



# Section on Legal Writing, Reasoning, and Research

SUMMER 2017

## From the Chair

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The close of the academic year gives us an opportunity to reflect on the challenges and success of the past year. It also gives us the chance to look ahead to a new incoming class of students and the opportunity to refresh and reinvigorate our teaching. For me, this past academic year marks my tenth year of teaching. To some that may sound like a long time, to others it is a drop in the bucket. No matter the perspective, having the privilege to spend any amount of time as a member of the Legal Writing, Reasoning, and Research community is inspiring. This sentiment is particularly evident at the Annual Meeting. The 2017 meeting in San Francisco was no exception.

The 2017 Section Luncheon gave us an opportunity to celebrate our Section Award Winner Linda Berger, occasion to honor Ralph Brill's impressive career and contributions to legal writing, and finally the ability to formally acknowledge the Oxford Comma in our section name. At the New Scholars Showcase, presenters and attendees engaged in a lively discussion on a diverse body of scholarship including judicial writing, federal preemption of state tort litigation regarding drug-labeling claims, and mandatory versus persuasive authority in the context of state statutes that contain uniformity provisions. Our Experiential Learning Program guided attendees through designing upper-level legal writing courses consistent with the recently-revised ABA standards regarding experiential learning. Finally, we closed our section programs with an interactive panel that explored ways to make our classes more welcoming and effective for our students, including students of color, LGBTQ students, and students with disabilities. For those who did not have an opportunity to attend the 2017 Annual Meeting, this Newsletter includes some highlights of these and more events including the Blackwell and Golden Pen Awards.



**Sabrina DeFabritiis, Chair**  
**Professor of Legal Writing**  
**Suffolk Law School**

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In addition to a reflection of the past conference, this Newsletter also includes some motivating micro-essays on finding joy in what we do. Like much of the sentiment expressed in these essays, I am extremely privileged to be a legal writing professor and a member of such an amazing community. This position gives me the unique opportunity to empower students to believe that they can succeed. While each year the assignments may change, allowing students to go beyond their boundaries and achieve their potential is a foundation in all of my courses and one that gives me a great source of joy in what I do.

Beyond the classroom and following a successful 2017 Conference, I am eager to see how our section will reflect the 2018 AALS Conference theme of Access to Justice in our programming. All of the events at the annual meeting would not be possible without the hard work and planning of our committees so I want to take a moment to express my sincerest gratitude to the committee co-chairs and members for all that they have done and will continue to do over the next several months. You can find a list of all of the committees and members at the end of this Newsletter. Finally, I want to thank the members of the Executive Committee: Suzanna Moran (Chair-elect), Wendy-Adele Humphrey (Secretary), Bob Brain (Past Chair), Rebekah Hanley, Allison Martin, Joe Mastrosimone, Anne Mullins, and Nancy Soonpaa. I am thankful for their continued support and dedication to our section as we plan the 2018 Conference.

— Sabrina DeFabritiis, AALS LWRR Chair



## SAVE THE DATE

112th AALS Annual Meeting

*Access to Justice*

January 3—January 6, 2018

San Diego, California

***Tips from the Trenches: Teaching Students to Help Social Justice Practitioners.*** Co-sponsored by the Section on Clinical Education. Thursday, January 4th from 10:30 to 12:15 p.m. (LWRR Business Meeting will be held at the end of this presentation.)

**LWRR Luncheon.** January 4th from 12:15 to 1:30 p.m.

**LWRR New Scholars Showcase.** January 4th from 3:30 to 4:45 p.m.

***Designing Legal Writing Problems Incorporating “Access to Justice.”*** Saturday, January 6th from 1:30 to 3:15 p.m.

## 2017 AALS LWRR Section Award Winner: Linda Berger

The AALS Section Award recognizes an individual who has made a significant lifetime contribution to the field of legal writing, reasoning, and research. The award was formally created at the AALS Section Business Meeting in January 1995 and conferred for the first time in January 1996 at the AALS Annual Meeting. The award has sometimes been described as a Lifetime Achievement Award in Legal Writing Education.

At the 2017 Annual Meeting, the LWRR Section presented its annual award to Linda L. Berger, Associate Dean for Faculty Development and Research and Family Foundation Professor of Law at UNLV William S. Boyd School of Law. Hailed a “giant” in the legal writing discipline, yet modest nearly to a fault, Professor Berger was recognized as an exceptional leader, pioneering scholar, inspiring teacher, and generous mentor.

Her nominators summarized some of her most significant contributions, which include the following highlights:

“Few legal writing teachers have had such a profound impact on our discipline in its development, and all involved in legal writing—teachers, students, practitioners, and judges—have been greatly affected by Linda’s work. Most recently, Linda completed her term as President of the Legal Writing Institute (LWI) and undertook a project of enormous scholarly significance as a co-editor of the *U.S. Feminist Judgments: Rewritten Opinions of the United States Supreme Court* (Cambridge 2016)—a collaborative work that has produced an edited collection of feminist revisions of influential Supreme Court opinions.

As a scholar, Linda has been at the forefront of the incorporation of rhetoric into the consciousness of the legal writing community. At the time when legal writing was emerging from its first bruising encounters with the legal academic community and was establishing itself as a permanent fixture in law school curricula, many questioned whether our field had a



**Linda Berger, UNLV**

doctrinal foundation on which to build its own body of scholarly literature, or whether we were, in essence, fated to be nothing more than a grammar course with a legal framework draped over it. Linda’s early work pointed the way to one important answer by showing the power of rhetorical analysis when applied to legal writing. . . . Linda’s value as a teacher and a colleague at UNLV cannot be overstated. Her colleagues and students speak of her warmth, intelligence, and skill as a faculty member and teacher. She is also an inspiring and generous mentor to junior colleagues, and was instrumental in UNLV’s recent conversion of legal writing faculty from contract status to a fully integrated tenure-track. Linda is an exceptional colleague to all, and she is unstinting in her drive to help others achieve their potential, whether as students, teachers, or writers.

For those who meet Linda without knowing her work, it might seem strange to describe this charming, relaxed, lively, and humorous woman as one of the giants in our discipline. It seems a fitting description of her, though, because Linda has written so much about the use of metaphor in legal writing, and because her career is itself the perfect metaphor for excellence in the legal writing field. “

## 2017 ALWD-LWI Thomas Blackwell Award Winner: Melissa Weresh

The Association of Legal Writing Directors and the Legal Writing Institute presented the 2017 Thomas F. Blackwell Memorial Award for Outstanding Achievement in the Field of Legal Writing to Melissa “Mel” Weresh.

The ALWD-LWI Blackwell Award is a prestigious award that is presented annually to a person who has made outstanding contributions to improve the field of legal writing by demonstrating (1) an ability to nurture and motivate students to excellence, (2) a willingness to help other legal writing educators improve their teaching skills or their legal writing programs, and (3) an ability to create and integrate new ideas for teaching and motivating legal writing educators and students.

Mel is a Professor of Law and the Director of the Legal Writing Program at Drake University Law School. She is a past Chair of the Association of American Law Schools Section on Teaching Methods, and she is a past president of the Legal Writing Institute. Among other accolades, she is the 2009 winner of the Warren E. Burger Prize of the American Inns of Court, recognizing her scholarship in the areas of professionalism and ethics. As part of being a “Legal Writing Superstar,” Mel has published *Iowa Legal Research* and *Legal Writing: Ethical and Professional Consideration*. Additionally, she had led the way on learning outcome measurement at law schools. Her nominators also recognized that “each time Mel stands before colleagues at a conference presentation, we see again what an outstanding teacher she is. She is creative, engaging, demanding, and supportive.” Thank you for your outstanding contributions, Mel!



Legal Writing Superstar

*Mel Weresh*



At the Section’s luncheon, Ralph Brill was honored for his contributions to legal writing. He inspires us all!

## 2017 Golden Pen Award Recipient: Dahlia Lithwick

The Golden Pen Award honors those who make significant contributions to advance the cause of better legal writing. These contributions may take any form, such as promoting the use of clear language in public documents, improving the quality of legal writing instruction, advocating for better writing within the legal community, outstanding scholarship or journalism about legal writing or legal topics, or exceptional writing in law practice. The award is normally given to someone who is not an active member of LWI, but active members are considered in exceptional circumstances.

The 2017 Golden Pen Award recipient is Dahlia Lithwick. She is an author, journalist, former attorney, and senior editor at *Slate*. Since 2014, she has also served as the founder and host of the podcast *Amicus: Law and the Supreme Court Justices Who Interpret it*.

The LWI Awards Committee recommended Lithwick for the 2017 Golden Pen to recognize her outstanding writing about legal issues as well as the ways she shares information about the courts with the public. Lithwick's nominators noted

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Dahlia Lithwick (on left)

### Calling all relaunching or transitioning attorneys—could you use a refresher in legal research and writing?

Join the Relaunching Attorney Platform by Pace University for a semester long course that includes a five week legal research and writing workshop.



#### Participants receive:

- Hands-on training for online legal research databases
- Legal research/writing lectures and assignments (with feedback)
- An opportunity to create an updated legal writing sample



**September 9, 2017**

Pace University  
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Contact:

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<http://cps.pace.edu/lifelong-learning/the-relaunching-attorney-platform/>

**PACE**  
UNIVERSITY



(Continued from page 5)

she is "extremely gifted and highly regarded." Her peers also admire her for her brilliance and candor. And in a 2014 interview, Supreme Court Associate Justice Ruth Bader Ginsburg praised Lithwick by calling her writing "very good" and "kind of spicy."

To learn more about this year's Golden Pen Award recipient, below is a short Q&A with Lithwick.

*Who inspires you as a writer?* As a writer I am inspired by a huge raft of writers who came before: Molly Ivins, Jonathan Swift, George Orwell (just now) and also the lawyers who taught me how to write: Brandeis, Kagan, Scalia, and Jackson. And colleagues in the SCOTUS press corps like Linda Greenhouse, Joan Biskupic, and Tony Mauro. Also legal academics who write for laypeople like Pam Karlan, Erwin Chemerinsky, and Geoff Stone. More and more I am inspired by the young writers who are coming after us, who are brave in ways I never was.

*When did you know you wanted to be a journalist?* Probably not until after I became a journalist, which happened very abruptly after I quite a law firm job. I think I was probably a practicing journalist for at least a year before I realized it was what I wanted to do with my life.

*What is something on your career "bucket list"?* I want to argue a case at the Supreme Court and sing in a smoky piano bar. Probably not on the same day though.

**SAVE THE DATE**

## Western Regional Legal Writing Conference

We invite you to the Western Regional Legal Writing Conference being held on **August 25-26, 2017** at Seattle University School of Law. The theme of this year's conference is *Connections*.

**This very broad theme includes possible topics such as**

- connecting your legal writing classes with students' other foundational courses;
- connecting and collaborating with other faculty to improve your students' ability to transfer what they have learned to clinics, externships, and jobs;
- connecting legal writing classwork with clinics or external nonprofits;
- connecting with alumni and practitioners;
- connecting with other legal scholars; and
- connecting with others to help improve legal writing faculty status.

**SEATTLEU**  
SCHOOL OF LAW

A conference website will be posted soon. For additional information or questions, please contact Professor Mimi Samuel at [msamuel@seattleu.edu](mailto:msamuel@seattleu.edu).



## LWRR NEW SCHOLARS SHOWCASE

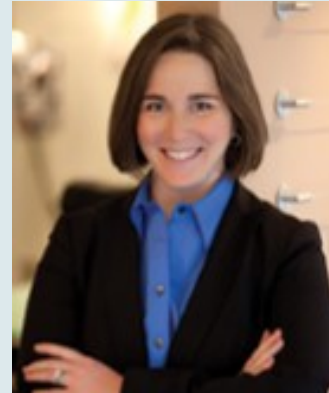
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In this LWRR session during the 2017 AALS annual meeting, three legal writing faculty presented their recent scholarship and engaged in lively discussion with the audience. The session highlighted the range of topics legal writing faculty are writing about and engaged many of the audience members in discussion of this work.

**Anne Mullins** (University of North Dakota) described her recent article on judicial writing. She critiqued the traditional concept of judicial opinion readers as being too focused on conscious decision-makers, and she explored the way subconscious decision-making can affect reading of judicial opinions. The audience discussion of her work explored how these concepts could be used in teaching students to read judicial opinions; the discussion also explored opportunities for development of further scholarship related to psychological persuasion in judicial opinion-writing.

**Michelle Richards** (Detroit Mercy) described her article advocating for federal preemption of state tort litigation regarding drug-labeling claims. She described how the article grew out of her law practice experience and explored the evolution of the law on this issue. Richards advocated for greater deference to FDA determinations on drug-labeling. The audience discussion of this issue explored potential implications of her arguments, and the political and other issues that could affect how this issue plays out.

**Kevin Bennardo** (University of North Carolina) argued that the typical conception of mandatory versus persuasive authority does not adequately address case law interpreting state statutes based on uniform acts that contain uniformity provisions. He described the problems with treating these cases as binding or as non-binding, and he proposed a two-step solution for assessing the weight to give to these cases as precedent. The audience discussion explored the reasoning behind that two-step process and the implications of applying it in a variety of situations.



## LWRR Micro-essays: Finding Joy

### Joy in Connection:

#### Our Community



Deborah L. Borman

Northwestern University, Pritzker School of Law

I experience joy in connecting with my peers in our LRW community. I can easily claim this joy on a daily basis.

We all experience joy in so many aspects of our teaching: our class

**Beyond our work,  
our friendships  
and interests  
provide an  
additional source  
of joy for me.**

preparation — the excitement of the new semester approaching — the new sets of eyes all eager to be transformed from smart college graduates into critical legal thinkers. Every fall we are off to a fresh, strong start. We are enthusiastic for our classes and excited to experiment with new teaching ideas and

assignments. And our students initially respond favorably as they begin their new venture into legal analysis. But the overall effusiveness is often subsumed by the inevitable stressors of the law school construct that seep into our classroom — the stress that builds internally within each student and externally increases among the students — until the long shadow of brutal competition darkens students' perceptions of their own development and casts long shadows on our efforts to guide in that development.

These are the times that challenge the joy in our chosen career (let's call them "First Assignment Returned," "October and November" or "GRADING"). Our responsive and caring community assuages these times for me. My extensive network of empathetic colleagues around the country, friends I can call on at any moment to laugh, and cry, and vent, come to the rescue. We each have so many people to whom we can completely relate and who will echo the ebbs and flows of our own career. My joy in connecting to colleagues is the result of our many wonderful conference, workshop, and service opportunities. Finding kindred spirits at our meetings and conferences, sharing our scholarship and our assignments and ideas, working together toward common goals, and learning from each other creates joy.

Beyond our work, our friendships and interests provide an additional source of joy to me. When I am frustrated after grading for hours, and I badly need the gym, I am motivated by the Spotify playlists that

match my mood and my music taste. When I have a pet-sitting emergency of course someone in our community comes to my rescue. I gather advice on house projects, explore mountain and ocean terrain, share recipes, sing karaoke, hotly debate television show plotlines (and actor crushes), explore new restaurants, compare and rank local pizza, and exchange knowledge of Hamilton lyrics. I know that when I am up late working on something or in a vegetative state after finishing a round of briefs, someone in our community will be available virtually to share a joke or story with me. And professionally, we have an extensive network of expert editors to offer advice on drafts or to add the Oxford commas when I have writ-

**The LRW  
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er's block (or sentence construction constriction illness).

The LRW community is unique and it is ours alone. Like nothing else I have experienced in my career, an extended family of similarly situated peers. I am happy to be a part of this community, for all the connections we offer to each other, for the joy that we bring to each other in our careers.

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## LWRR Micro-essays: Finding Joy

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### *Joy in Preparing for Class*



Ashley H. Hamlett  
Faulkner University, Jones School  
of Law

Class preparation is vital to student success. Its aim is to help students to learn to reason, write, and research to the best of their abilities. But class preparation is usually a behind-the-scenes, solitary process requiring focus and self-discipline.

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success.**

However, I find joy in preparing for class because I enjoy determining how to provide the best learning opportunities for students and in knowing class preparation will result in strong classes as well as good student results.

First, preparing for class and developing assignments often, to me, feels like finding the correct pieces of a puzzle, and as someone who

enjoys puzzles, I enjoy this process. I know what concept or skill I hope the students to learn; but how do I get my students to grasp that knowledge? There is the assigned reading and my discussion and Q&A about the reading, but what else? What stories can I share from my time practicing and judging to help illustrate a point? Is there a funny video to drive home a concept? What exercise can we do in class that will make students practice the new knowledge and hopefully ask me questions if they are struggling?

Often class preparation is driven by how well, or not well, students are grasping the material. For instance, one fall I was finding that students were writing their case explanations like case briefs instead of stating the facts, holding, and reasoning of the case. Obviously my repeating “FHR,” showing examples, and having them write an FHR was not working. I decided to use sports to illustrate the concept: I shared the then new NCAA football rule of prohibiting targeting – the hitting of a defenseless player in the head or neck area. I told students they don’t have to like football or sports to understand the rule; it’s a rule like any rule of law. Then I told students we will explain the new rule with a FHR of a targeting play: a “case.” I showed a clip of the targeting foul; the initial clip showed the player making the first down, not the player who was targeted. Thus, students had to focus on the critical facts of the target from amongst the other facts of the play in the instant replay. Then we determined the holding of the rule from the referee’s call. Last,

we wrote the reasoning of the rule from the commentator’s feedback: they explained the purpose of the rule was to prevent concussions and discussed why this particular player was targeted because of where and how he was hit. Students enjoy this exercise as a change of pace and afterwards follow the FHR format better. I found joy in creating this exercise and solving the problem of reaching students who were struggling with the FHR concept.

**Last, I find joy in  
preparing for class in  
knowing the positive  
impact of my  
preparation.**

Second, preparation gives me joy through successful classes. I am never able to simply repeat a class from year to year. Each year changes with the needs of the class as well as with the texts and writing problems we are using. But while I am preparing for class and incorporating lectures and activities that have been successful in the past, I get joy in knowing the students will be engaged and learn from our class time. During the class, I get joy from seeing students understand what I am discussing and seeing them demonstrate their understanding when I give an in-class exercise that they successfully complete. While students are working on an exercise, I let them ask me questions about their work. This process creates

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## LWRR Program Summary

### Experiential Learning in Legal Writing Programs

This panel, moderated by Sue Liemer, described a variety of approaches to designing upper-level legal writing courses and how those approaches relate to the recently-revised ABA standards regarding experiential learning.

Helen Anderson, Kathy McGinnis, Ben Halasz, and William Bailey, all from the University of Washington, described several courses at their school, all of those courses reflecting a variety of specific pedagogical choices. Some faculty teach simulation courses that teach advocacy and other skills and stimulate students' creativity and problem-solving, and those courses tend to use the experiential learning model. However, others teach courses that are deliberately non-experiential in order to better focus on writing

and revision skills applicable to writing for a wide variety of audiences.

The second group of panelists described the benefits and challenges of their collaborations between doctrinal, legal writing and clinical faculty. These collaborations involved creation of co-taught simulation courses and incorporating practical writing into doctrinal classes. These panelists were Lauren Jansen Simpson (University of Houston Law Center), Jessica Mantel (University of Houston), Deborah Cupples (University of Florida Levin College of Law), Jon Mills (University of Florida Levin College of Law).

Then Lisa Wood and Timothy Duff (Case Western Reserve Law School) described a pair of 2L legal writing courses, one focused on litigation and one on transactional practice.

Students at Case Western are required to elect one or the other of the two courses as part of the school's required integrated writing, experiential, and skills-based curriculum. Both courses combine substantive, writing, experiential, and skills-based components, and the panelists offered lessons learned from implementing these courses.

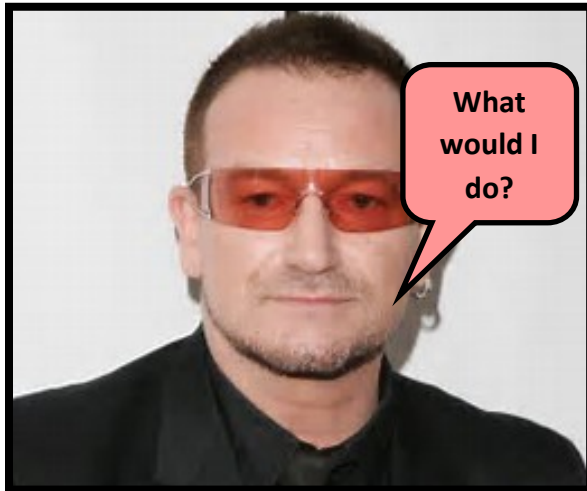
Tara Casey (University of Richmond Law School) wrapped up the panel by describing an upper-division writing elective focused on public policy drafting, serving students whose interests lie outside litigation or transactional areas. Casey described the opportunities this course provided for students to expand their research and analytical skills. The course also connected students with the broader legal community.

**Experiential** [ɪk-spiˈrɪ-ən(t)SH(ə)l], adjective:  
relating to, derived from, or providing experience



## LWRR PROGRAM SUMMARY

### What Would Bono Do?: Igniting Interpersonal Respect, Cross-Cultural Empathy, and Global Inclusion through Legal Writing Teaching



This interactive panel explored ways to make our classrooms more welcoming and effective for our students, particularly students of color, LGBTQ students, and students with disabilities.

Heidi Brown (Brooklyn) kicked off the session by explaining how and why the singer Bono from U2 inspires her and embodies respect, empathy, and inclusion. Gabriel Arkles (Northeastern University) then discussed four categories of anti-oppressive education, including education about marginalized communities and teaching that is critical of the process of marginali-

zation. This panelist offered several strategies for anti-oppressive education, including using out-of-class materials, setting up classroom norms and expectations, and structuring conversations to achieve specific learning goals.

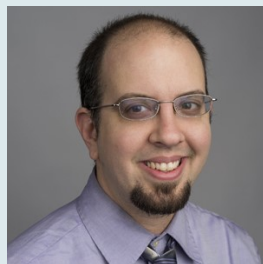
Suzanne Rowe (University of Oregon) addressed learning disabilities. She encouraged faculty to be aware of indicators of disabilities, to engage students positively, and to work with accommodation offices about assignment design and process. She stressed that choices to benefit students with disabilities, such as giving assignments the night before class, can be helpful for all students.

Lynn Lu (CUNY) emphasized the importance of character, professional skills, and emotional intelligence. She offered tips for empathy development drawn from medical education, and she stressed the need to make sure our students can think like people as well as like lawyers.

And finally, Johanna K.P. Dennis (Northeastern University) focused on using narrative to open doors of inclusion. Her talk brought together narrative theory and classroom techniques for bringing client narratives and experiences into the legal writing classroom.



Heidi Brown



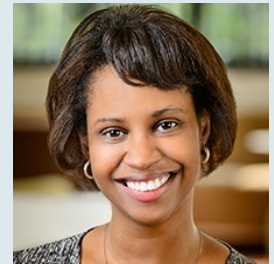
Gabriel Arkles



Suzanne Rowe



Lynn Lu



Johanna K.P. Dennis

## LWRR Micro-essays: Finding Joy

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more interaction with me, the students, and their work than if they only came to me during office hours for me to review their work. I am able to walk around, review their progress, and provide feedback while they are working. If I have well-prepared how I use our class time and carefully choose the in-class writing exercises, all of this class time brings me joy.

Last, I find joy in preparing for class in knowing the positive impact of my preparation. The better I communicate a concept and develop assignments for students to learn that concept, the more engaged stu-

**I feel fortunate every day to work in a career that is fulfilling and brings me such joy.**

dents will be. So a good bit of my joy is found in the outcome of preparation – seeing students engage in a writing activity, answering their questions during class, seeing the lightbulb go on when they understand what we are discussing, or even the greatest of joys, a compliment from a student after class! Some of the positive impact shows itself later, such as in seeing a student’s writing develop over the semester, comments on course evalua-

tions, or perhaps an upper-class student telling me how much my class helped with writing during a summer clerkship or writing a winning brief in a moot court competition. But while I am preparing for class, I can remember these positive outcomes of preparation and find joy in my work.

I feel fortunate everyday to work in a career that is fulfilling and brings me such joy. I find joy in preparing for class because, as with most things in life, the more I put into it, the more I will get out of it. Thus, I find joy in fitting the pieces of the class puzzle together knowing that class time will be more enjoyable and ultimately bring about more student success.

### *Finding Joy in the Latter Years of One’s Career*



Karin Mika, Cleveland-Marshall College of Law

Law professors are often knocked, and rightfully so, for being stuck in their own pasts, such as when they were in law school, or when they practiced (or clerked). This often leads to romanticizing the past in

terms of believing how the abilities of “today’s generation” have diminished in relation to yesteryear, as well as focusing on events that shaped their own lives without internalizing that these events are in the far distant past for today’s student (often occurring before our students were born).

**When I first began teaching, I did not need to find joy. Everything was a joy.**

It is difficult to find joy in a lengthy teaching career if one is of the constant belief that students are not as bright or dedicated as they once were, or as smart as we were when we were in law school. It is equally difficult to find joy when one insists on making no changes to classroom delivery and believes that whatever worked 30 years ago will work fine today. The failure to adapt to our own aging and rethink our connections to our students often turns what was once wonderful, youthful zeal into pure drudgery.

My progression has been no different than any other person who has spent nearly three decades in the classroom. When I first began teaching, I did not need to find joy. Everything was a joy. The fact that I

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## LWRR Micro-essays: Finding Joy

*(Continued from page 12)*

was hired and issued my first stapler (which I still use) was a joy. I came in at 7:30 every morning, and thought and re-thought every which way I might teach every aspect of Legal Writing. I revamped research problems continuously, and made up new exercises individual to what we were working on. I developed four or five varied research problems per class so the books in the library would not be overused. I attended every single law school event, sought out my students in the hallway just to connect with them, and complained about the older faculty members who were cynical about every aspect of the law school and our students.

Of course, fifteen years into my career, I could understand why the older faculty looked so haggard and were so cynical. Going into at least my third administrative “investigation” of the Legal Writing Department, and having graded thousands upon thousands of pages of briefs and memos that really never seemed to get that much better from my input, I truly began to wonder who that person was who had thought this was such a great career option. The students who I considered “friends” really did not stay in touch socially after graduation, and my creativity in terms of my classroom curriculum came back to haunt me as students com-

plained about unevenness. Like many who came before me, my reaction was to become less approachable and to adopt the mindset that I knew best, and what I was doing was good for the students ... right down to the outdated references I thought all serious students should know.

**Thus, my key to finding joy in the latter years of my career has been reassessing my own reality about who I am.**

Fortunately, I recognized that my unhappiness was not curable by continuing to do the same things and reminisce about the good ol’ days. Even if the students had changed in some ways, they were not the biggest change in my career. I was. I was older, much older. My career had taken me from an age contemporary of my students to having more in common with my students’ parents. I couldn’t teach in the same way that I had always taught because I was not the same person. Things I might have said or done in my twenties to connect with students had turned into inappropriate, if not outright creepy, behavior if I considered them appropriate in my fifties. I also now knew much more about pretty much everything. As a result, I had drifted into seeing

papers as things to correct (always with something wrong) as opposed to what they were: a building block in the infancy of the student’s legal education that required me to help the student on to the next block, not tear apart the first one.

Two other factors went along with my personality re-assessment. The first, was that I simply could not be as creative and “quick” as I had been two decades ago. I had a hard time remembering what I had named the individuals in one problem, let alone five problems. I also found that, after being lauded as a tech guru, I could no longer learn and retain knowledge about the newest tech available. Instead of, for instance, insisting on teaching the computer research databases as I had always done in the past, I handed that aspect of the course to someone who now actually knew what she was doing. I looked for other ways to relinquish the “control” over my classroom that I had held on to so firmly for so long. I delegated the grading of shorter assignments to my Teaching Assistants (whose zeal for writing comments far exceeded mine), and no longer felt the need to intercede when I saw a student asking a question of my TA rather than me.

Thus, my key to finding joy in the latter years of my career has been reassessing my own reality about who I am. I have embraced my role as what I hope is “cool mom.” I am

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## Teresa Godwin Phelps Scholarship Award

**Award Criteria:** This award honors and draws attention to individual works of outstanding scholarship specific to the legal writing discipline that are published in any given calendar year. The award is meant to set aspirational standards for others writing in the field.

In making an award, the selection committee and the LWI Board will focus solely on whether an individual work is specific to the discipline of legal writing and on whether it makes an outstanding contribution to the discipline. Neither the selection committee nor the Board will take into account long-term contributions to the field or contributions in service, program design, teaching, or improving status for the legal writing field. The selection committee may recommend and the Board may give more than one award for any given year.

**Eligible works:** Published articles and books are eligible for the award. To be eligible for an award made for any given calendar year, the work must be nominated for the award, and the work must have been published in its final form in that calendar year.

Anyone, except a member of the selection committee in that year or author of the nominated work, may nominate a work for consideration by the selection committee. Nominations must be in writing, briefly summarize the reasons for the nomination, include a copy of or link to the work, and must be received by the deadline for nominations. Nomination deadlines and contact information for that year's selection committee will be posted on the LWI website.

The publication date assigned by the publisher determines eligibility regardless of whether the work is actually available on that date. If the final form of the work is not actually available to the public in the year of its official publication date with the result that a nomination is untimely or the selection committee lacks time to consider the work before making award(s) for that year, the selection committee may exercise discretion to evaluate the work and recommend an award for the subsequent year even though its official publication date was in the previous year.

*Examples:*

1. A draft of an article is posted on SSRN in October 2016 and the final form of the article is published in print by a law review. The review's issue is dated February 2017. The article is eligible for consideration for an award for the year of 2017.
2. A law review distributes a print issue in February 2017, but the official publication date of that issue is December 2016. An article in that issue was published in final form online in 2016. In this instance, the article is eligible for an award either in 2016 or in 2017, but not in both. The selection committee may review the article for a 2016 award, if time permits. If not, the selection committee may consider it for a 2017 award.

**Eligible authors:** Any person, except a member of the selection committee in a given award year, is eligible to win the award. The author's faculty status, level of experience, or area(s) of teaching will not be taken into account.

**Annual Nomination Deadline and Process:** For works published in 2016, the nomination deadline is June 30, 2017. The LWI Board plans to announce the award(s) winners by September 30, 2017. Send nominations to Kate George, administrative assistant to Ian Gallacher, the secretary of the 2016 selection committee, at [kageorge@law.syr.edu](mailto:kageorge@law.syr.edu).

Nominations must be in writing, briefly summarize the reasons for the nomination, provide a copy of or link to the nominated work, and must be received by the deadline for nominations. The committee will not accept nominations by the author of the nominated work or by any member of the committee in that year.

**Questions:** Please contact Kate O'Neill, Chair of the 2016 selection committee, at [kateon@uw.edu](mailto:kateon@uw.edu).

## LWRR Micro-essays: Finding Joy

(Continued from page 13)

capable of being chastising when necessary, but am always ready to dust off my students and tell them they are doing just fine for learning a new skill. I freely admit my mistakes when they occur and tell the students repeatedly that before long, they will be better at today's practice of law than I currently am or will ever be. I tell them that they are living in a tougher world than I lived in when I was going to law school, and I forgive them when they don't remember anything at all about what we talked about last week because too many times, I can't remember what we talked about last week.

I also have put less pressure on myself to "do" as I did 25 years ago. I give myself a break when I can't finish grading on the timeline I set for myself, and I no longer push myself to do more when my brain really isn't capable. (The task you do at 2 a.m. never turns out well anyway.) I also ask for more help for things

**I am blessed to have the most rewarding job in the world.**

that I just don't know as well anymore, such as the nuances of electronic databases, and information about the modern day court docketing system. Overall, the key to sus-

tained joy over a lengthy career is to recognize what you do well, and keep on doing it, and turn over control of things you no longer do well, or things that the passage of time has eliminated from what was once your field of expertise. Although it's easy for us to picture ourselves as the people who we were decades ago, and that none of the important things about life have changed, they have. The joy that one has in teaching will rarely occur because of outside circumstances, but occurs only from making peace with the changes that occur with the passage of time.

### *Finding Joy*



Abigail L. Perdue, Wake Forest University School of Law

I am blessed to have the most rewarding job in the world. Every day I interact with the attorneys-in-progress who will shape tomorrow. We discuss, debate, analyze, and problem-solve, and in the end, I often learn more from my incredible students than I could ever hope to teach. I find joy in my career by consistently reminding myself that each capable, ethical, and honorable attorney I produce will make a positive impact in the lives of countless

others. I treasure every thank you note I receive from grateful students, and on difficult days, pore through them, reflecting on the wise words of Ralph Waldo Emerson: "To know even one life has breathed easier because you have lived. This is to have succeeded." I

**To find joy in commenting, I had to think about how to make it feel like something.**

feel tremendous joy knowing that my efforts will ease the launch of my students' professional lives, facilitating their success. And at the end of each semester, I ask my students to compare their first assignment with their last. For most, the results are dramatic and showcase the remarkable progress they have made throughout the year. In our final class, I always aim to share profound farewell remarks with my students, to thank them for their dedication, and to leave them with lasting words of wisdom. But during the course of our ensuing discussion, I am often too moved to deliver my remarks without shedding a tear because the truth is that the single most important way that I find joy in my career is by falling in love with my craft and my students again and again. I begin each fall with a fresh perspective, eager heart, and open mind, brimming with optimism about the promise and poten-

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## LWRR Essays: Finding Joy

(Continued from page 15)

tial of my new students. And every spring, I send them off with mixed emotions like a proud mama bear, sad to see them go but so incredibly hopeful about the amazing things they will do with their lives.

### *Finding Joy In Commenting*



Rachel H. Smith, St. John's University School of Law

Commenting can be such a slog. So many papers. So many mistakes. So many sentences that read like the words were assembled from those magnetic poetry kits that everyone had on their fridge in college. Even the exceptionally good papers can feel like a burden, like something to get through. And for me, in my low moments, each disappointing paper can feel like a judgment: you didn't teach this well enough; you aren't getting through to them; you should have done more.

One of the worst moments in commenting for me would come at the end of a paper, when it was time to insert a summary comment. After somehow making it

through the whole document, it felt cruel to have to find something positive and useful to say in more general terms. I felt like I had already given the paper everything I had. The well was dry.

But I understood that those summary comments are extremely meaningful to students. They need them. And they read them (which I am not sure is true of the other comments in the paper). So I knew that I had to find a way to not loathe writing them.

I am a firm believer in Mary Poppins' "spoonful of sugar" philosophy: "For every job that must be done, there is an element of fun. You find the fun and snap! The job's a game." To find joy in commenting, I had to think about how to make it feel like something I like doing, and I then came to an obvious conclusion.

I realized that I always format my summary comments on student papers like an old-fashioned letter or email. The comments begin: "Dear Student So-and-So." And they conclude: "Please let me know if you have any questions. Warm regards, Prof. Smith."

And while I don't write many letters these days, I love writing emails—the long ones that we write to people whom we don't get to see that often. I still write many-paragraphs-long emails to old friends and penpals the way I did in the 1990s when email was *really* exciting. I can look back through my Gmail and

find email chains spanning years. These emails are so specific to when they were written and include incredible details about my life. I can remember revising and editing them to sound just right, to be both mundane and profound, enlightening and lighthearted.

But in their style and substance, my comments weren't like these emails at all. They weren't like any email any human being has ever wanted to read. They were the most boring kind of email you can imagine—like one from your property management company regarding updates to the building's recycling procedures ("please break down your boxes; please rinse your cartons and cans; can someone please stop trying to recycle styrofoam"). These comments I was writing to my students didn't have my voice. They didn't try to be witty, or kind, or humane. They were straightforward and practical and deathly boring.

So I started to make these summary comments into real emails to my students. And I just wrote what I felt after reading each paper. Things like:

Dear Daniel,

As I read this, I couldn't square it with the way you seem to be so engaged in class. I remember talking about how the statement of facts in a persuasive document has to be persuasive. And you were there. Nodding along. Taking notes. But

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*Finding Joy*

*Finding Joy*

*Finding Joy*



## LWI CALL FOR PROPOSALS



# BACK TO SCHOOL

## JOIN US AT MARQUETTE UNIVERSITY

### 18<sup>th</sup> Biennial LWI Conference | Milwaukee, Wisconsin

### July 11–14, 2018



LegalWriting  
Institute

The Program Committee for the 18th Biennial Conference of the Legal Writing Institute invites proposals through **Monday, June 12, 2017**.

The theme of the conference is "Back to School," which captures our excitement about returning to a law school setting for the first time in a decade. It also represents that moment of anticipation and transition when students return to school at the beginning of a new year to reflect, set new goals, and commit to achieve them.

While we hope to inspire you with the "Back to School" theme, the Program Committee welcomes proposals on *any* subject of interest to the legal writing community. Relatedly, the Committee believes that a rich and compelling program showcases a variety of voices. With that in mind, we especially encourage submissions from those who are new to our community or who may not often present at this Biennial or other conferences. Mentoring is available to those who would like guidance on preparing a proposal, presenting, or both.

The Call for Proposals, which provides details on the submission process, is located on the LWI website at <https://www.lwionline.org/conferences/2018-lwi-biennial-conference>. A link to the online submission form is also available on the LWI website. To submit a proposal, you will need to create a Cvent log-on and password. When you submit, you will be prompted to include the specific information set forth in the Call for Proposals.

If you have any questions, please contact Erin Carroll (Georgetown) at [Erin.Carroll@law.georgetown.edu](mailto:Erin.Carroll@law.georgetown.edu) or Wendy-Adele Humphrey (Texas Tech) at [wendy.humphrey@ttu.edu](mailto:wendy.humphrey@ttu.edu).

## LWRR Essays: Finding Joy

*(Continued from page 15)*

then the statement of facts here is so lifeless. A total snooze. It isn't persuasive at all. . . .

Dear Jennifer,

Hmmm. A lot goes right here. I was especially pleased to see that the idea we discussed in our conference about how to weave the theme of the facts being undisputed throughout the argument really pays off. It's great! It makes the motion more cohesive and persuasive. And yet, the proofreading and citations are still atrocious. That's just not how it works in the real world. You can't count on the court to appreciate your thoughtful arguments if they are presented in a way that seems so higgledy-piggledy. . . .

Dear Ryan,

WOO! YOU MADE A QUANTUM LEAP HERE! . . . .

Dear Samantha,

**The joy in teaching legal writing for me, and probably for all of us, comes from connecting with students.**

ACK. What happened? . . . .

Some are ecstatic. Some are disappointed. Some are just confused. And eventually, these messages get to the same workmanlike advice that I was providing before. I give concrete suggestions for how to im-

prove. I point the students to the pages of the textbook or Bluebook they need to review. And I offer to meet with them to answer questions. But writing these comments feels totally unlike the rote messages that were killing my soul at the end of every paper. It doesn't feel so hard. It feels fun and easy—even joyful.

I know there is nothing earth shattering here. The joy in teaching legal writing for me, and probably for all of us, comes from connecting with students. So writing comments to my students that acknowledge our connection as real human beings feels way better than writing comments that didn't. By starting my comments with something that feels true and alive and a little less processed, I have found a joy in commenting that wasn't there before.



### ALWD SCHOLARS FORUM

Following the Rocky Mountain Legal Writing Conference in March 2017, the Sandra Day O'Connor College of Law at Arizona State University hosted an ALWD Scholars Forum. Terry Pollman facilitated discussions, and the participants were Linda Anderson (Stetson University College of Law), Leslie Culver (California Western School of Law), Rachel Stabler (University of Miami School of Law), and Carolyn Williams (Arizona State University Sandra Day O'Connor College of Law).

In the morning, the Forum included an excellent panel discussion about scholarship, which was open to anyone who attended the Rocky Mountain Legal Writing Conference. The speakers were Terry Pollman, Kim Holst, and

Sue Chesler. Many thanks to all of the participants and to ALWD for funding this wonderful event!



## The Association of American Law Schools

*Advancing Excellence in Legal Education*

### *Call for LWRR Section Award Nominations*

The 2018 Legal Writing, Reasoning, and Research Section Award will be presented at the Annual Meeting in San Diego. Nominations should be sent by October 1, 2017, to Professor Mark E. Wojcik, The John Marshall Law School, 315 S. Plymouth Court, Chicago, IL 60604. Email: [mwojcik@jmls.edu](mailto:mwojcik@jmls.edu). There is no particular nomination form required to nominate someone. A simple letter or email message naming the person and describing some of his or her contributions is enough. Nominations are carried over to subsequent years, so if you nominated someone for last year that person will be considered for the 2018 award. The Awards Committee looks forward to receiving your nominations!

# Acknowledging Lines

**2017 Biennial Conference**  
University of Minnesota Law School  
July 19-21, 2017

**Talking About What Unites and Divides Us**

<http://alwd.umn.edu/>

**ALWD**  
Association of Legal Writing Directors

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 Mary Algero (Loyola NOLA)  
 Lurene Contento (John Marshall)  
 Leslie Culver (California Western)  
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 Shalini George (Suffolk)  
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### **Awards**

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The Officers and Executive Committee Members of the LWRR Section want to acknowledge our members who are serving on committees. The Section's business would not get accomplished without their hard work. And to all LWRR section members, please consider joining a committee for 2018.

*Thank you!*

## LWRR Section Leadership

### Officers



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*We appreciate the opportunity to serve you during 2017.*

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### ***Disclaimer***

This newsletter and related website are forums for the exchange of points of view. Opinions expressed here or on the website are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools.

### ***Contribute***

Did you know that we get most of our information for the newsletter from you? Please keep a record of photos, articles, or news about publications, conferences, moves, or promotions for the next issue. Later this year our Secretary will be seeking submissions!



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