

Designing Assignments – Concurrent Session

Developing legal writing assignments can challenge both the creativity and the resources of new legal writing faculty. This small group will discuss fundamentals of problem design as well as methods for developing and finding good legal writing problems through the Legal Writing Institute's on-line idea bank, pending cases, the new teacher's prior practice areas, and contacts with colleagues who teach legal writing, clinical, or casebook courses.

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1. Overview

2. Planning the Assignment

- A. Identify learning goals
 - § Research and use of authority
 - § Legal analysis
 - § Professionalism
 - § Ethics
 - § Large-scale or small-scale organization
 - § Persuasive writing techniques
 - § Jurisdictional issues and other practical realities
 - § Effective legal writing style
- B. Identify the number of drafts, type of drafts, page limits (if any), and other structure issues
- C. Decide whether to use one set of facts and issues for the whole semester or year, or to use multiple sets of facts and issues
- D. Decide how much collaboration and assistance will be permitted
- E. Decide the requirements for each of the assignment's drafts and share that information with the students

3. Resources for Assignment Ideas:

- A. LWI Idea Bank
- B. LRW List-serv & Legal Writing colleagues
- C. A.L.R. and A.L.R. Fed.
- D. U.S. Law Week "Circuit Split Roundup"
- E. "Ripped from the headlines"
- F. Casebook or Clinical Colleagues
- G. Miscellany: your field, your work, your life

4. Issues to Consider:

- A. Options for analytical documents
 - Office memo
 - Motion brief
 - Appellate brief
 - Client letter
- B. Assigning an issue with a definite answer, an issue that is a circuit-splitter
- C. Controlling the degree of difficulty
- D. Boring issues v. hot-button issues
- E. Choosing state or federal, common law or statutory issue(s)
- F. Deciding how much research to require, and how best to do so
 - “Closed” v. “Open” assignments
 - “Turning them loose” v. providing structured help
- G. Timing issues (they don’t always have to finish one project before they start on the next)
- H. Giving the whole class the same client, or splitting them up
- I. How to distribute the assignment, including format issues and level of detail on facts and legal questions.
 - Narrative facts and focused legal question
 - Realistic documents and open-ended question

5. Process

- A. Draft or find an assignment
- B. Conduct research to verify assignment’s appropriateness
- C. Consult with appropriate casebook, clinical, or legal writing colleagues
- D. Assign the assignment
- E. Create an assignment notebook, containing:
 - Copy of problem
 - Teaching notes (identifying teaching methods and strengths and weaknesses of the problem)
 - List of authorities
 - Criteria sheets used
 - Sample answer(s) from strong students

6. Selected Bibliography

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