaining consistent rental policies helps to stem such racially motivated discrimination by ensuring that people of all races have an equal opportunity to secure housing.

"No, because built-in protections, like higher pay, reduce the need for a better pension plan."

"Yes, because the NFL is wealthy and thus likely has the means to bear this burden."

2010 Golden Pen Award: William C. Burton, Esq.



The LWI Board has voted to award the Golden Pen Award to **William C. Burton, Esquire**. Mr. Burton is receiving the Golden Pen for all of the many notable accomplishments including his very well-respected legal thesaurus, but mostly because he has become one of the most listened-to and melodic voices in the world of people who advocates for legal writing excellence. He created the Burton Foundation, a volunteer, not-for-profit, academic organization that concentrates on the relevance and importance of modernized legal writing. His foundation rewards and celebrates legal writing instruction and action. You may read more about the foundation and the awards at <http://www.burtonawards.com/about.html>. The award ceremony will take place this June at the LWI Biennial Conference.

The Legal Writing Institute established a “Golden Pen Award” in 2001 to recognize significant contributions that advance the cause of better legal writing. Contributions may take any form, such as promoting the use of clear language in public documents; producing outstanding scholarship or journalism about legal writing; producing exceptional writing in law practice; improving the quality of legal writing instruction; or advocating for better writing within the legal community. The award was intended for someone who is not an active member of LWI, but active LWI members can be considered in exceptional circumstances.

2011 AALS Annual Meeting: San Francisco, CA

Wednesday, January 5, 2011 - Saturday, January 8, 2011



The theme of the 2011 Annual Meeting in San Francisco is “Core Values.” It will provide us with an opportunity to discuss how the Association’s core values guide law schools as they address the issues confronting legal education. In the face of daunting challenges it is important that law schools continue to be anchored in these values as we adapt to necessary changes in what we do and how we do it.

The core values focus on excellent teaching, a rich curriculum, high quality scholarship, academic freedom and faculty governance, nondiscrimination, and diversity.

-H. Reese Hansen

Brigham Young University J. Reuben Clark Law School and AALS President

AALS Committees

Awards Committee

Emily Zimmerman (Chair)
Earle Mach School of Law at Drexel University
ebz23@drexel.edu



The Awards Committee selects the recipient of the AALS Section Award. The Section Award is given to an individual who has made a significant lifetime contribution to the field of legal writing, reasoning, and research. The committee solicits nominations for the recipients of the award.

Diversity Committee

Starla J. Williams (co-chair)
Widener University School of Law
sjwilliams@widener.edu



Criserla Houston (co-chair)
Florida A&M University College of Law
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Kim D. Chanbonpin (vice-chair)
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The Diversity Committee develops recommendations to strengthen the legal writing profession by building community and providing support to explore diversity issues in teaching legal writing and research. The goals of the committee include: reviewing, evaluating and addressing diversity; identifying, recommending, and implementing strategies that enhance the diversity of legal writing faculty; promoting leadership; enhancing working relationships among legal writing professionals across cultures of diversity; and promoting constructive dialogue on integrating diversity concepts into the legal writing curriculum.

Media Committee

Danton Berube (Chair)
Detroit Mercy
berubeda@udmercy.edu



The Media Committee seeks to highlight the importance of legal writing, reasoning, and research as disciplines to current and prospective law students, fellow members of the legal academy, practitioners, and the general public.

The committee has created two informative and entertaining videos about legal research and writing available through both YouTube and the LWI website. It

also reached out to undergraduate pre-law advisors through their national and regional organizations, offering a non-legal “legal” reasoning exercise and related materials to help them provide interested students with a glimpse of the types of problems and modes of analysis one can expect to encounter in law school. Over the next year, two key initiatives of the committee will be 1) to enhance its relationship with pre-law advisors by providing them with additional useful resources and 2) to develop a set of guidelines/recommendations for undergraduates considering law school focused on how, through coursework and other efforts, they can best prepare themselves for the significant challenges they will face in their legal writing, reasoning, and research courses.

Nominations Committee

Susan Thrower (Chair)
DePaul University, College of Law
stthrower@depaul.edu



The Nominations Committee solicits annual nominations for the Section positions of Secretary and, when necessary, the Chair-elect. After assembling a list of nominees, the Committee deliberates and decides on a slate of nominees to put before the Section membership for a vote. The vote is held at the Section program during the annual AALS meeting.

Poster Committee

Samantha Moppett
Suffolk University Law School
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The Poster Committee selects the posters the section sponsors every year for display at the AALS conference. These posters provide a great opportunity for authors to present their research or innovative teaching ideas in an informal manner. This year, the deadline for the poster proposals--including a short description of the poster and an actual copy of the poster--is August 28, 2010. The submission guidelines will be available on the AALS website, <http://aals.org/>. Some examples of posters that were selected for presentation in the past are available at <http://www.aals.org/am2008/posters.html>.

AALS Committees cont.

Program Committee

Judy Rosenbaum (Chair)
Northwestern University School of Law
J-rosenbaum2@law.northwestern.edu



The goal of the Program Committee is to select an annual meeting program that will not only interest our core audience of Legal Reasoning, Research, and Writing faculty, but also one that will attract a wide audience from a range of disciplines across the academy. In addition, the Committee tries to select a dynamic program that will encourage audience involvement and interaction. Finally the Committee looks for diversity in both topic ideas and in the backgrounds and perspectives of the program participants.

This year the program committee was fortunate in two respects: First a solicitation brought in a total of seventeen program proposals representing a wide range of substantive topics and presentation formats. Second the section executive committee was able to secure two separate time slots, enabling our committee to select two programs proposals. See page 6 of this newsletter for more specific information regarding the program at the 2011 AALS Conference.

Website Committee

Jim Levy (Chair)
levyj@nsu.law.nova.edu



The Website Committee is responsible for developing and maintaining the AALS website and taking on any initiatives that arise over the coming year.

Welcoming Committee

Jodi L. Wilson (Chair)
The University of Memphis School of Law
Jodi.Wilson@memphis.edu

The Welcoming Committee makes sure our members feel welcome at AALS events, including the annual luncheon. We are planning programs/projects that focus on helping our new members meet and network with senior members as well as other new members.

Serving on a committee is a great opportunity to get involved in the legal writing community. Please contact the chairs of the committees if you have any questions or suggestions. Thanks to all the members of these committees for their hard work

MANDATORY DISCLAIMER

This newsletter is a forum for the exchange of views. Any opinions expressed here are not necessarily those of the Section or the Association of American Law Schools.

Section Leadership



Chair:
 Martha Pagliari (DePaul)
 mpagliari@depaul.edu



Chair-elect:
 Mark Wojcik (John Marshall)
 mwojcik@jmls.edu



Secretary:
 Kathleen Vinson (Suffolk)
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Program Chair:
 Judith A. Rosenbaum (Northwestern)
 j-rosenbaum2@law.northwestern.edu



Past Chair:
 Rachel E. Croskery-Roberts (Michigan)
 rcrosker@umich.edu



Executive Committee:
 Lurene Contento (John Marshall)
 9content@jmls.edu

Promotions, Awards, and Moves

Robin Boyle (St. John's University School of Law) was elected as Chair of the Section on Academic Support at the AALS Annual Meeting. In addition, she will be serving as Chair of the Scholarship Committee for a newly launched website –www.lawschoolasp.org – and is looking for articles and essays to include in the website's bibliography on scholarship pertaining to academic support.

Adrienne Brungess (Pacific McGeorge School of Law) was named Director of the Capitol Certificate Program.

Juli Campagna, a visiting professor at **The John Marshall Law School**, will be going to **Hofstra Law School** in the fall.

As of July 1, 2009, **Bill Dorothy, Denise Field, Mike Koby, Jo Ellen Lewis, Jane Moul and Ann Shields (Washington University in St. Louis – School of Law)** formerly Senior Lecturers, were all named "Professors of Practice" in recognition of their expertise in teaching legal analysis and writing.

Linda Edwards (University of Nevada Las Vegas) has won the "Faculty of the Year" award at UNLV. This award is voted on by the students and is a real honor at UNLV.

Elizabeth Ruiz Frost will join the LRW faculty at **Oregon** in 2010. She received her B.A. from Yale University and her J.D. from the University of Michigan Law School, and then practiced with Sidley Austin in both Los Angeles and Chicago, focusing on commercial real estate.

Rebekah Hanley (Oregon) was promoted by unanimous vote to LRW professor. She will be on sabbatical during the 2010-11 academic year.

Kimberly Holst will join the faculty at the **Sandra Day O'Connor College of Law at Arizona State University** as an Associate Clinical Professor.

Mary Lawrence (Oregon) will receive the law school's 2010 Meritorious Service Award, recognizing her "extraordinary contributions to legal education and the law."

Jo Ellen Lewis (Washington University in St. Louis - School of Law) received a Fulbright Senior Specialist grant to teach at Fudan University in Shanghai, China in April – May 2010. She will be teaching a Legal English course to L.L.M. and Ph.D. law students as well as a Torts

course to undergraduate law students at Fudan University Law School.

Sue Liemer (Southern Illinois University) has been selected to serve as a Contributing Author for the ABA-IPL's Annual Review of Intellectual Property Law Developments. For that publication, she will be writing about developments in copyright and related areas of the law.

Lance Long will visit at **Oregon** during the 2010-11 academic year, while he is on leave from **Stetson University College of Law**.

Mary-Beth Moylan and Stephanie Thompson (Pacific McGeorge School of Law) received the Manolakas Extraordinary Contribution Award for their work on the new Global Lawyering Skills program at Pacific McGeorge.

Anthony Niedwiecki will be the new Director of Lawyering Skills at **The John Marshall Law School** in Chicago, starting in June.

Suzianne D. Painter-Thorne (UCDavis) was promoted to Associate Professor of Law.

Joan Malmud Rocklin (Oregon) was recently elected to the LWI board.

Helene Shapo (Northwestern) will receive the Burton Award for her contributions to legal writing education, which will be awarded in June in D.C.

Karen J. Sneddon (Mercer) was promoted to Associate Professor of Law.

Susan Stuart (Valparaiso University Susan Stuart) is the winner of the Swygert Teaching Fellowship, a two-year award that carries a stipend for excellence in teaching. She is the first legal writing professor to win the award.

Presentations and Publications

Presentations

Linda Berger (Mercer)

Speaker: *Legal Rhetoric: Pedagogy, Practice and Critique*, 13th Annual Association for the Study of Law, Culture and the Humanities (ASLCH) Conference, March 20, 2010, Brown University, Providence, Rhode Island (with Profs. Linda Edwards and Jay Mootz)

Speaker: Stetson's Virtual Legal Writing Conference
Webinar: *What is Legal Writing Scholarship?* February 2010 (with Profs. Michael Smith and Mitch Nathanson)

Speaker: *Legal Writing Scholarship*, 25th Anniversary Legal Writing Institute–Mercer Law Review Symposium, Mercer University School of Law, Macon, GA, November 2009 (with Profs. Linda Edwards and Professor Terry Pollman)

Adrienne Brungess (Pacific McGeorge School of Law)

Presented at the Sacramento Women lawyers lunch about the importance of teaching lawyering skills, in November of 2009

Michael Kobay (Washington University in St. Louis - School of Law)

Presented *Legal Writing Skill Development and a Structured Feedback Process* at the Externships 5 conference held at the University of Miami School Of Law in March 2010. The presentation focused on using externship placements as a vehicle to develop students' legal writing skills beyond the required coursework.

Jo Ellen Lewis (Washington University in St. Louis - School of Law)

In July 2009, Jo Ellen Lewis was invited to Seoul, South Korea, by Seoul National University School of Law, in cooperation with the Korean Association of Law Schools, to present a three-day workshop to law faculty who will be teaching legal writing in the graduate law schools recently approved by the Korean Ministry of Education. The workshop was entitled, *Developing and Implementing Effective Legal Writing Programs in Korean Law Schools*. Topics covered during the workshop included designing assignments and a course syllabus, teaching techniques, critiquing assignments, conferences with students and program structures. Law faculty from over a dozen law schools in South Korea attended the multi-day workshop.

Mike Murray (Valparaiso)

Speaker: *Everything That Rises Must Converge: The Emerging Doctrine of Transformation and Predominant Purpose as the Governing Standard for Copyright Fair Use, Right of Publicity Fair Use, and the Censorship of Artistic Expression*, 13th Annual Association for the Study of Law, Culture and the Humanities (ASLCH) Conference, March 20, 2010, Brown University, Providence, Rhode Island

The Teaching Assistant Who Came in from the Cold: Using Your Teaching Assistants as Double-Agents to Energize Your LRW Class, Central Region Legal Research and Writing Conference, Marquette University Law School, Oct. 10, 2009

One Test to Rule Them All, One Test to Bind Them: The Convergence of Transformation and Predominant Purpose as the Governing Standard for Copyright Fair Use, Rights of Publicity and Personality Fair Use, and the Censorship of Artistic Expression, at the Intersections of Law and Culture Conference, Lugano, Switzerland, Oct. 3, 2009.

Scholars' Conference of the Central Region Legal Research and Writing Conference, peer-reviewer and panelist on the *Legal Scholarship* panel, at Marquette University Law School, Oct. 9, 2009

Suzianne D. Painter-Thorne (UCDavis)

Speaker: *Game On!: Active Learning with Classic Childhood Games*, Tenth Annual Rocky Mountain conference, March 29, 2010 (with Prof. Karen J. Sneddon)

Jennifer Sheppard (Mercer)

Speaker: *Using the Judicial Externship Seminar to Prepare Students to Be Future Clerks* during the panel on *Generating Synergy Between Law School Externship Programs and Career Service Offices to Develop Professional Management Skills*, at the Externships 5 conference held at the University of Miami School Of Law in March 2010

Presentations and Publications cont.

Ann Shields, Jane Moul and Jo Ellen Lewis (Washington University in St. Louis – School of Law)

Participated as panelists for the One-Day Workshop for Adjunct Professors and New Legal Writing Professors sponsored by the Legal Writing Institute in December 2009. Ann Shields served on the *Grading Papers and Handling Student Conferences* panel and Jane Moul served on the *Thinking Forward* panel in Chicago. Jo Ellen Lewis served on the *Nuts and Bolts* panel in New York.

Publications

Mike Murray (Valparaiso)

Advanced Legal Writing and Oral Advocacy: Trials, Appeals, and Moot Court (interactive text) (Foundation Press 2009)

Art Law: Cases and Materials (Rev'd ed., Aspen Publishers 2010)

The Deskbook of Art Law, Copyright, Trademark, Moral and Economic Rights and the Right of Publicity, and The Working Artist chapters (Oxford University Press 2010)

Legal Research Methods (interactive text) (Foundation Press 2009)

Legal Research and Writing Across the Curriculum: Problems and Exercises (interactive text) (Foundation Press 2009)

Legal Writing and Analysis (interactive text) (Foundation Press 2009)

Aida Alaka (Washburn University School of Law)

The Grammar Wars Come to Law School, 59 J.LEGAL EDUC. 343 (2010).

The Phenomenology of Error in Legal Writing, 28 QUINNIPIAC L. REV. 1 (2009).

Linda Berger (Mercer)

What is the Sound of a Corporation Speaking? "Just Another Voice," according to the Supreme Court, ABA Administrative & Regulatory Law News (invited essay on *Citizens United*) (Spring 2010)

Adrienne Brungess (Pacific McGeorge School of Law)

Featured for her Women Lawyers presentation in the March/April edition of Sacramento Lawyer, published by the Sacramento County Bar.

Brad Clary (University of Detroit Mercy School of Law) and Pamela Lysaght (University of Minnesota School of Law)

Successful Legal Analysis and Writing: The Fundamentals (3rd ed. Thompson/West)

Betsy Fajans, Mollie Falk and Helene S. Shapo have a second edition of *Writing for Law Practice* which has just been published.

Tenielle Fordyce-Ruff (Oregon) published *Punctuation You Can Learn to Love* in the Oregon State Bar Bulletin (November 2009).

Scott Fruehwald (Hofstra University)

Reciprocal Altruism as the Basis for Contract, 47 UNIV. OF LOUISVILLE L. REV. 489 (2009).

A Biological Basis of Rights, 19 S. CAL. INTERDISC. L.J. 195 (2010). He has also started a website *Neurojurisprudence* at sfruehwald.com.

Stephanie Roberts Hartung (Suffolk University Law School)

The Limits of "Extraordinary Power": A Survey of First Degree Murder Appeals Under Massachusetts General Laws Chapter 278 § 33E, has been accepted for publication in the *Suffolk Journal of Trial and Appellate Advocacy* (forthcoming Fall 2010). Her article is also available at <http://ssrn.com/abstract=1581677>.

Pam Jenoff (Rutgers School of Law)

The Case for Candor: Application of the Self-Critical Analysis Privilege to Corporate Diversity Initiatives was accepted for publication by Brooklyn Law Review.

Almost Home, came out in paperback in February

A Hidden Affair, will be out in hardcover in July.

Pam has also been interviewed for the Philadelphia Inquirer and the New Jersey Law Journal.

Presentations and Publications cont.

Joe Kimble (Thomas Cooley) published in the Michigan Bar Journal a series of four articles called *Drafting Examples from the Proposed New Federal Rules of Evidence*. They appeared in the "Plain Language" column from August through November. (Incidentally, 2009 was the column's 25th anniversary year.) The four articles can be found at

<http://www.michbar.org/generalinfo/plainenglish/columns.cfm>

The articles would make good classroom redrafting exercises. Each one identifies 20 or 30 drafting deficiencies in the current rule. Kimble was the principal drafter of the rules, which are scheduled to take effect in December 2011.

Jo Ellen Lewis (Washington University in St. Louis - School of Law)

In December 2009, she published the article entitled *Developing and Implementing Effective Legal Writing Programs in Korean Law Schools* in the Journal of Korean Law.

Patricia Grande Montana (St. John's University School of Law)

Meeting Students' Demand for Models of Good Legal Writing, forthcoming in the Winter/Spring 2010 issue of Perspectives.

Mary-Beth Moylan and Stephanie Thompson (Pacific McGeorge School of Law)

Enduring Hope? A Study of Looping in Law School (DUQ. L. REV. 2010).

Mark K. Osbeck (University of Michigan Law School)

Impeccable Research: A Concise Guide to Mastering Legal Research Skills. (West Publishing 2010) The book is designed to help law students and beginning lawyers improve the efficiency and accuracy of their writing by focusing on a strategic approach to legal research.

Suzianne D. Painter-Thorne (UCDavis)

If You Build It, They Will Come: Preserving Tribal Sovereignty in the Face of Indian Casinos & the New Premium on Tribal Membership, 14.1 LEWIS & CLARK L. REV. 311 (2010).

The Seven Virtues of Appellate Brief Writing: An Update from the Bench, 38 Sw. U. L. Rev. 221 (2008) (co-authored with Hon. Harry Pregerson), was reprinted.

ABA Young Lawyer's Division, *Anatomy of an Appeal, Part II: Persuasion*, teleconference/live audio webcast, November 2009.

Jennifer Sheppard (Mercer)

Once Upon A Time, Happily Ever After, and In A Galaxy Far, Far Away: Using Narrative to Fill the Cognitive Gap Left by Overreliance on Pure Logic in Appellate Briefs and Motion Memoranda, 46 WILLAMETTE L. REV. 255 (2009).

Stephanie Thompson (Pacific McGeorge School of Law)

Legal Writing Exercises: A Case File and Formula-Based Approach to Legal Reasoning (West 2010).

Stephanie Thompson, Mary-Beth Moylan, and Hether Macfarlane (Pacific McGeorge School of Law)

Integrating International and Transnational Issues into a Legal Research and Writing Curriculum (Global Legal Skills Conference Publication 2010).

Kathleen Vinson (Suffolk University Law School) and David Romantz (Memphis) published the second edition of their book, *Legal Analysis: The Fundamental Skill*.

Articles and other submissions for the next issue of the section newsletter can be sent to the Section Secretary

Professor Kathleen Vinson
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or by email to
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LWI-ALWD Summer Research Grants

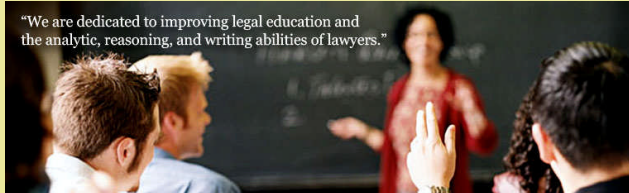
Robin Wellford Slocum (LWI) & Sarah Ricks (ALWD)
Co-Chairs of the joint LWI/ALWD Committee

The Legal Writing Institute and Association of Legal Writing Directors are pleased to announce the 2010 LWI-ALWD Summer Research Grants. LWI and ALWD cooperatively evaluated twenty-one impressive applications and chose to fund seven of them. LexisNexis generously agreed to donate \$10,000 this year to promote two of the scholarship projects by legal writing professors, while LWI and ALWD agreed to invest an additional \$25,000 to promote these projects. Each recipient will receive a \$5,000 scholarship grant. The grant application process is announced around Thanksgiving, and mentors are available to work with prospective applicants over the winter break and before the February deadline. The grants and names of the proposed projects are as follows:

Lexis/Nexis:

Jennifer Lear (Widener): “Plain English for Legal Writing Professors: Creating Legal Writers Through Six Traits Instruction and Assessment”

Christopher R. Trudeau (Thomas M. Cooley Law School): “Plain English from A Client’s Perspective: An Empirical Study of Client Preferences in Legal Writing”



LWI:

Danton Berube (Detroit-Mercy): “Are “Clickers” Just Fun or Do They Actually Work?: A Randomized Experiment Measuring the Efficacy of Student Classroom Response Devices As an Aid To Mastering the Fundamentals of Legal Research”

Amanda Smith (Widener): “Preparing for Practice from Behind the Bench”

ALWD:

Michelle Falkoff (University of Iowa): “Using Fiction Writing Teaching Techniques in the Legal Writing Classroom”

Alison Donahue (Kehner) & Mary Ann Robinson (Widener): “Mission Impossible, Mission Accomplished, or Mission In Progress?: An Empirical Study of the Professionalism Movement in American Law Schools”

Jean K. Sbarge (Widener): “No Swedish Bikini Team Screensavers: Teaching Professionalism in the Legal Writing Classroom and Beyond”

Monograph Series of the Legal Writing Institute

The first volume of the new electronic Monograph Series of the Legal Writing Institute is now available on the Institute’s web site at <http://www.lwionline.org/monograph.html> and focuses on “The Art of Critiquing Written Work.” The Editorial Board chose this topic for the first volume since giving feedback on writing is so fundamental to teaching law students, and lawyers in practice, how to express legal analysis effectively,” **Jane Kent Gionfriddo (Boston College)**, the current Editor-in-Chief says. “New teachers will find articles in the volume that will provide a sound introduction to giving effective comments on written work. More experienced teachers will find discussions of theory and new ideas that will invigorate their teaching and provide a basis for future scholarship.”

Each volume in the Series will focus on a specific topic relevant to teaching, curriculum, scholarship or status of Legal Writing professionals and will include substantial, well-developed pieces of scholarship in the form of law review articles or book chapters that have previously been published elsewhere. The second volume will be a “Deskbook for New Teachers,” which will include foundational articles in the field on teaching legal analysis, research and writing and is scheduled to be posted on the LWI web site in the next year or two.

As of the June 2010 LWI Conference, **Susan DeJarnatt (Temple)** will take over as Editor-in-Chief. Current Board members **Steve Johansen (Lewis & Clark)**, **Alison Julien (Marquette)** and **Kathy Vinson (Suffolk)** will continue on the Board of Editors and will be joined by new members who will be elected in late Spring 2010.