

**Section Newsletter**  
**Spring/Summer 2011**  
**22 Pages**



**AALS Section on Legal Writing, Reasoning and Research**



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 Legal Writing,  
 Reasoning, and  
 Research*

The 2012 annual meeting of the Association of American Law Schools will be a particularly rich meeting for those of us who teach legal research and writing.

First, our section will have what seems to be its very first field trip, when we will visit the Law Library of the Library of Congress. This will be a full-day, ticketed event for which you must register in advance. (Earlier this year we took a head count of expressions of interest in the field trip, but those were not reservations for the trip. You must register for the AALS annual meeting and buy the ticket for the field trip.) The cost of the field trip will include bus transportation to the Law Library of Congress,

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morning and afternoon refreshments, and a special luncheon during which we plan to present our section awards.

The Law Library of the Library of Congress will be a particularly good visit for our section. It was created in 1832 as a separate department of the Library of Congress. Today, the Law Library of the Library of Congress is the single largest law library in the world, containing more than three million volumes of legal materials from 267 legal systems and jurisdictions. The library's collection is so vast that more than 36,000 volumes of rare books in its collection cannot fit inside the rare book vault, which is already filled to capacity with 23,750 other rare law books.

The Law Library of the Library of Congress serves the legal research needs of the U.S. Congress, the federal executive agencies, and state and federal courts. For decades, the library has also served the research needs of thousands of individual researchers who understand and appreciate its vast and unique resources. In 1931, Justice Harlan Stone testified before the House Committee on Legislative Appropriations that the Law Library of Congress served not only the needs of the U.S. Supreme Court, but represented "the fulfillment of a great national purpose, by placing the material where it could be reached by every person having legitimate interest in carrying on these studies." And testifying before that Committee again in 1933, Justice Stone said that the United States "should have a law library to which official bodies and individuals would come, from every part of this country and from abroad, for the purpose of conducting legal investigation and research."

The vast collections of the Law Library of the Library of Congress are available to us individually as scholars and teachers. Materials in that collection can also assist our students later in practice. Inter-library loan is available for many books, and many of the library's resources are even available electronically. Through the Global Legal Information Network (GLIN, <http://www.glin.gov>), the Law Library of Congress provides digital access to accurate and official primary-source materials in more than 14 languages. Online resources such as THOMAS (<http://thomas.loc.gov>) provide electronic access to timely, accurate, and essential federal research materials. We will learn about recent changes that we can use when we teach students about how to research federal statutes.

The Law Library of Congress also has extensive collections of state law materials. As other law libraries around the country condense their holdings, it becomes essential to understand how to use the collections of the largest law library in the world.



*Logo of the Law Library of Congress*

Our field trip to the Law Library of Congress should be a particularly special event. We will have special exhibits (just for us) and access to parts of the library that are usually off limits to members of the public. We will have special sessions with some of the 20 or so attorneys who build the library's collection and who can respond to specific research requests. Please plan to join us on Thursday, January 5, 2012. This field trip will likely sell out, so register early to avoid disappointment.

Second, our section will have a separate business meeting at 6:30 p.m. on Thursday evening. This will be on the same day as our field trip and when many law schools hold receptions (which go until 8:30 or so, so you will be able to make those too). We will elect our incoming section officers and a new executive committee. We will also discuss program ideas for the 2013 AALS Annual Meeting, which will be held in New Orleans. (We held a separate business meeting last year to give our section members a chance to meet each other, welcome new section members, and discuss ideas for this year. I believe that giving ourselves a few minutes to meet each year is a good investment of our time.)

Third, our section will have a regular panel program on Friday morning, January 6, 2012. This panel will feature the best of the legal writing community selected from a call for presenters. The names of the speakers selected will be published in the supplemental program, on the Legal Writing Prof Blog, and in the next edition of this newsletter.

Fourth, our section will have an additional Sunday panel from 9:00 a.m. until noon where more of our colleagues will present. As you make your travel plans for Washington, please consider a later plane or train on Sunday so that you can enjoy these additional presentations.

That's an early snapshot of our section's activities at the AALS Annual Meeting. It is an honor to chair such an active and engaged section of the Association of American Law Schools. In addition to all of these activities, our section committees have additional plans for the coming year. I thank all of you for your involvement and support.

*Mark Wojcik*



# Remembering San Francisco

## Poster Presentations

**Nicole Raymond Chong**  
The Pennsylvania State University,  
Dickinson School of Law

**1L Journaling Project**  
The "1L Journaling Project" is a **2008-2009 Project** where students in their first year legal research and writing course are asked to post original submissions on any topic of their choosing relating to the "1L" experience. The submissions will be collected in a bound volume to be distributed to the students at the end of their first year.

**OBJECTIVES:**

1. To create a public forum where students can showcase strengths, interests, and unique perspectives on the legal writing process.
2. To encourage students to use the process of writing to solidify their understanding of the legal writing process.
3. To provide a platform for students to share their experiences and insights with their peers.
4. To help students build confidence in their ability to communicate in a public forum.
5. To provide the legal writing community with a valuable resource for their own research and writing.

**Jeffrey Proske**  
University of the Pacific  
McGeorge School of Law

**Beyond Etiquette: Bringing E-Communication into the LRW Classroom**

**Elena Margolis & Kristen E. Murray**  
Temple University James E. Beasley  
School of Law

**Judith D. Fischer**  
University of Louisville Louis D.  
Brandeis School of Law

**LWRR Section Poster Presentation**

## Friends of Legal Writing Luncheon/AALS Conference Presentation of the 2011 AALS Section Award: Elizabeth Fajans

### *Remarks by Elizabeth Fajans Upon Receiving the Section Award*

When I started teaching at BLS, thirty years ago, I thought I would be there only while I looked for a real job. At the time, that meant to me a job within commuting distance of New York City teaching English Literature. Four years later, I realized I had been so busy trying to learn something about law, that I hadn't been searching for a job in English and hadn't read any literary criticism. At first, I became depressed—I never consciously decided to change career tracks. But then I had my "Aha" moment.

English is an old and venerable field, but an awful lot has been thought and said about it. But in the 1980s, legal writing was a new field and no one then in it had to search for something to write about. Everything had to be done.

In the 1980s, if you had read Terry Phelps' article, *The New Legal Rhetoric*, which introduced process theory to the legal writing community, your literature review was done. You were current. Meanwhile no one had a textbook to teach by and no one was quite sure what legal writing was.

Today, a literature review would take seriously more time, but the legal writing community is still discovering its boundaries—still wondering whether it has boundaries. In just this decade, people from Seattle and others have traveled the globe bringing skills training where skills instruction had never been before. Judy Rosenbaum and Tina Stark began organizing conferences on drafting that take teachers into domain specific writing courses. Steve Johansen and Ruth Anne Robbins have cornered the legal storytelling market with their symposia. But there is still work to be done, even basic texts to be written. In an article on advanced legal

writing courses, Michael Smith noted that there still are no texts available for both writing courses in the context of other lawyering skills and writing courses in the context of doctrinal subjects. But I am sure that people sitting in this room will come to write these texts—writing in the context of international law, writing in the context of public interest lawyering, writing in the context of corporate law—supplying us with books for years to come that will enrich the upper class writing curriculum of every law school.

So when I began at BLS, I thought I had taken a detour, only to find I was on the right path all along. And I do not think I am alone in this. People come to legal writing for a variety of reasons: they have young children they want to spend time with; they need a break from the stress of practice; they want a chance to write, teach, and search for a tenure track job. Yet they stay because writing is hard, so the task of teaching it is both challenging and important. They stay because the opportunities for doing groundbreaking work are still real. And they stay because, like the early California wineries that banded together so as to produce wines that could begin to compete with the great European Chateaus, so legal writing professors banded together and bonded together to make legal writing a true competitor with other fields of law.

I don't think anyone could ask more from colleagues or from a career.

Thank you.

For a video of the Award Presentation see:

<http://www.youtube.com/watch?v=jEot2smVuaE>



*Betsy has been a constant supporter of all the other writing specialists. She mentors the new specialists, and shares her ideas and encouragement with the established ones. For 40 years her husband, Bob, has supported Betsy; undoubtedly that support has allowed her to reach out to the larger community with a hand up. All of us owe her thanks, and Betsy, on behalf of all of us, thank you!"*

*Congratulatory Remarks of  
Terri LeClerc  
January 6, 2011*

## Congratulatory Remarks of Anne Enquist

Betsy's contributions to the field of legal writing are too numerous to relate all of them today. Instead, I will focus on three areas of her contributions to scholarship and share with you a few of the comments made by the many people who nominated her for this award.

First, as you know, Betsy has written numerous scholarly articles about legal writing, but if you forced me to pick just one to recommend, it would be her piece that she co-authored with Mary Falk "Against the Tyranny of Paraphrase: Talking Back to Texts, which was published in 1993 in the *Cornell Law Review*. As one of her nominators so aptly put it, this article "is among the earliest scholarship to raise our discipline to a new level of intellectual inquiry."

Second, Betsy has made a singularly important contribution to legal scholarship in general. Her book *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes, and Law Review Competition Papers*, was the first in the field and it is the acknowledged gold standard for law review writing. As another of her nominators wrote, "This book has never failed to jump start any writing requirement/law review note that I have supervised."

Betsy's work in law review writing did not stop with this book, however. As a frequent speaker at the National Conference of Law Reviews, Betsy has helped train and shape the thinking of Law Review editors all around the country for many years.

Third, and finally, Betsy has been a uniquely powerful voice for raising the level of scholarship within legal writing. She has done this in many ways, most notably as a member of the Editorial Board of our journal, *Legal Writing*. One of the former editors-in-chief of our journal was among Betsy's nominators for this award, and she said, "Betsy gave countless hours helping authors polish their submissions. While I was editor-in-chief, ...I could always turn to Betsy to get a final read and edit on an article. There was no harder worker. As an Editorial Board member, Betsy fought for high standards for the Journal, to maintain its excellence, and to make sure it was respected in the legal academy." The nominator went on to add, "Betsy can be counted on to raise the critical issues, and she doesn't back down when two or three people insist that they win because they have the majority. She is one tough cookie!"

Friends, please join me in congratulating this year's winner of our section award and one very tough cookie, my dear friend, Betsy Fajans.

## Congratulatory Remarks of Marilyn Walter

Dear Colleagues:

Because of a long-arranged trip out of the country, I cannot join you today for the presentation of the AALS lifetime achievement award to my friend and colleague, Betsy Fajans. There are few people who, for more than thirty years, have combined the roles of pre-eminent scholar in the field of legal writing and provider of instruction and support for the weakest of students. Betsy is one such person.

Betsy and I both began teaching at Brooklyn Law School in 1980, the two founding members of the school's new legal writing program. For me, it has been an extraordinary relationship, and I am grateful for everything that I learned from her. She brought her expertise in composition theory to the law school setting, and over the years, all of the legal writing faculty at Brooklyn have benefitted from her knowledge.

In addition, Betsy has a wonderful ability to nurture and motivate students to excellence. Since 1980, she has literally worked with thousands of students. Most are first year students who have been referred to her because they need extra help. Betsy not only diagnoses their writing and analytical weaknesses and helps them improve their skills. She also supports them emotionally through the difficult times of first year law school. Betsy works as well with upper level students in two courses which she pioneered: Advanced Legal Writing and Writing for Law Practice. Finally, she works with our strongest students, providing workshops for those selected to work on our law journals. During this same thirty-year period, she co-authored three widely used texts and wrote innumerable law review articles. In all, Betsy Fajans is the model of a dedicated and exceptionally talented teacher and scholar. She has been an inspiration to all of us who have been fortunate enough to work with her.



## Winner of the 2011 ALWD/LWI Thomas F. Blackwell Award: Carol McCrehan Parker

On January 7, 2011, friends and colleagues gathered at the Parc 55 Wyndham San Francisco Union Square Hotel to honor Carol McCrehan Parker, the recipient of the 2011 ALWD/LWI Thomas F. Blackwell Award. Parker is Associate Professor and Director of Legal Writing at the University of Tennessee College of Law in Knoxville, Tennessee. Since 2008 she has also been serving as the Associate Dean for Academic Affairs.

The Blackwell award is a joint award of the Association of Legal Writing Directors and the Legal Writing Institute., established in honor of Thomas F. Blackwell, a loved Legal Writing Professor who was a victim of a tragic shooting at Appalachia Law School. The award is presented annually to a person who has made an outstanding contribution to improve the field of Legal Writing by demonstrating an ability to nurture and motivate students to excellence, a willingness to help other Legal Writing educators improve their teaching skills or their Legal Writing Programs, and an ability to create and integrate new ideas for teaching and motivating Legal Writing educators and students.

In presenting the Award Kenneth Chestek, President of the Legal Writing Institute emphasized that Parker exemplified these qualities in many ways. She has long



Carol McCrehan Parker with (from left) Lisa Blackwell, Mary Algero, President of ALWD and Ken Chestek, President of the Legal Writing Institute

been a leader in the national community of legal writing. In particular was an early advocate of adopting "Writing Across the Curriculum" principles and implementing Legal Writing Across the Law School Curriculum.

In the statements supporting her nomination Parker was described as a "mentor of students and teachers alike, a leader who leads while respecting the voices and ideas of others, a person who exhibits faithfulness to her colleagues, law students, and the legal profession."

Former students described her as challenging yet supportive, a teacher who knows when to nurture and when to nudge. Her legal writing colleagues at the University of Tennessee



offered numerous examples of the ways she has helped them to become better teachers, whether in the classroom, in student conferences, or in designing teaching materials. For example, one described her "happy ability of assisting an instructor to create and teach a better legal memorandum problem without micro-managing the process." Another said, "She is willing to let those teaching legal writing experiment, happy to give credit to a teacher for an experiment's success, eager to work with a teacher without qualification or judgment when an experiment fails."

### Nominating Committee Members:

Coleen Bager, University of Arkansas at Little Rock William H. Bowen School of Law  
Linda Edwards, University of Nevada Las Vegas William S. Boyd School of Law  
Dianna Pratt, Formerly Wayne State University School of Law  
Ruth Anne Robbins, Rutgers School of Law, Camden  
Mary Beth Beazley, Ohio State University Morita College of Law  
Steve Johansen, Lewis & Clark Law School

For a video of the Award Presentation see:

<http://www.youtube.com/watch?v=yVS2tjx4tnk>

## Winner of the 2011 LWI Golden Pen Award: George Gopen

At the Awards Ceremony held at the AALS meeting in San Francisco, the Legal Writing Institute formally honored George Gopen with its 2011 Golden Pen Award. The Golden Pen Award is given to raise the Legal Writing Institute's profile and to improve the quality of legal writing throughout the legal profession. The Golden Pen Award recognizes those who have made an extraordinary contribution to the cause of better legal writing.



George Gopen, currently Professor of the Practice of Rhetoric at Duke University has championed the "reader centered" nature of lawyers' writing. According to Gopen, where a word is located in a sentence is more important to a the location where a word is placed in a

sentence is more important to a reader's understanding of the sentence than the actual choice of the word itself. His theories have received a ready acceptance among Legal Writing faculty.

In announcing Professor Gopen as the recipient of the 2011 Award, Ken Chestek, President of the Legal Writing Institute pointed out that "[i]n many respects, he has given us our identity as professionals" going on to say that Gopen was "one of the true heroes of the legal writing community." Chestek noted that Gopen was "a highly deserving recipient" of the Golden Pen Award "because of his willingness to share his brilliant insights into the teaching of great legal writing, because of his support and encouragement to members of the legal writing profession to fight for respect, and because of his individual efforts in improving the legal writing of hundreds of lawyers in firms and corporations that hired him"

## Winner of the 2011 Terri LeClerc Courage Award: Teresa Godwin Phelps

The Legal Writing Institute presented the 2011 Terri Leclercq Courage Award to Teresa Godwin Phelps. LeClercq established the Courage Award in 2007 to honor members of the Legal Writing Institute who have demonstrated an act of courage by doing something, despite fear, that most people could not or would not do. The courage might have been personal, such as doing something extraordinary that reflects a commitment to the profession; moral, such as standing up to authority for a principled reason; or civil, such as doing something for the world at large, despite personal adversity or other circumstances.

In conferring the 2011 Award on Phelps, the Institute commended her for demonstrating all three types of courage: personal, moral and civil. She demonstrated personal courage through her landmark article, *The New Legal Rhetoric*, which has shaped the way many of us think about legal writing. As the author of a seminal article in the field, Phelps, along with others, was instrumental in helping to shape our discipline and one

of the founders of The Legal Writing Institute. Her choice as the 2011 Courage Award recipient was also based on the moral courage she demonstrated when she stood up to a former dean and refused to take part in a reorganization of her school's Legal Writing program that would have compromised the quality of the students' instruction. Rather than oversee the unraveling of a respected and effective Legal Writing Program, Phelps declined to follow orders and left her position, undertaking a commute to a distant city. Finally, Phelps received the Award in recognition of her civil courage for her work in the field of international human rights.



## The Section's Thursday January 6, 2011 Program

### *How Legal Writing Faculty Can Contribute to Their Law School's Assessment Plan*

By David Thomson

University of Denver, Sturm College of Law

In the first of two programs presented by the AALS Section on Legal Reasoning, Writing and Research, **David Thomson** (University of Denver, Sturm College of Law), **Sophie Sparrow**, (University of New Hampshire School of Law) and **Lori Shaw** (University of Dayton School of Law), all of whom have developed considerable expertise in the theory as well as the practice of outcomes assessment, discussed the implications of a shift to outcomes assessment in law school accreditation. They gave an introduction to the language and process of outcomes assessment and offered strategies for how LRW faculty can lead their programs and their schools through the maze of implementing outcomes assessment in their institutions.

The program was particularly timely because the American Bar Association has been considering adopting one of several proposals to shift law school accreditation standards from inputs (such as the numbers of books in the library or the ratio of faculty to students) to outputs in which assessment will be based evaluating the skills students have attained by the time they graduate, or, in other words, on how well a school has achieved its pedagogical goals at the end of a student's legal education. While outcomes assessment is new to legal educators, it is well-established in other disciplines and at all levels of education from primary to post-baccalaureate. Because LRW faculty are already teaching many of the skills which are likely to be assessed, many LRW faculty already know about outcome assessment and have been using it for years long before the term "outcome assessment" became part of the accreditation vocabulary.

**David Thomson**, Lawyering Process Professor and Director of the LP Program at the University of Denver, began the program by introducing some of the language and methodologies typically used in establishing goals and in measuring outcomes against those goals. He also



described the Student Learning Outcomes that he and his University of Denver colleagues have developed. In addition, he showed examples of a rubric that his program is developing and using (and which is based on similar versions of such rubrics around the internet). Thomson also spoke about draft student learning outcomes being developed by the entire law school faculty at DU's law school.

Following Thomson, **Sophie Sparrow**, Professor of Law at the University of New Hampshire's School of Law (formerly Franklin Pierce), discussed a handout she had prepared.



The handout included a list of books, links to helpful websites, and examples of rubric language that might be used in a doctrinal course (Torts in this case), as well as some rubric language for an upper level writing course. Sparrow also referenced a number of topics discussed at a Stetson Law School Webinar on Outcomes Assessment in Legal

Writing.

In her part of the panel, **Lori Shaw**, Dean of Students and Professor of Lawyering Skills at the University of Dayton, discussed school-wide implementation of assessment methodologies. She highlighted her presentation with references to the Dayton Law Assessment Planning Guide, prepared collaboratively by the entire Dayton Law School faculty. She also described the Dayton Law Outcomes and Criteria document.



Links to a number of the documents mentioned in this article and a fuller description of the Section Program can be found at the following website:

<http://bit.ly/AALS2011>, which David Thomson is hosting. The site was created not just to make the information from the Presentation more available to Legal Writing and other faculty, but also to provide an vehicle through which faculty involved in assessment can make their own materials available for the community to share.

## The Section's Saturday January 8, 2011 Program

### *The Substance of Legal Writing and Reasoning: Rhetoric and Persuasion*

By Michael Murray

Valparaiso University School of Law

The second Program hosted by the Section on Legal Reasoning, Writing and Research focused on core LRW values of rhetoric and persuasion. The panel explored classical and contemporary rhetoric and its interaction with emotion and pathos, ethos and professionalism, psychology, cognitive studies and brain science, and how these topics inform legal writing and persuasion. The speakers and topics were:

**Kathryn Stanchi** (Temple University Beasley School of Law): The thrust of Kathryn Stanchi's talk, *Emotion and the Science of Persuasion*, was that emotions are imperative to decision-making. She asked attendees to participate in a short study of emotions and decision-making, and then results. Kathryn used the study as a spring-board to discuss how emotions tend to influence decision-making in consistent ways. She discussed how emotions tend to be more closely and negative details. She also discussed how anger tends to be punitive, and more likely to infer hostility and aggression from ambiguous facts.



discussed the influence of negative emotions on decision-making. In particular, she discussed how negative emotions make people read more closely and negative details. She also discussed how anger tends to be punitive, and more likely to infer hostility and aggression from ambiguous facts.

**Michael R. Smith** (University of Wyoming College of Law): Michael Smith presented *Cognition and Policy-Based Persuasion*. Prof. Smith explained that unlike arguments based on legal rules, which target the logical or syllogistic part of the audience's brain, legal arguments based on policy target the part of the brain that stores and prioritizes values. Prof. Smith also discussed the nature of human values and how policy arguments – and the values that are implicated by those policy arguments – influence legal decision-making.



**Melissa Weresh** (Drake Law School): Mel Weresh presented *Persuasion and Professionalism*, focusing on



the importance of author ethos in rhetoric and persuasion. Ethos, which pertains to the intelligence, character, and integrity as well as the benevolence and good will of the author as revealed in the writing, connects the speaker to the audience through the contents and arrangement of the message of the communication.

A defect in ethos creates a rocky reception for the message.

**Christy H. DeSanctis** (The George Washington University Law School): Professor DeSanctis presented on the potential overlap between *Analogical Reasoning and Storytelling*.

She challenged the view that these two forms necessarily are distinct, as commentators assert. Her interest is in where the two might overlap, and she used, among other theories and cognitive methodologies, principles to suggest that analogical reasoning is not only very "logical," but has the hallmarks of being "narrative" as well.



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**Michael D. Murray** (Valparaiso University School of Law): Professor Murray, the moderator of the panel, presented *Rule Synthesis and Explanatory Synthesis*. The thrust of the talk was on the rhetorical implications of a division in the use of inductive reasoning and synthesis in legal analysis, one form to prove the contents, definition, and requirements of the rule (Rule Synthesis), and the other to demonstrate the workings and proper application of the rule to client situations (Explanatory Synthesis). Professor Murray asserted that explanatory synthesis is more efficient and beneficial to legal writing than simple case-to-case analogical reasoning when analyzed under modern argument theory, writing as a process theory, discourse community theory, and the rhetorical canons of law and economics.



## Promotions, Awards, and Moves

Washburn University School of Law has announced that **Aida Alaka**, is becoming fully tenured this summer and will be the Associate Dean for Academic Affairs. **Jalen Lowry** will become Associate Dean for Student Affairs.

The faculty at Stetson University College of Law voted to recommend to the Dean, Provost, President, and Board of Trustees that **Linda Anderson** and **Jeff Minneti** receive programmatic tenure and be promoted to Professor of Legal Skills, and that **Jason Palmer** be promoted to Associate Professor of Legal Skills.



After two years as a visitor and interim director of Legal Research, Writing, and Advocacy at the University of Oklahoma, **Elizabeth Bangs** was recently appointed Assistant Professor of Law and Director of Legal Research, Writing, and Advocacy on a long-term renewable contract.

The Villanova University School of Law faculty voted to promote **Heather Baum** and **Theresa Clark** to the rank of Associate Professor of Legal Writing. This rank comes with a three-year contract.

**Heather Baxter**, who teaches Lawyering Skills and Values and Criminal Procedure at Nova Southeastern University's Shepard Broad Law Center was selected to receive the Stephanie Aleong Impact Award. The Law Center's Student Bar Association created the award in 2009 in memory of Professor Aleong who died after a difficult battle with cancer.



**Deborah Borman**, who has taught LRW at John Marshall DePaul, and Northwestern, and will be joining the faculty at the University of Denver, Sturm College of Law as a Visiting Lawyering Process Professor this fall.

**Ben Bratman**, Associate Professor of Legal Writing at the University of Pittsburgh School of Law, will serve as Visiting Global Lawyering Skills Professor at the University of the Pacific, McGeorge School of Law, during the 2011-2012 academic year.



**Kirsten Dauphinais** at the University of North Dakota has been named the school's recipient of the North

Dakota Spirit Faculty Award. The award is given to one faculty member per school for outstanding contributions in teaching, scholarship and service.

Southern University Law Center has announced that **Michele Butts** and **Bill Blais** will be joining the legal analysis & writing faculty for 2011-2012. The addition of Butts and Blais brings Southern's writing faculty to ten, resulting in a student-teacher ratio of 25 to 1.

On February 12, 2011, the ABA awarded **Charles Calleros** of the O'Connor College of Law at Arizona State University its Award, for his pipeline programs, school. For a more detailed story, see <http://2011/02/stellar-extraordinary-lawyers-honored-at-spirit-of-excellence-awards/>



**Sandra Day** of Law at Arizona State University voted to give **Sue Chesler** tenure and a promotion.

The faculty at the Sandra Day O'Connor College of Law at Arizona State University voted to give **Sue Chesler** tenure and a promotion.

At Western New England College School of Law the faculty voted retention (Western New England's tenure equivalent) for Professors **Jocelyn Cuffee**, **Harris Freeman**, **Jeanne Kaiser** and **Myra Orlen**.

At Emory University School of Law Four of the seven full time faculty in the Legal Writing, Research & Advocacy Program were awarded five-year contracts—the first LWRAP faculty to receive these contracts under the law school's recently-adopted policy for promotion of non-tenure track faculty. The teachers are: **Nancy Daspit**; **Jennifer Mathews**; **Jennifer Romig**; and **Julie Schwartz**.

The faculty at Stetson University College of Law voted to recommend to the Dean, Provost, President, and Board of Trustees that Director of Legal Research and Writing **Kirsten Davis** receive tenure.

**Olympia Duhart** and **David Cleveland**, in the Lawyering Skills and Values (LSV) Program at Nova Southeastern University's Shepard Broad Law Center, have both been promoted to the rank of full Professor.

At Widener-Wilmington **Doretta McGinnis**, **Ned Luce** and **Micah Yarbrough** all received presumptively renewable five-year contracts.

**Susan Hanley Duncan** was granted tenure at Louis D. Brandeis School of Law, University of Louisville. Effective July 1<sup>st</sup> she became the Associate Dean of Academic Affairs and Faculty Development.



**Linda Fowler**, Associate Professor of Legal Analysis & Writing, at the Southern University Law Center was named Evening Division Professor of the Year.

**Ann Fruth**, Legal Methods Professor and formerly Dean of Students at Widener Law-Harrisburg received the school's first five-year presumptively renewable contract.

**Iselin Gambert** and **Karen Thornton** recently were appointed to the full time faculty at The George Washington University Law School Law as Associate Professors of Legal Writing.

**Shailini George** at Suffolk University Law School was awarded the rank of Professor of Legal Writing, with clinical tenure.

Effective July 1, 2011, **Julia Glencer**, **Erin Karsman**, and **Tara Willke** had their positions converted from ABA 405(c) to tenure-track. The change came about with full support of the faculty, the Dean, and the President of the University.

**Sonia Bychkov Green** of The John Marshall Law School was granted tenure by a vote of the law school's board of trustees following a vote of approval by the tenured faculty.

**Melissa Henke** has been appointed as the new Director of Legal Research and Writing at the University of Kentucky College of Law. Melissa comes from Georgetown University Law Center, where she taught Legal Research and Writing.



**Tamara Herrera** at the Sandra Day O'Connor College of Law at Arizona State University has been promoted to Coordinator, Legal Writing Curriculum.

**Dorothy (Dede) Hill** was recently promoted to Associate Lawyering Professor at Albany Law School. Along with the promotion, Dede was awarded a five-year presumptively renewable contract (clinical tenure).



**Stephanie Hartung** received clinical tenure and was promoted to the title of Professor of Legal Writing at Suffolk University Law School.

Effective August 1st, **Michael Higdon** will become Director of The Legal Process Program at The University of Tennessee College of Law.

Last year **Alison Julien** was promoted to Professor of Legal Writing at Marquette University Law School. Following up on that promotion, the Marquette Dean has extended Alison a five-year presumptively renewable contract beginning in August.



At Florida International University, **Ila Klion** and **Christi Hayes** have received three year contracts. Faculty members there begin with two one-year contracts, then they receive a three-year, and finally renewable five-year contracts.

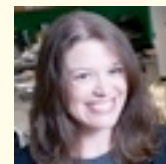
**Cathren Koehlert** will be joining the Legal Research and Writing faculty at Barry University, Dwayne O. Andreas School of Law in the Fall as an Assistant Professor of Law.

**Allison Martin** at University of Indiana-Indianapolis has been promoted to Clinical Professor of Law.

At Widener University School of Law-Wilmington **Doretta McGinnis**, **Ned Luce**, and **Micah Yarbrough** all received presumptively renewable five year contracts this year.

At the University of Akron School of Law Assistant Professors of Legal Writing **Sarah Morath** and **Ann Schiavone** received a 2011 Legal Writing Scholarship Grant sponsored by ALWD-LWI. Their research looks into gender differences in legal writing using both qualitative and qualitative research methods.

At Temple Beasley School of Law, the faculty voted to promote a long term renewable



University, Law, the faculty **Kristen Murray** to presumptively contract.

**Susan Painter-Thorne** was granted tenure by the Mercer University Walter F. George School of Law faculty on December 7, 2010.

This past year, Western State University College of Law, which is gradually transitioning from an adjunct program to one with full time faculty hired two new full time legal writing professors - **Eunice Park** and **Stephen Chavez**, both Assistant Professors of Lawyering Skills.

At Rutgers School of Law Camden the faculty recently renewed **Sarah Ricks's** five-year contract.

In December, 2010, **Lori Roberts** at Western State University College of Law was promoted to Associate Professor of Law.

**Suzanne Rowe** at the University of Oregon School of Law has had a banner year. First, the University approved her promotion to full full Professor. In addition, she was awarded the 2011 Hollis Teaching Award. The teaching award recognizes outstanding classroom teaching.



**Charlene Smith**, a full professor currently teaching Lawyering Skills and Values and Torts, at Nova Southeastern University's Shepard Broad Law Center, was the recipient of the University's 12<sup>th</sup> Annual Student Life Achievement Award (STUEY) as Co-Curricular Advisor of the Year. The STUEYs are university-wide awards presented annually to members of the University community to recognize excellence in scholarship, leadership, involvement, service, commitment, integrity and inclusion.



The Temple University, Beasley School of Law faculty voted to promote **Kathy Stanchi**, to the rank of Professor of Law.

**Judy Stinson** has been appointed Associate Dean for Professional Development and Legal Practice at the Sandra Day O'Connor College of Law at Arizona State University.

At the University of the Pacific, McGeorge School of Law, the faculty adopted a proposal to adjust full time contract faculty status, standards and titles to Assistant, Associate and Full Professors of Lawyering Skills. Several of the Lawyering Skills faculty, **Stephanie Thompson, Ed Telfeyan, Hether Macfarlane and Mary Beth Moylan** were automatically placed on 5 year presumptively renewable contracts. Several additional faculty members will be eligible to move to the 5 year contract status after their reviews next year.

At University of Dayton School of Law **Vicki VanZandt** has been promoted to full Professor of Lawyering Skills with a presumptively renewable five-year contract.

**Kathleen Elliott Vinson** of Suffolk University Law School was elected to the position of Chair-Elect of the AALS Section on Legal Reasoning, Writing and Research and was



## Join Us in Washington D.C. for the 2012 AALS Annual Meeting

The Section of Legal Writing, Reasoning and Research has a fantastic program planned for the 2012 AALS Annual Meeting which will be held in Washington D.C. January 4-8, 2012. Here is a brief preview of our activities so you can mark your calendar:

- We will kick off the meeting on Thursday January 5 with a full day trip to the Law Library of the Library of Congress. This is a ticketed event so register and buy your tickets early. We will be shown section of the Law Library that are not open to the public. We will get to see a special display of the kinds of things they usually only show to major donors. We will have special meetings with the legal specialists and the technicians who design things like the THOMAS website. Finally the field trip will



include lunch, at which we will present our Section Award.

- On Friday January 6, our Section will also have a program entitled *"In the New Millennium, What Are the Best Practices in Legal Writing, Reasoning and Research?"*
- On Saturday January 7, we will co-sponsor, along with the Section on Graduate Programs for Non-U.S. Lawyers, we will co-sponsor *Legal Research and Writing for Non-U.S. Lawyers: What Resources Do Law Schools Need to Provide?*
- On Sunday January 8, we will also be co-sponsoring a program entitled *"Legal Writing in the 21st Century: Practical Teaching Tips for Legal Skills Professors."*
- Finally, we will continue to participate in the Poster Presentations and hold our Business Meeting on Thursday January 5 at 6:30 pm.

**If you would like to present on any panel or prepare a Poster Presentation, please get in touch with our Section Chair, Mark Wojcik at [Wojcik@jmls.edu](mailto:Wojcik@jmls.edu).**

## Presentations, Publications and Special Teaching

### **Presentations**

#### **Lorraine Bannai and Anne Enquist, (Seattle University School of Law)**

*The Evolving Status of Legal Writing Faculty: Distinctions with a Difference?* National SALT conference, Hawaii (December 2010).

#### **Deborah Borman and Dana Hill (Northwestern University School of Law)**

Presentation entitled: *Freeze! Using Improvisational Theatre Games to Prepare Students for Oral Argument* (about games they devised for students to feel more comfortable practicing oral argument before moot court judges. The games were based on improv games used in Chicago's Improv Olympic (iO). Rocky Mountain Legal Writing Conference (March 2011).

#### **Deidre Bowman (Seattle University School of Law)**

Presentation entitled: *A Tale of Two Diversities: Minority and Non-minority Student Perceptions of the Benefits of a Diverse Law School Classroom*, AALS Mid-Year Workshop on Race & the Law, NY, NY (2010).

Presentation entitled: *Brilliant Disguise: An Empirical Analysis of a Social Experiment Banning Affirmative Action, Social Justice*, Lunchtime Speaker Boalt Hall U.C. Berkeley School of Law (2010).

Presentation entitled: *Visibly Invisible: Stigma and the Intersection of Race, Gender & Class for Students of Color striving for a Career in the Sciences*, UCLA CRS Symposium (2010).

Presentation entitled: *Empiricism, Popular Media & Case Law Analysis*, Vulnerable Populations Conference Golden Gate University, San Francisco, CA (2010).

Presentation entitled: *Grutter's Regrets: An Empirical Analysis of How Affirmative Action is(n't) Working*, Law & Society Conference, Chicago, IL (2010).

Presentation entitled: *Bringing Social Justice into the Legal Writing Classroom*, LWI Biannual Conference, Marco Island, FL (2010).

#### **Thomas Burch (Florida State University College of Law)**

Presentation entitled: *Regulating Mandatory Arbitration*, ADR Works-in-Progress Conference, University of Oregon School of Law (October 2010).

Presentation entitled: *Regulating Mandatory Arbitration*, Colloquium on Labor & Employment Law, Washington University School of Law and Saint Louis University School of Law (September 2010).

Presentation entitled: *Manifest Disregard and the Imperfect Procedural Justice of Arbitration*, Law & Society Annual Meeting, Chicago, Illinois (May 2010).

#### **Charles Calleros (Sandra Day O'Connor College of Law at Arizona State University)**

Presentation entitled: *(Still) Teaching Traditional Office Memoranda in an Age of E-mail Memos*, Rocky Mountain Legal Writing Conference, University of Nevada-Las Vegas, William S. Boyd School of Law (March 2011).

Presentation entitled: *Thinking Forward about a Career in Legal Writing*, LWI Workshop for Legal Writing Professors and Adjuncts, California Western School of Law (December 2010).

#### **Susan Chesler (Sandra Day O'Connor College of Law at Arizona State University)**

Presentation entitled: *The Ultimate Crash Course in Real Life Lawyering*, Rocky Mountain Legal Writing Conference, University of Nevada-Las Vegas, William S. Boyd School of Law (March 2011).

#### **Mary Dunnewold (Hamline University School of Law)**

Presentation to the Minnesota Court of Appeals' "Quill and Bagel Society" entitled: *Geometric Proof as a Method for Structuring Legal Analysis* (April 28, 2011).

#### **Anne Enquist, Marilyn Berger, Lisa Brodoff, Paula Lustbader, John Mitchell, and Mark Niles) (Seattle University School of Law)**

Presentation entitled: *Can the Professor Come Out to Play?* National SALT Conference, Hawaii (December 2010).

#### **Anne Enquist (Seattle University School of Law)**

*Why Law Schools Discriminate Against Legal Writing Faculty: What Will It Take to Right This Wrong?* LWI National Conference in Marco Island, Florida (June 2010).

## Presentations, Publications and Special Teaching (con't)

### Elizabeth Fajans (Brooklyn Law School)

Presentation entitled: *How A Writing Specialist Can Save You*, New York Legal Writing Workshop for New Teachers, New York, New York.

Presentation entitled: *Legal Writing in the Time of Recession: Developing Cognitive Skills for Complex Legal Tasks*, Second Colonial Frontier Legal Writing Conference, Duquesne University School of Law (March 5, 2011).

### Kimberly Y.W. Holst (Sandra Day O'Connor College of Law at Arizona State University)

Presentation entitled: *Culture Shock! Acclimating Law Students to the Culture of the Law through Legal Writing*, Rocky Mountain Legal Writing Conference, University of Nevada-Las Vegas, William S. Boyd School of Law (March 2011) (with **Mary Trevor**).

Presentation entitled: *The WTO in 2010* (International Law Section's Year-in-Review Panel), AALS 2011 Annual Meeting, San Francisco, California (January 2011).

Presentation entitled: *Nuts and Bolts of Teaching Legal Writing and Thinking Forward about a Career in Legal Writing*, LWI Workshop for Legal Writing Professors and Adjuncts, Tulsa, Oklahoma (December 2010).

Legal Writing and Clinical Teaching Opportunities Panel, Aspiring Law Professors' Conference, Sandra Day O'Connor College of Law (October 2010).

### Amy Langenfeld, Tamara Herrera, and Judy Stinson (Sandra Day O'Connor College of Law at Arizona State University)

Presentation entitled: *How to Find the Time and Support for Scholarship* (with **Tamara Herrera** and **Judy Stinson**) at the Rocky Mountain Legal Writing Conference, University of Nevada-Las Vegas, William S. Boyd School of Law (March 2011).

**Amy Langenfeld** also recently taught Common Law Method at Universite Paris Descartes V in Paris.

### Samantha Moppett (Suffolk University Law School)

Presentation entitled: *Think It, Draft It, Post It: Creating Legal Poster Presentations*, Rocky Mountain Legal Writing Conference, Boyd School of Law, University of Nevada, Las Vegas (March 2011).

### Michael Murray (Valparaiso University School of Law), Christy DeSanctis (The George Washington University Law School), Michael Smith (University of Wyoming College of Law), Kathy Stanchi (Temple University Beasley School of Law), and Mel Weresh (Drake Law School)

Presentation entitled: *Rule Synthesis and Explanatory Synthesis: Rhetorical Perspectives*, AALS Annual Meeting, Legal Writing, Reasoning, and Research Section (January 8, 2011).

### Michael Murray (Valparaiso University School of Law)

Presentation entitled: *Behavioral Science and Explanatory Synthesis: A Rhetorical Analysis*, Capital Region Legal Writing Conference, George Washington University Law School (February 25, 2011).

Presentation entitled: *Rule Synthesis and Explanatory Synthesis: A Socratic Dialogue Between IREAC and TREAT*, Scholars Conference of the Capital Region Legal Writing Conference, George Washington University Law School (February 25, 2011)(this article has been accepted for publication in the journal, *Legal Communication and Rhetoric*).

Presentation entitled: *Law and Economics as a Rhetorical Perspective in Law, at the "How Legal Rhetoric Shapes the Law: Pedagogy, Theory, Practice*, Conference at American University School of Law, Washington D.C. (October 15, 2010).

Presentation entitled: *Authentication, Valuation, and Verification*, art law tour and discussion, Fitzwilliam Museum, Cambridge University, Cambridge, UK,( July 14, 2010).

Presentation entitled: *Two Ways of Thinking About Cultural Artifacts: Cultural Property and Cultural Heritage*, art law tour and discussion, British Museum, London, UK ( June 22, 2010).

### Deborah Schmedemann (William Mitchell College of Law)

Presentation entitled: *Navigating the Murky Waters of Untruth*, AALS ADR Section Works-in-Progress Conference Eugene, OR (October 2010).

Presentation entitled: *Lead Them into Temptation: Negotiation Ethics and the First Year of Law School*, ABA ADR Section 13<sup>th</sup> Annual Spring Conference Legal Educators Colloquium, Denver, CO, (April 2011).

## Presentations, Publications and Special Teaching (con't)

### **Carrie Sperling (Sandra Day O'Connor College of Law at Arizona State University)**

Presentation entitled: *Why Susie Strives Harder and Kimberly Crumbles after Receiving Feedback and How to Arm Kimberly with Susie's Resilience*, Rocky Mountain Legal Writing Conference, University of Nevada-Las Vegas, William S. Boyd School of Law (March 2011).

### **Brenda Tofte (Hamline University School of Law)**

Panel presentation entitled: *Designing Assignments and Grading*, One Day Legal Writing Workshop, Tulsa, Oklahoma (December 4, 2010).

Presentation about careers in the law to middle school and high school students, Neighborhood House, St. Paul, MN. (December 2010).

### **Mary Trevor (Hamline University School of Law)**

*Culture Shock! Acclimating Law Students to the Culture of the Law through Legal Writing*, Rocky Mountain Legal Writing Conference, University of Nevada-Las Vegas, William S. Boyd School of Law (March 2011) (with Kimberly Y.W. Holst).

### **Victoria L. VanZandt and Sheila F. Miller (University of Dayton School of Law)**

Three different presentations on behalf of Dayton's Bench & Bar Outreach Project.

### **Marilyn R. Walter, (Brooklyn Law School)**

Panelist, Scholar's Forum, Second Empire State Legal Writing Conference, May 12, 2011.

## **Publications**

### **Deidre Bowman (Seattle University School of Law)**

*Brilliant Disguise: An Empirical Analysis of a Social Experiment Banning Affirmative Action*, 85 Ind. L.J. 1497 (2010).

*Meeting Across the River: Why Affirmative Action Needs Race and Class*, 88 Denver L. Rev. \_\_ (forthcoming 2011).

*American Skin: Dispensing with Colorblindness and Critical Mass*, \_\_ U. Pitt. L. Rev. \_\_ (forthcoming 2011).

*Going Beyond the Casebook in the Family Law Classroom*, in *Vulnerable Populations and Transformative Law Teaching: A Critical Reader* (Raquel Aldana, Steven Bender, Olympia Duhart, Michele Benedetto Neitz, Angela Onwuachi-Willig, Hari Osofsky, & Hazel Weiser, eds. (Carolina Academic Press forthcoming 2011).

*Visibly Invisible* in *Presumed Incompetent* (Angela Harris & Carmen Gonzales, eds. (University of Utah Press forthcoming 2011).

### **Kamela Bridges and Wayne Schiess (University of Texas School of Law)**

*Writing for Litigation*, Aspen Publishers (2011).

### **Thomas Burch (Florida State University College of Law)**

*Regulating Mandatory Arbitration*, \_\_ Utah Law Review \_\_ (forthcoming 2011).

*Manifest Disregard and the Imperfect Procedural Justice of Arbitration*, 59 Kansas Law Review 47 (2010).

### **Charles Calleros (Sandra Day O'Connor College of Law at Arizona State University)**

*Legal Method & Writing* (6th ed. Aspen 2011).

### **Susan Chesler (Sandra Day O'Connor College of Law at Arizona State University)**

*New Ways to Teach Drafting and Drafting Ethics*, Transactions: The Tennessee Journal of Business Law, 2011 Special Report.

*Negotiations for Future Transactional Lawyers*, Business Law Today (April 2011).

### **Susan Hanley Duncan (University of Louisville Louis D. Brandeis School of Law)**

*A Legal Response is Necessary for Self Produced Child Pornography: A Legislator's Checklist for Drafting the Bill*, 89 Oregon Law Review 645 (2011).

### **Mary Dunnewold (Hamline University School of Law)**

*Rethinking Case Briefing: Teaching Case Briefing as a Sustainable Skill*, 19 Perspectives: Teaching Legal Res. & Writing 11 (2010).

*Professionalism 101: Obtaining Letters of Recommendation*, Student Lawyer (Oct. 2010).

*Use and Abuse of Metadata*, Student Lawyer (Dec. 2010).

*Social Networking: Friend or Foe?*, Student Lawyer, (Jan. 2011).

*You're a Law Student. What Should I Do?*, Student Lawyer (April 2011).

## Presentations, Publications and Special Teaching (con't)

### **Anne Enquist (Seattle University School of Law)**

*From Both Sides Now: The Job Talk's Role in Matching Candidates and Law Schools*, 42 Toledo Law Review 3 (forthcoming).

*The Role of Writing Specialists in the first 25 Years of the Legal Writing Institute*, 24 Second Draft 18 (2010).

### **Elizabeth Fajans & Mary R. Falk (Brooklyn Law School)**

Scholarly Writing for Law Students: Seminar Papers, Law Review Notes, and Law Review Competition Papers (4th ed., Thomson Reuters 2011).

### **Shailini George (Suffolk University Law School)**

*Do Sexual Harassment Claimants Get Two Bites of the Apple?: Sexual Harassment Litigation after Fitzgerald v. Barnstable County School Committee* 59 Drake L. Rev. (2010).

### **Rebekah Hanley (University of Oregon Law School)**

*Notes on Quotes: When and How to Borrow Language*, Oregon Bar Bulletin.

### **Stephanie Hartung (Suffolk University Law School)**

*The Limits of "Extraordinary Power": A Survey of First-Degree Murder Appeals Under Massachusetts General Laws Chapter 378, Section 33E*, 16 Suffolk Journal of Trial & Appellate Advocacy (Spring 2011).

### **Kimberly Y.W. Holst (Sandra Day O'Connor College of Law at Arizona State University)**

*A Good Score?: Examining 20 Years of Drug Courts in the United States and Abroad*, 45 Val. U. L. Rev. 73 (2010).

### **Sam Jacobson (Willamette University College of Law)**

*What's Your Point?*, Oregon Bar Bulletin.

### **Joe Kimble (Cooley Law School)**

Principal drafter of the proposed new (or "restyled") Federal Rules of Evidence. They have been submitted to the Supreme Court and are scheduled to take effect in December 2011).

*Drafting Examples from the Proposed New Federal Rules of Evidence*, Michigan Bar Journal (2009).

Numerous other columns in the Michigan Bar Journal.

### **Sarah Klaper (DePaul University College of Law)**

*The Sun Peeking around the Corner: Illinois' New Freedom of Information Act as a National Model*, 10 Conn. Pub. Int. L. J. 63 (2010).

### **Terri LeClercq & Karin Mika (Cleveland-Marshall College of Law)**

Guide to Legal Writing Style (5th ed Aspen 2011).

### **Megan McAlpin (University of Oregon Law School)**

*Celebrating Dependence: The Joys of Subordinate Clauses*, Oregon Bar Bulletin.

### **Lisa McElroy (Drexel University, Earl Mack School of Law)**

*Coming Off the Bench: Legal and Policy Implications of Proposals to Allow Retired Justices to Sit by Designation on the Supreme Court*, Duke L.J. (forthcoming Fall 2011).

*Sex on the Brain: Adolescent Psychosocial Science and Sanctions for Risky Sex*, N.Y.U. Rev. L. & Soc. Change (forthcoming).

### **Paul S. Miller (DePaul University College of Law)**

*Plato, the Prince, and Corporate Virtue: Philosophical Approaches to Corporate Social Responsibility*, 45 U.S.F. L. Rev. 1 (2010) (with **Colin Marks**).

### **Mary-Beth Moylan (University of the Pacific, McGeorge School of Law)**

*Sovereign Rules of the Game: Requiring Campaign Finance Disclosure in the Face of Tribal Sovereign Immunity*, 20 B.U. Pub. Int. L.J. 1 (2010/2011).

*California Judicial Council's "Commission for Impartial Courts"*, 42 McGeorge L. Rev. 135 (Fall 2010) (with **Justice Ronald Robie** and **Justice Richard Fybel**).

### **Michael Murray (Valparaiso University School of Law)**

Art Law: Cases and Materials (Aspen rev'd ed. 2010) (with Leonard DuBoff and Sherri Burr).

*Rule Synthesis and Explanatory Synthesis: A Socratic Dialogue Between IREAC and TREAT*, \_\_\_ Leg. Com. & Rhet. \_\_\_ (formerly known as J. ALWD) (forthcoming).

## Presentations, Publications and Special Teaching (con't)

### **Chad Noreuil (Sandra Day O'Connor College of Law at Arizona State University)**

The Zen of Passing the Bar Exam (Carolina Academic Press 2011).

### **Laurel Currie Oates & Anne Enquist (Seattle University School of Law)**

The Legal Writing Handbook: Analysis, Research, and Writing (5<sup>th</sup> ed., Aspen 2010).

### **Suzanne Rabe (The University of Arizona James E. Rogers College of Law)**

*A "Sending Down" Sabbatical: The Benefits of Lawyering in the Legal Services Trenches*, 60 J. Legal Educ. 296 (2010) (with **Stephen A. Rosenbaum**).

### **Sarah Ricks (Rutgers School of Law - Camden)**

Current Issues in Constitutional Litigation: A Context and Practice Casebook (Carolina Academic Press 2011) (with **Evelyn Tenenbaum, Albany Law School**).

### **Lori Roberts (Western State University College of Law)**

*Assessing Ourselves: Confirming Assumptions and Improving Students Learning by Efficiently and Fearlessly Assessing Student Learning Outcomes*, 3 Drexel L. Rev. 457 (2011).

### **Lori Roberts & Elizabeth N. Jones (Western State University College of Law)**

*Developing Students' Identities as Legal Apprentices Through Interaction with Lawyers and Judges in a First Year Legal Writing Course*, 25 Second Draft 10 (2011).

### **Suzanne Rowe (University of Oregon Law School)**

*Painful Prose: The Difficulty of Writing*, Oregon Bar Bulletin.

### **Deborah Schmedemann (William Mitchell College of Law)**

Thorns and Roses: Lawyers Tell Their Pro Bono Stories (Carolina Academic Press 2010).

*Navigating the Murky Waters of Untruth in Negotiation: Lessons for Ethical Lawyers*, 12 Cardozo J. Conflict Res. 83 (2010).

### **Helene S. Shapo (Northwestern University School of Law)**

Family Law: Cases, Materials, and Problems (3d ed., Lexis 2011) (with **Peter N. Swisher (University of Richmond School of Law)**, **Anthony Miller (Pepperdine University School of Law)** & **Jana B. Singer (University of Maryland School of Law)**).

The Law of Trusts and Trustees, Sections 201-230, Ch. 12-13 (3d ed., Thomson West, 2007) (with **George Gleason Bogert** and **George Taylor Bogert**).

### **Judy Stinson (Sandra Day O'Connor College of Law at Arizona State University)**

*Why Dicta Becomes Holding and Why It Matters*, 76 Brook. L. Rev. 219 (2010).

### **Kenneth Swift Publication (Hamline University School of Law)**

*Lessons Learned in Giving Writing Exams*, 24 The Second Draft 15 (Fall 2010).

### **Hollee Schwartz Temple (West Virginia University College of Law)**

Good Enough Is the New Perfect: Finding Happiness and Success in Modern Motherhood (Harlequin 2011).

### **Susan E. Thrower (DePaul University College of Law)**

*How Can I Confuse Thee? Let Me Count the Ways: An Argument for a Due Process-Based Reality in the Ethics Rules Governing Lawyer Confidentiality and Candor*, 34 J. Legal Prof. 329 (2010).

### **Mary Trevor (Hamline University School of Law)**

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Jordan*, 28 Alternatives to High Cost Litig. 91 (Apr. 2010).

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Algeria*, 28 Alternatives to High Cost Litig. 107 (May 2010).

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Tunisia*, 28 Alternatives to High Cost Litig. 123 (June 2010).

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Morocco*, 28 Alternatives to High Cost Litig. 139 (July/Aug. 2010).

## Presentations, Publications and Special Teaching (con't)

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Bulgaria*, 28 *Alternatives to High Cost Litig.* 155 (Sept. 2010).

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Romania*, 28 *Alternatives to High Cost Litig.* 179 (Oct. 2010).

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Latvia*, 28 *Alternatives to High Cost Litig.* 193 (Nov. 2010).

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Poland*, 28 *Alternatives to High Cost Litig.* 207 (Dec. 2010).

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Slovakia*, 29 *Alternatives to High Cost Litig.* 5 (Jan. 2011).

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Greece*, 29 *Alternatives to High Cost Litig.* 19 (Feb. 2011).

Giuseppe DePalo & Mary Trevor, *Worldly Perspectives: Portugal*, 29 *Alternatives to High Cost Litig.* 67 (Mar. 2011).

### **Kathleen Elliott Vinson (Suffolk University Law School)**

*The Blurred Boundaries of Social Networking in the Legal Field: Just "Face" it*, 41 *Univ. Memphis L. Rev.* 355 (2010).

### **Marilyn R. Walter, (Brooklyn Law School)**

*Writing as Conversation: Using Peer Review to Teach Legal Writing*, 16 *Legal Writing* 411 (2010).

## The "Other" Politics of Legal Writing

On January 10, 2011, Sheila Simon, who, until the 2010 election campaign had been a Legal Writing Professor at Southern Illinois University College of Law, was sworn in as the 46th Lieutenant Governor of Illinois. Forty two years earlier, her father, the late and highly respected



Illinois Senator Paul Simon had stood in a similar position as he was sworn in to be the 39th Lieutenant Governor of Illinois.

Although Simon took a leave of absence from her faculty position at the SIU Law School when she

began campaigning for office, she has not forgotten her LRW colleagues. She will be the Keynote Speaker at the Central States Legal Writing Conference to be held at the John Marshall Law School on September 16 & 17. In addition she has stressed that she tries "to stay in touch with the [LRW] gang" and continues to read the postings on the LRWPROF listserv. "If it hasn't been noted too much already," she said when contacted about news for this newsletter, "I would be happy to have you note that I am sworn in and very much enjoying being Lieutenant Governor, but [I am] still a legal writing teacher at heart.

### *Disclaimer*

This newsletter/web site is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools.

### Please Help Us With Copy for the Next Newsletter

Did you know that we get most of our information for the newsletter from you? If you have articles or news about publications, presentations, moves or promotions for the next issue, please send your submissions to:

Judy Rosenbaum  
Northwestern University School of Law  
375 East Chicago Ave.  
Chicago, IL 60611

or by email to:

[j-rosenbaum2@law.northwestern.edu](mailto:j-rosenbaum2@law.northwestern.edu)

## Conferences and Workshops

### The Second Colonial Frontier Legal Writing Conference

*By Jan Levine, Associate Professor of Law and Director of Legal Research and Writing*

On March 5, Duquesne hosted the Second Colonial Frontier Legal Writing Conference. The conference was attended by 62 lawyers and law professors, representing 28 law schools. The theme of the Conference was "The Arc of Advanced Legal Writing: From Theory Through Teaching to Practice." The conference was sponsored by the legal publisher Wolters Kluwer Law & Business, and the law firm Schnader Harrison Segal & Lewis, LLP.



The conference began with a panel presentation by the three most well-known scholars of advanced legal writing, Prof. Michael Smith of the Univ. of Wyoming School of Law, Prof. Mary Ray of the Univ. of Wisconsin School of Law, and Prof. Elizabeth Fajans of the Brooklyn Law School. The three have published a half-dozen textbooks and many law review articles on the subject. Each of these professors then presented individual sessions; the Duquesne Law Review has invited them to publish articles based upon their presentations. Three professors from Dayton Univ. School of Law then presented a session on their surveys of Ohio practitioners, about what skills the attorneys would like to see in new law school graduates. After that session, Duquesne Univ. School of Law Professors Julia Glencer, Erin Karsman, and Tara Willke did a presentation about their new upper-division law firm simulation course (the

development of that course was supported by a grant from the Association of Legal Writing Directors). The closing session was a panel of three attorneys from the Schnader firm, Marla Conley, Bruce Merenstein, and George McGrann, who reacted to the day's presentations and addressed how law firms can encourage law schools to offer advanced writing courses.

### The Rocky Mountain Legal Writing Conference

*By Terrill Pollman, Ralph Denton Professor of Law Director of the Lawyering Process Program*

The Eleventh Annual Rocky Mountain Legal Writing Conference met at UNLV this year and it was as much fun as ever. There were one hundred and twenty-eight attendees and over ninety presenters, including the very secret presentation Richard Neumann, Lyn Goering, Pam Lysaught and MaryBeth Beazely. The presentation was listed on the Program as "Emerging Theories of Interstitial Hermeneutics and Normative Globalization: The Phenomenological Heuristics of Neocontemporary Rhetoric, but the description of the panel said, "Ignore the panel title. We're not going to do any of that. We don't even know what it means. Instead, we'll talk about subjects too incendiary to publish in the conference program. There will be no handouts, Power Point slides,



or other written evidence Terry Phelps spoke movingly on the power of narrative in the plenary. Suzanne Rabe was honored with the Rocky Mountain Award. A very successful ALWD Scholar's Forum followed the conference on Sunday

### Southeast Regional Legal Writing Conference

*By Suzianne D. Painter-Thorne  
Associate Professor of Law*

On April 15-16, 2011, Mercer Law School hosted the Southeast Regional Legal Writing Conference. The two-day conference, Opening the Lens: Re-Visions in Legal Writing Teaching, Theory, & Practice, explored interdisciplinary theories and practice perspectives as a way to encourage participants to look again at their teaching, scholarship, and service. The opening colloquium, which featured internationally known law and society scholar, Martha Albertson Fineman, illustrated the use of feminist and other critical theories to enrich legal writing teaching and scholarship. In addition to Professor Fineman, the opening colloquium brought together a panel of leading legal writing and clinical professors who discussed the relationship of critical theories to law school teaching, legal scholarship, and professional service. On the second day of the conference, concurrent sessions included presentations on interdisciplinary and other approaches legal writing and lawyering skills professors use to integrate theory and practice within their teaching, scholarship, and service. Preceding the conference, Mercer hosted an ALWD Scholars' Forum & Workshop through a grant from the Association of Legal Writing Directors.



Martha Albertson Fineman



Mercer Law School

### The Empire State Legal Writing Conference

*By Robin Boyle Laisure, Assistant Dean for Academic Success; Professor of Legal Writing.*

On May 12, 2011, an ALWD Scholars' Forum was held in connections with the May 13<sup>th</sup> Second Annual Empire State Legal Writing Conference. Both events were hosted by St. John's University and held at its Manhattan campus.

Lisa Eichhorn (South Carolina), Marilyn Walter (Brooklyn), and Robin Boyle (St. John's) led the **ALWD Scholars' Forum**; Jane Scott (St. John's) moderated. Four people presented their work-in-progress: Rosa Castello (St. John's), Rosa Kim (Suffolk), Michael Murray (Valparaiso), and Victoria Moshiahwili (US Court Ct of Appeals for Veterans Claims).



The following day, the **Second Empire State Legal Writing Conference** focused on teaching legal writing effectively to prepare students for practice. Keynote speaker, Professor **Tina Stark** (transitioning from Emory to Boston), illuminated main points in teaching transactional drafting. Approximately 50 presenters from around the country engaged the audience. Various themes were intertwined, such as ethics, professionalism, and plagiarism; reaching today's millenials; grading efficiently; perspectives from the bench, bar, and clinical programs; experiential techniques; polishing drafts; oral presentations; lessons from international law; and current-day email memos. Attending were over 120 people, a few seats shy of capacity Registrants hailed from 21 states and 59 law schools, plus private practice and courts. Four presentations occurred simultaneously throughout the day.

**The Empire State Legal Writing Conference Program Committee:** Robin Boyle, Conference Chair (St. John's); Ian Gallacher (Syracuse); Tracy McGaugh (Touro); John Mollenkamp (Cornell); Stephen Paskey (Buffalo); Amy R. Stein (Hofstra); Marilyn Walter (Brooklyn).

## Committee Assignments for 2011

**Awards Committee** --- 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 recipient of the award.

**Members:** Ralph Brill (Chicago-Kent College of Law); Anne Enquist (Seattle University School of Law); Ardath Hamann (The John Marshall Law School); Richard Neumann (Hofstra Law School); Helene S. Shapo (Northwestern University School of Law).

**Diversity Committee** -- 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.

**Chair:** Kim Chanbonpin (The John Marshall Law School—Chicago)

**Members:** Dionne Anthon (Widener); David Austin (California Western); Stacy Blasko (Capital University); Cara Cunningham (Detroit Mercy); Rosa Kim (Suffolk); Lisa Mazzie (Marquette); Teri McMurtry-Chubb; LaVerne); Amanda Smith (Widener); Melissa Woods (Charlotte).

**Library of Congress Field Trip Committee** -- The Field Trip Committee has been named to coordinate the logistics of the Section's 2012 Program and the Law Library of the Library of Congress.

**Members:** Juliana Campagna (Hofstra Law School); Cara L. Cunningham (University of Detroit-Mercy School of Law); Christy DeSanctis (George Washington University); Eric B. Easton (University of Baltimore School of Law); Laurie A. Lewis (Catholic University School of Law); Grace J. Wigal (West Virginia University College of Law).

**Media Committee** -- 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.

**Members:** Deborah L. Borman (University of Denver, Sturm College of Law); Dana Hill (Northwestern University School of Law); Shailini Jandial George (Suffolk University Law School); Michael Koby (Washington University); Jennifer Lear (Widener University School of Law).

**Nominations Committee** -- 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.

**Members:** Judith Rosenbaum (Northwestern University School of Law); Kathleen Elliott Vinson (Suffolk); Mark E. Wojcik (The John Marshall Law School).

**Pink Ink Committee** -- The Pink Ink Committee addresses issues relating to the LGBT community such as: using issues of sexual orientation and gender identity in memoranda and advocacy assignments, latest research resources for LGBT scholarship; mentoring and support for LGBT professors and students; hiring practices of law schools; and attending the AALS Hiring Conference as an openly LGBT candidate (or recruiter).

**Chair:** Greg Johnson (Vermont Law School)

**Members:** Christine Bartholomew (SUNY Buffalo); Sara R. Benson (University of Illinois College of Law); Herbert C. Brown, Jr. (Southern University Law Center); S. Paige Canfield (St. Louis University School of Law); Bill Dorothy (Washington University)

## Committee Assignments for 2011 (con't)

**Poster Committee** -- 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 September 5, 2011.

**Chair:** Sabrina DeFabritis (Suffolk University Law School)

**Members:** Jane Moul (Washington University); Kristen E. Murray (Temple University School of Law); Chad Noreuil (Arizona State University College of Law; Emily Zimmerman (Drexel University School of Law).

**Program Committee** -- The goal of the Program Committee is to select a 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 will review submissions received from the Call for Papers.

**Members:** Charles Calleros (Arizona State University); Lurene Contento (The John Marshall Law School—Chicago); Kimberly Y.W. Holst (Arizona State University College of Law); Betsy Lenhart (University of Cincinnati College of Law); Deborah McGregor (Indiana University—Indianapolis School of Law); Ellie Margolis (Temple University School of Law); katy Mercer (Case Western Reserve University); Samantha Moppett (Suffolk); Mimi Samuel (Seattle University School of Law).

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

**Members:** Elizabeth Frost (University of Oregon School of Law); Julie St. John (University of Detroit-Mercy School of Law).

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

**Members:** Susan Sockwell Bendlin (Barry University School of Law); Lurene Contento (The John Marshall Law School-Chicago); Kimberly Y.W. Holst (Arizona State University College of Law); Jennifer Lear (Widener University School of Law); Jo Ellen Lewis (Washington University St. Louis); Jane Scott (St. John's University School of Law); Grace J. Wigal (West Virginia University College of Law).



**Seattle University's** faculty has voted to allow current Legal Writing Faculty to apply for tenure and to advertise future openings as tenure track positions.

The Global Lawyering Skills Program at the **University of the Pacific, McGeorge School of Law** has received two additional credits. It now has a four credit full year course in the first year and a four credit full year course in the second year.

The **University of Missouri - Kansas City** faculty has voted to amend its by-laws to allow all full time contract and contract-track faculty the right to vote on all matters

except the hiring and Promotion of tenure and tenure track faculty. In addition the faculty voted to reduce the size of the first year class and authorized the hiring of a new legal writing professor.

At the **University of Wisconsin Law School** the credits for the first year legal writing course will double from three credits to six credits. In addition, the school has authorized change from part-time faculty to full time faculty.

The Legal Writing Program at **Temple University, Beasley School of Law** has received an additional credit for the fall semester of the course.

At the **University of North Carolina School of Law**, the faculty has voted to increase the credits for the first year research and writing program from four credits to six credits. In addition, the program will convert to a full time faculty model..

## Section Leadership

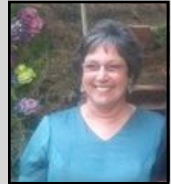
### Officers



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### Secretary

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### Immediate Past Chair

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Congratulations to our Colleagues  
 on their Retirement in 2011

M.H. "Sam" Jacobson,  
 Willamette University College of Law

Mary Barnard Ray  
 University of Wisconsin Law School