

The Nuts & Bolts of Teaching Legal Writing – Part 1

Although both skills courses and casebook courses teach students how to think like lawyers, skills courses present unique teaching challenges. Professors Beazley and Broussard will lead a discussion on the many lawyering skills taught in the typical legal research and writing course. They will address how to develop your unique teaching voice while planning your course, creating your syllabus and assignments, and using interactive teaching techniques.

Finding Your Teaching Voice: Understanding Your Raison D’ Etre Patricia A. Broussard, Howard University Law School

I. A Few Words About Legal Writing

A. Writing is the cornerstone of a good legal education.

- If you cannot think clearly, you cannot write clearly.
- Clear thinking is an aider and abettor in doctrinal courses.
- All of the skills taught in legal writing are transferable and necessary for success in other law school courses.

B. Legal Writing is time-consuming and labor-intensive.

- Class preparation will be on-going through the semester.
 - Revising your class preparation will also be on-going.
 - Student conferences, which are also extremely time consuming, are vital to teaching legal writing.
 - Grading/critiquing an assignment can take between 35 and 40 hours a week
- Providing guidance to your teaching assistant takes time, energy and effort because you have to insure that he/she knows the following:
- How to teach
 - What to teach
 - How to engage first-year students.
 - How to effectively critique first-year students.

C. Did I mention the other duties that you will perform in your role?

- Writing letters of recommendations for students.
- Reviewing writing samples for students.
- Preparing students for moot court competitions.
- Assisting student organizations and journals by providing workshops on various writing topics.

D. Students will find legal writing much more difficult than you anticipated.

- Realize that you are speaking a foreign language for the first few weeks.
- Students soon discover that the ability to “out argue” grandma at Thanksgiving does not a lawyer make.

- Initially, students have difficulty seeing the correlation between thinking, researching, good writing and successful lawyering.

E. Legal writing requires frequent and precise feedback.

- The course provides the rare opportunity for students to receive comprehensive feedback of their reasoning, writing, and research skills.
- Teaching legal writing is far more fulfilling than you could have imagined.

II. You Must Understand the Big Picture of Teaching Legal Writing

A. Be clear about the purpose of the course.

- The same rules about clear thinking that apply to students, also apply to the professor.
- Ask yourself: “why am I here?”
- Define for yourself what it means to teach students to become good legal writers. Be willing to see yourself in a role larger than the one encompassed by the word teacher.
 - Students are needy.
 - Students need constant reassurance.
 - Students will take advantage of your office hours and any other hours when you are breathing.

B. Make a list of the skills that you must teach

- The ethics of legal writing: This speaks for itself, but is often overlooked and under-rated.
- Professionalism: Good writing must be presented in a timely and professional manner.
- You need to teach specific skills that achieve the goals that are generated by the school’s course description, the legal writing department’s mandate, and by your answer to the question of why you are here. Here are just a few of the skills:
 - Time management
 - Problem solving
 - Factual analysis and reasoning
 - General principles of legal analysis and reasoning
 1. Utilizing the case book method
 2. Case briefing
 3. Issue spotting
 4. Identification of determinative facts
 - Organization
 1. Large scale
 2. Small scale
 - Interpreting statutes
 - Research
 1. Traditional
 2. Electronic

- Style and formalities
- Citation forms
- Predictive writing
- Persuasive writing
- Oral advocacy
- Identify work products you can use to teach these skills
 - Memoranda
 - Client letters
 - Negotiation agreements
 - Motions
 - Motion briefs
 - Appellate briefs
 - Oral arguments

III. Self Actualization

A. New teachers are works in progress

- New writing professors are also new students.
 - Give yourself adequate time for preparation.
 - Master the materials.
 - Learn the language of legal writing.
 - Dissecting the Text(s)
 - Practice giving your lecture.
 - Try one of the exercises that you have designed for your students.
 - Critique yourself after every class.
 - Remain flexible; be willing to change that which doesn't work for you and conversely, learn to embellish the lessons that work.
 - Developing a teaching "persona."
 - Develop a plan for grading papers
 - Remember that notwithstanding your newness, you are still the smartest person in the room.

B. View the Course from a Student Perspective

- Remember that Legal Writing is a foreign language.
- The theory of multiple learning styles is not a myth.
- Emphasize that "bad" writing does not make a student a bad student.

C. Roll up your sleeves

- Part II of this workshop will deal with creating your syllabus and assignments, and using interactive teaching techniques.
- Now the real work begins.