

and Cara Cunningham Warren, developed an exceptional slate of programs for the 2022 AALS Virtual Annual Meeting. The main program will address the theme of Pursuing the Common Good in Fractured Communities: Rethinking Legal Practice and Pedagogy. Co-sponsored by the Professional Responsibility Section, this program aptly focuses on the prevalent issues surrounding professional identity and teaching in highly polarized times, as well as on ideas that will help heal the fractures and move us forward. I encourage you to submit a proposal, especially if you are newer to the academy or bring a perspective that would enrich the conversation. (Deadline is May 26.)

This year's scholarship program, Contemporary Scholarly Methods & Works-in-Progress in Legal Communication, will feature a new format that includes an expert panel on the variety of methods used in legal communication scholarship, as well as a newer scholars' works-in-progress session. This program, co-sponsored by the Scholarship Section, will be an excellent learning opportunity whether you are an experienced scholar or new to the endeavor. (Deadline is August 27.)

Next, our Diversity Committee, chaired by Margaret Hahn-Dupont and Adam Eckart, has worked hard to plan a special AALS webinar in collaboration with the Academic Support Section on Ensuring Equality in Legal Academia: Strategies to Dismantle Caste, a theme boldly highlighted by Dean Darby Dickerson during her recent tenure as AALS President. Dean Dickerson, joined by a panel of law deans, will moderate a discussion that examines the equality gap within the legal academy, especially in the context of law schools facing ongoing challenges, and explores potential solutions. This webinar, scheduled for Monday, May 10, is a conversation that should interest every member of the academy.

As a national community of legal writing faculty, we have an opportunity to shape the discourse on fundamental issues of equality and justice within and outside the legal academy, and to play a meaningful role in advancing the common good. I look forward to the inspired ideas that I know this community will contribute.

Best wishes for a restorative summer,

Rosa Kim, Chair



Institute for Law Teaching and Learning Summer Conference

June 10 - 11 (virtual)

The future of legal education has arrived, with more and more law schools moving toward teaching part or all of their J.D. program online. The circumstances of the last year have drawn that future into closer focus and allowed nearly all law professors to explore some version of online teaching. We want to harness the momentum of the online learning curve so we can continue to improve our teaching, whether online, hybrid, or in person. To that end, conference presentations will offer suggestions for course design, assessment, engagement, and pedagogy. But they will also include conversations about what to take forward in our classes, regardless of the mode of instruction, as we move into whatever the future holds.

Attendance is free, but registration is required.

ANNOUNCING

Cassandra Hill

AALS LWRR Section Award Winner

Congratulations to Cassandra Hill, Dean and Professor of Law at Northern Illinois University College of Law in Dekalb, Illinois, who has been selected as the recipient of the 2021 Association of American Law Schools Section Award for the Section on Legal Writing, Reasoning, and Research. This prestigious award recognizes Dean Hill for her significant contributions to the field of legal research and writing. The award was created in 1995 and conferred for the first time at the 1996 AALS Annual Meeting. It has sometimes been described as a “Lifetime Achievement Award in Legal Writing Education.”

Dean Hill graduated first in her class from Howard Law School in 1997. She then clerked for a federal district court judge and worked for five years at a major law firm, specializing in ERISA and employee benefits. She began her academic career teaching at UCLA School of Law, where she was a lecturer for four years. From there, she moved to Texas Southern University Thurgood Marshall School of Law, beginning as director of the legal writing program and holding that position for eight years. She served as associate dean for research and faculty development, during which time she created a faculty research exchange among HBCU law schools. Dean Hill received tenure in 2014, and ultimately became the

associate dean of academic affairs. In July 2020, she became the first African American woman from the legal writing community to be appointed a law school dean. As a tenured Professor of Law, Dean Hill has paved the way for countless other professors who teach legal writing, who desire security of position in our discipline, or who obtain leadership positions in the legal writing community.

Throughout her career, Dean Hill has held important leadership positions within the legal writing community. She was the first African American board member of the Legal Writing Institute, elected in 2014 and reelected in 2018. She served on the editorial board of LWI’s Monograph Series for four years, 2012-2016, including as the managing editor. Dean Hill has served on site teams for the ABA and currently serves as chair for the ABA’s Section of Legal Education and Admissions to the Bar Conferences and Programming Committee.

Dean Hill is an engaged scholar, producing books and articles on legal analysis, legal citation, pedagogy, and outcomes and assessments. The second edition of her book *Legal Analysis: 100 Exercises for Mastery* was published by LexisNexis in 2017 and used at more than 25 law schools.

Aside from her substantive work, Dean Hill is known among her colleagues for her patience, kindness, and guidance of aspiring, new, and more seasoned legal writing teachers on teaching strategies, scholarship, and life in general. She has a relentless work ethic and does not permit obstacles to stop her from achieving her goals. She is also beloved by her students, who commend her for demanding excellence in her courses.

The award recipient is selected from nominations submitted to the Section. The 2021 AALS Awards Committee was comprised of co-chairs Ken Swift (Houston) and Dana Hill (Northwestern) and members Heather Baxter (Nova Southeastern), DeLeith Gossett (Texas Tech), Lucy Jewel (Tennessee), Dyane O’Leary (Suffolk), Pamela Saindon (UIC John Marshall), Susie Salmon (Arizona), Michelle Zakarin (Touro).



ANNOUNCING

Teri a. McMurtry-Chub

Thomas F. Blackwell Memorial Award for Outstanding Achievement in the Field of Legal Writing

The Association of Legal Writing Directors and the Legal Writing Institute selected Teri A. McMurtry-Chub as the winner of the 2021 Thomas F. Blackwell Memorial Award for Outstanding Achievement in the Field of Legal Writing. Professor Chub is a Professor of Law at UIC-John Marshall Law School. She researches, teaches, and writes in the areas of critical rhetoric, discourse and genre analysis, and legal history. She has lectured nationally on structural discrimination in educational institutions and the workplace and is a leader in designing curricula to facilitate diversity, equity, and inclusion efforts. She is a past president of ALWD and has served as a mentor for countless members of the legal research and writing community. She is the author of several books, book chapters, and articles. She is a past recipient of the LWI Phelps Award for Scholarship in Legal Communication.



This distinguished award is presented annually to a person who has made an outstanding contribution 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.

Without a doubt, Professor Chub exemplifies these qualities in several important ways. When nominated, Professor Chub was described as “a leader, a thinker, a writer and a teacher extraordinaire. She has done everything . . . to bring up younger teachers and scholars and her powerful positivity lit the way for many professors of color in our field.”



THE BIENNIAL
**Empire State
Legal Writing
Conference**

Thursday, May 13 and
Friday, May 14, 2021



Ensuring Equality in Legal Academia

Strategies to Dismantle Caste

Together with the AALS Section on Academic Support, the Diversity Committee of the LWRR Section is co-hosting a panel presentation webinar exploring the caste system in legal education recently highlighted by Dean Darby Dickerson (UIC John Marshall Law School) during her tenure as AALS President and memorialized in her article "Abolish the Academic Caste System."

The caste system is a pernicious, but largely

and other non-tenure track faculty do not get proper recognition or fair compensation for their many contributions, which inflicts harm on academic programs and law schools as a whole.

Deans Michael Barry (South Texas College of Law), Danielle Conway (Penn State Dickinson), Larry Cunningham (Charleston), Susan Duncan (Mississippi), and Michael Hunter Schwartz (McGeorge School of Law, University of the Pacific)



neglected, dynamic in legal academia. As Dean Dickerson noted in her article, most, if not all, law schools maintain a caste system, with legal skills, academic support, and clinical faculty on the bottom rungs. Exacerbating the problem is that these faculty members are largely women and persons of color, who do the lion's share of work involving student interaction but are provided the least in terms of pay, job security, and respect. The caste system in legal academia, like all caste systems, assigns value to certain members of the profession while devaluing others. Thus, many legal skills, academic support,

will join moderator Dean Dickerson to discuss the detrimental impacts of such a caste system and potential solutions to the problem, with a particular focus on legal writing and academic support professors. The panel will address how law schools and others can mobilize institutional support for skills professors, capture the value-add that skills professors bring to legal education, open up pathways to tenure, and minimize inequities. As members of a profession that is dedicated to serving justice, eliminating the caste system is more than a matter of expedience. It is a moral imperative.

Announcing the Relaunch of the AALS LWRR Diversity Mentorship Program



pay it forward

The LWRR Diversity Committee is revamping its Diversity Mentorship Program and we're looking for seasoned legal skills professors (5+ years experience) to serve as mentors. The purpose of the Diversity Mentorship program is to provide support and guidance to skills faculty who are from backgrounds that are underrepresented in the profession. Mentors may provide assistance with teaching strategies and techniques; help navigate junior professors' scholarship and professional development by sharing resources and providing feedback; guide mentees through bureaucratic processes, including steps for career advancement; and create a safe environment that encourages mentees to share vulnerabilities if they so choose.

Mentors can sign up using this [Google form](#). The deadline for mentor sign-up is June 4, 2021.

We will send out a notice to all legal skills faculty in early August to encourage newer professors to participate as mentees. The Diversity Committee will be holding a virtual kick-off event in the fall so that mentors and mentees can meet in groups for introductions and discussion.

If there is anything that this difficult past year has taught us, it's that we are so much better and can do so much more together rather than alone. Many of us in the LWRR community have benefitted from the support and assistance of other professors as we made our way into the legal academy. This is a perfect way to pay it forward! We hope you will join us.

**MARGARET HAHN-DUPORE & ADAM ECKART
CO-CHAIRS
AALS LWRR DIVERSITY COMMITTEE**

Call for Nominations

2022 AALS Section on Legal Writing, Reasoning, and Research Award

The AALS Awards Committee is kicking off its search for nominations for our 2022 Section Award. This prestigious award recognizes individuals who have made a significant lifetime contribution to the field of legal writing and research.

Nomination deadline is Friday, August 13, 2021.

We strongly encourage nominations that will enhance the richness and diversity of the legal writing community, including nominations of people of color, women, and members of other traditionally underrepresented groups. We'd welcome a thorough

and thoughtful nomination letter explaining the ways in which the nominee has contributed to the field of legal writing and research; a link to a bio or CV is helpful. Send nominations to committee co-chairs Michelle Zakarin, mzakarin@tourolaw.edu and Dyane O'Leary, dloleary2@suffolk.edu

The 2022 AALS Section Award will be presented at the Section Luncheon during the 2022 AALS Annual Meeting.



Past Winners

2021 – Dean Cassandra Hill (N. Illinois)
2020 – Grace Tonner (UC-Irvine)
2019 – Charles Calleros (Arizona State)
2018 – Darby Dickerson (John Marshall–Chicago)
2017 – Linda Berger (UNLV)
2016 – Suzanne Rowe (Oregon)
2015 – Mark E. Wojcik (John Marshall–Chicago)
2014 – Jan Levine (Duquesne)
2013 – Terrill Pollman (UNLV) and
– Jill Ramsfield (Hawaii)
2012 – Susan Brody (John Marshall–Chicago) and
– Mary Barnard Ray (Wisconsin)
2011 – Elizabeth Fajans (Brooklyn)

2010 – Joe Kimble (Thomas Cooley)
2009 – Richard K. Neumann, Jr. (Hofstra)
2008 – Eric Easton (Baltimore)
2007 – Anne Enquist (Seattle)
2006 – Terri LeClercq (Texas)
2005 – Marilyn Walter (Brooklyn)
2003 – Laurel Currie Oates (Seattle)
2002 – Helene Shapo (Northwestern)
1997 – Ralph Brill (Chicago-Kent)
1996 – Mary Lawrence (Oregon)



Call for Proposals

PURSUING THE COMMON GOOD IN FRACTURED LEGAL COMMUNITIES: RETHINKING LEGAL PRACTICE AND PEDAGOGY

Sponsored by the AALS Section on Legal Writing, Reasoning, and Research
Co-Sponsored by the AALS Section on Professional Responsibility

The Section on Legal Writing, Reasoning, and Research seeks proposals for a program during the AALS Annual Meeting scheduled for January 5–9, 2022. The meeting will be held virtually. In connection with the theme of the Annual Meeting—Freedom, Equality, and the Common Good—the LWRR Program Committee seeks presenters for a program titled Pursuing the Common Good in Fractured Communities: Rethinking Legal Practice and Pedagogy. This session will be co-sponsored by the AALS Section on Professional Responsibility.

Proposals should address concepts surrounding the common good and what inequities the pandemic has revealed about legal education and lawyering. The Committee wishes to recognize that we are still in the midst of a very particular moment and wants to host a main program that will offer presenters and attendees an opportunity to discuss some of the difficult questions

Proposal Instructions

The Committee welcomes submissions from pre-assembled panels that propose to fill the entire one hour and forty-five minutes as well as submissions from presenters who propose to use only a portion of that time. The Committee encourages participation by faculty of different experience levels and who teach within different disciplines. Additionally, the Committee will give preference to presentations with an interactive component—such as breaking into small discussion groups or presenters leading a discussion with the audience. Alternative formats may also be considered, such as a panel of presentations with Q and A following. Selected presenters will work closely with a moderator to prepare the program to ensure cohesion among presenters.

Proposals should contain the following information:



Annual Meeting 2022

that the pandemic has brought to the fore. Such topics may include professional identity (defined broadly, including the ABA's proposed curricular requirement¹ as well as concerns about status and equity within the legal academy laid bare by the pandemic), the responsibility to engage difficult conversations in the classroom and beyond, teaching through crisis or trauma, and training lawyers to be ethical practitioners and leaders. The program has been allotted one hour and forty-five minutes.

- The name, contact, and biographical information for each proposed presenter, including designation of the primary contact person;
- A proposed title for your presentation;
- A detailed description of your presentation, including content and format and how much time you think you will need; and
- A brief bibliography of materials relevant to your program topic.

The deadline for proposals is 11:59 p.m. on May 26, 2021. Submit your proposal to Abby Patthoff, patthoff@chapman.edu. Use Microsoft Word. Do not use a PDF.

Scholarship Call for Proposals

Sponsored by the AALS Section on Legal Writing, Reasoning, and Research
Co-Sponsored by the AALS Section on Scholarship

Contemporary Scholarly Methods and Works-in-Progress in Legal Communication

The AALS sections on Legal Writing, Reasoning, and Research and Scholarship seek two categories of participants for a scholarly methods and works-in-progress virtual session during the 2022 AALS Annual Meeting:

- **specialists** in scholarly methods related to legal communication (e.g., rhetorical analysis, empirical approaches, interdisciplinary perspectives, methods focused on narrative and storytelling), and
- **newer scholars** who will present and receive feedback on a work-in-progress.

The deadline is August 27, 2021, which we hope will provide encouragement and motivation for summer work.

Part I of this session will be approximately 45 minutes and is geared toward both established and aspiring legal communication scholars. During this segment, specialists will help us understand what scholarly methods are currently being used and how we might use these approaches to enhance our scholarship.

Part II of this session also will be approximately 45 minutes. In breakout rooms, three newer scholars who have been selected through the competitive process described below will present their works-in-progress. Each scholar will have 10-12 minutes to present, and the remainder of the second segment will involve participants posing questions and sharing feedback with the newer scholar.

Part III of the session will be approximately 15 minutes. The groups will reconvene, discuss their work in the breakout rooms, draw on the collective wisdom of the larger group, and address any remaining questions.

Specialist Presentation Proposals

The Committee seeks presentation proposals from specialists who will lead Part I. A proposal might consist of a panel of several presenters who will discuss

different scholarly methods. Or an individual presenter might propose to speak about one particular scholarly method, which the Committee could incorporate into a larger panel presentation. Specialist proposals should include:

- The name, contact, and biographical information for each proposed presenter, including the primary contact person;
- A detailed description of the proposed presentation including the method or methods;
- A brief bibliography of materials relevant to the proposed presentation.

Newer Scholar Works-in-Progress Application

The Committee seeks applications from newer scholars who will present their works-in-progress during Part II of the session. A “newer scholar” is anyone who teaches legal writing and has been in the legal academy for seven years or fewer, or anyone who teaches legal writing who within the last seven years has moved into a position or had their position converted to one that requires publication.

A newer scholar’s work can focus on any topic, use any method, involve any level of controversy, and be suitable for publication in any scholarly journal. The work should be beyond the idea stage but otherwise, for purposes of the application, the Committee will consider works in a variety of stages of progress—from outline to full draft. If accepted into the Works-in-Progress session, the newer scholar should plan to have a substantial draft completed by no later than one week before the AALS session. Newer scholar applications should include the following information:

- the author’s name, contact information, biographical sketch, and years teaching in the legal academy (and, if applicable, years in position that requires publication);
- an abstract of the article;

- the current outline or draft of the article;
- the scholarship methodology used or envisioned;
- confirmation that the author will submit an updated, substantial draft of their work one week before the Works-in-Progress session;
- any special circumstances that would be helpful for the Committee to consider.
- Newer scholar applicants are asked to self-anonymize their abstract, outline/draft to the extent possible.

SUBMISSION INFORMATION

- Applications are due by **11:59 p.m. Eastern time on Friday, August 27, 2021.**
- Submit your application by email to Abby Patthoff, patthoff@chapman.edu
- Include “Scholarly Methods & Works-In-Progress Session” in your subject line.
- Do not use PDF.

Selection Process

The LWRR Program Committee will remove identifying information from each application before Committee review, but may consider the applicant’s background or circumstances in making its final selections. Please contact us if you have any questions. We look forward to receiving your submissions.

Abby Patthoff and Cara Cunningham Warren
Co-Chairs, Program Committee

patthoff@chapman.edu
cunnincl@udmercy.edu

What is a substantial draft?

A “substantial draft” means that the author has a fully developed thesis, primary supporting analysis and research, and conclusion. The draft may still require further research and footnote development and overall proofreading.



Section on Legal Writing, Reasoning, and Research - New Scholars Showcase

2021 Highlights

from the first-ever AALS virtual annual meeting

The Power of Words

AALS 2021 RECAP

The Primary Program, *The Future Has Arrived: The Impact of Artificial Intelligence on Legal Writing and Research*, was a one-hour and 45-minute joint program with the Section on Technology, Law and Legal Education. The program was moderated by Tim Duff (Suffolk) and Emily Janowski-Haehlen (Akron). Dyane O’Leary (Suffolk), Joseph Regalia (UNLV), and Drew Simshaw (Gonzaga) presented. In this program, the presenters focused on demystifying the idea of “AI” in the legal research and writing curriculum by laying out a framework for how it can be introduced. Each of the three presenters focused on one of three areas: writing, research, and electronic discovery. The program explored AI generally as well as specific technologies that have the potential to revolutionize the practice of law.

The Newer Scholars Showcase was moderated by Abby Patthoff (Chapman) and featured the work of

three dedicated authors. Adam Eckart (Suffolk) presented *Deal Me In: Leveraging Pedagogy to Integrate Transactional Skills into the First Year Legal Research and Writing Curriculum*, which was published in the *UC Davis Business Law Journal*. Maria Termini (Brooklyn) presented a work-in-progress: *Clear Thinking and Effective Writing: Lessons from Mathematics for the Legal Writing Classroom*. And Danielle Tully (Northeastern) presented *The Cultural (Re)Turn: The Case for Teaching Culturally Responsive Lawyering*, which was published in the *Stanford Journal of Civil Rights and Civil Liberties*.

The 2021 meeting was the first AALS Annual Meeting to be held online. The presenters and the attendees gamely handled the new format. Indeed, attendance at the LWRR Section programming was more robust than ever!



8th Applied Legal Storytelling Conference

July 14-16, 2021 | Mercer University School of Law--Virtual Hosts

Sponsored by the Legal Writing Institute and the Clinical Legal Education Association

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AMANDA ELYSE

Assistant Professor of Law
Elon University School of Law

Teaching Gender-Inclusive Language in Legal Writing Courses

The recent trend of legislative attacks on trans youth—with lawmakers in multiple states pushing to criminalize providing healthcare to trans youth and for trans girls to not be allowed to play on girls' school sports teams—has been just one reminder of the importance of teaching gender-inclusive language in legal writing classes if we want our students to become lawyers who practice and fight for equality. To become lawyers who are part of creating a world in which everyone has the freedom to express their gender identity and receive acceptance.

So, in memo problems in my legal writing classes, I include characters who are trans and/or non-binary and use singular “they/them/theirs” pronouns to facilitate class discussion about gender-inclusive language and give students a chance to practice. First, we discuss how language is evolving to be inclusive of singular “they” (it was the word of the year from the American Dialect Society in 2015; AP Stylebook began to include it in 2017; Oxford Dictionary includes it). Then, we discuss how the legal system is becoming more gender-inclusive (growing emphasis on cultural humility; many states

allow X gender markers on IDs; LGBTQ bar associations provide guidance to judges on non-binary pronouns). As an additional sign of the times, an episode of the legal drama “All Rise” included a court scene in which a lawyer advocated for her client’s “they/them/theirs” pronouns to be respected. Finally, we discuss how our world demands that we respect a spectrum of gender identities. Deficiencies in the acceptance of people who are trans and/or non-binary contributes to them experiencing disproportionate rates of violence, housing instability, and criminalization; the suicide risk of people who are trans reduces when others use their correct pronouns; the recent trend of legislative attacks on trans youth needs to end...to name just a few reasons.

We also address how gender-inclusive language is part of client-centered lawyering. When we tell a client’s story, gendered language is present through pronouns, honorifics, and how we create a picture a person. To be prepared to share the stories of clients across a spectrum of gender identities with equal competence, students need to have a knowledge of gender-inclusive language (e.g., singular “they” pronouns, referring to “people who can get pregnant” rather than “women,” etc.) in order to be able to tell accurate, affirming stories.

As students then work on a memo, they get the chance to practice actually using the character’s pronouns. I teach them the correct grammar of using singular “they” pronouns (e.g., “Charlie is our client. They were arrested.”) and how to explain someone’s pronouns through a footnote or parenthetical.

After these lessons, students repeatedly say thank you for this opportunity, whether because singular “they” pronouns are new to them, or

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because they are trans and/or non-binary themselves and now feel more included and accepted in class. My hope is these feelings extend outside the classroom and that my students help to put a little more good into the world through their practices of gender-inclusion, in language and beyond.

PATRICK G. GOULD

Professor of Law
Handong International Law School

FREEDOM TO UNITE: Amicability as a Tool for Radical Unity

“I just wanna say, ya know, can we, can we all get along, can we, can we get along? Um. Can we stop makin’ it, makin’ it horrible for, for the, for the older people, and the, and the, and the kids?”*

Can we?

Twenty-nine years after Rodney King uttered his poignant plea, can we finally get along?

Week after week, the world seems to answer this question with a resounding “No.”

Yet, in my small mixed-ethnicity class on Mediation in South Korea there are grounds to reconsider the world’s answer. This semester I developed a class around the radical views and techniques of four groundbreakers. They build bridges of understanding amidst chronic strife. A

hostage negotiator saves the day. A black man navigates his way through extreme hatred. A mediator in the Chicago court system finds middle ground between warring factions. A state legislator carries bill after bill on his broad back to victory.

What traits do they all have in common? Calmness. A thirst for challenge. Intuitive understanding of the human condition. Perseverance. Strategy. And, perhaps, a sense of justice for doing the right thing and making the world a better place.

But there is a certain trait which seems to underpin their startling success. Time after time it comes back to one thing.

Respect.

Sure there are techniques which are vitally important, such as active listening. But the techniques all seem to encompass a respect for the other. The respect which the groundbreakers emanate somehow inculcates respect in everyone around them. Respect begets respect. And when there is respect amongst everyone in the room, amicability prevails.

A wonderfully-written Supreme Court case from 1850, *Nathaniel Lord v. John W. Veazie*, applauded the “amicable action” brought by Lord and Veazie, which “facilitate(d) greatly the administration of justice between the parties.” *Lord v. Veazie*, 49 U.S. 251, 255 (1850).

Conversely, the Court spoke disparagingly about traditional court cases, making reference to their “needless expense and trouble,” the goal of “embarrass(ing) each other with unnecessary forms or technicalities,” and the inevitable subjection of “each other to unnecessary expense or delay.”

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Lord and Veazie apparently decided to respect each other when they forwarded an amicable (friendly) action. Perhaps they could foresee Rodney King one hundred forty-two years into the future, pleading through the camera for us to simply “get along” --- not just for the sake of legal justification in an obscure court action --- but “for the older people, and the, and the, and the kids,” as well.

In my little mixed-ethnicity Mediation class in South Korea, I would like to think that we are also listening to Mr. King, as we investigate whether or not we truly can get along with each other, not just for ourselves in our modest orderly spheres, but across the entire earth and for all cultures!

*The truth is viral. Can We All Just Get Along? For The Kids & Old People? RODNEY KING SPEAKS, 2010, <https://www.youtube.com/watch?v=1sONfxPCTU0> (last visited Apr. 3, 2021).

SUSAN GREENE

Assistant Professor of Legal Writing
Maurice A. Deane School of Law,
Hofstra University

Finding Freedom in Restrictions

I write from the corner of my New York City living room that has become my office/classroom/yoga/studio/home/school/hub, thirteen months into a pandemic that has brought to the fore both the randomness of death and the essence of being alive. When

Covid hit my city fast and furious last March, my apartment quickly took on a role it was never designed to play. A New York City apartment is, typically, a (very tiny) base from which to launch, daily, into a city that offers boundless freedoms. But in March, boundaries shifted, from the promise of a bustling metropolis to the footprint of our pre-war co-op. The irony is not lost on me that the first holiday my family observed during the lockdown was Passover, a week that marks the exodus from slavery in Egypt (“Mitzrayim” in Hebrew, from a narrow place) to freedom. My apartment, my own narrow space, was at first a restriction. But as months passed, and the perimeter of this apartment held almost every moment in the lives of its four occupants and the many moments of intersection as we floated through it, my perspective shifted. Freed from the day-to-day bustle beyond our doors, I found another sort of freedom to deepen my awareness of moments that might otherwise pass unexamined. I now sit, for example, a scant twenty-two feet from my husband’s office, formerly known as the dining room. I have learned that he uses intolerably explicit idioms during work calls, like, “I want to pick your brain for a minute,” and that they promptly conjure in my own brain ghastly images that make my insides dissolve. But then he takes a coffee break and the music from his playlist drifts into my periphery and I am reminded of his inimitable talent to set any situation to the most apt soundtrack, softening my hard edges and slightly loosening the vice grip of anxiety.* Over the years, I had forgotten.

Set to this backdrop, I continued to teach my 1Ls the virtues of IRAC to communicate their legal conclusions. “I wish I was free to do this

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differently." The restrictiveness of IRAC is a common student lament, and this year was no different. Most years, I embody the Dalai Lama in my response: "first learn the rules, so you can break them properly." But this year, my approach shifted. First, to let them down: "you are not going to convince me to abandon IRAC." Then, a suggestion: "perhaps, freed from the need to come up with the perfect alternative organizational structure for your writing, you might be able to, instead, more deeply consider the very analysis you are to convey within it."

*His final Covid Mix included such hits as: Perry Farrell, *Let's All Pray for the World*; Yehudah Green, *Mashiach*; and Vampire Weekend Harmony Hall (so selected for its quarantine-ready lyric, I don't want to live like this, but I don't want to die).

JOSHUA AARON JONES

Assistant Professor of Legal Writing
California Western School of Law

The Cobra Effect: Poor Planning's DEI Backlash

During Britain's rule over India, cobras (the snakes, not Kai) infested Delhi. The infestation became so bad that the Crown offered bounties for cobra hides. The authority would save their poor, brown subjects! The slithery plan was a success, at first. But the Delhiites grew wise and

began breeding the serpents for slaughter, rather than catching wild snakes. The Governor retracted the bounty offer, and surprise! Cobras infested the city again, in even greater numbers, because breeders released worthless stock into the "wild" (i.e., streets). Great Britain did not thoroughly consider its plan's consequences, and Delhi suffered more venom. Has the academy's pandemic response created a "cobra effect" against the diversity, equity, and inclusion movement?

From the beginning, most institutions improvised pandemic solutions, even if unintentionally, through a lens of privilege. We assumed an omnipresent bandwidth source and a "gadgets-n-gadgets" drawer (you know your house has one!), brimming with a panoply of modern devices. Easy peasy. Naturally, the problem solvers, well-educated and mostly white, found solutions from their own, readily available resources. Our own CREAC-ing Borg emerged. Only after the initial, emergency transition did we finally pause to consider the new normal's impact on DEI.

Fortunately, law professors catch on quickly, and we made extraordinary accommodations for students. We realized that not all students can afford enough bandwidth to stream courses and that many students forego home internet. Meanwhile, free Wi-Fi sources, on which many economically disadvantaged students rely, snuffed out their beacons because the businesses closed. Professors became compassionate about childcare and home schooling, pet surprises, and sick loved ones; we adjusted to student needs that, for many, were already there and that the pandemic simply exacerbated. The struggle didn't become real, and it had already been real.

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Flexibility - the least we could do, right?

After all, the American law professor's most basic charge is to perpetuate the preservation of freedom and equality and to model methods that promote the common good. Oops. There's my privilege again, hiding like a cobra on a Delhi street corner.

Our after-the-fact realizations and pedagogical adjustments unintentionally and implicitly prioritized white supremacy and economic elitism. Like the government entities who were warned for many years, yet were ill-prepared for a pandemic, schools should have had pandemic contingency plans in place years ago. The ABA should already have included clearer emergency exceptions within the standards and guidelines. Bar associations should have had bar exam emergency procedures on which students could think ahead and plan for themselves. Had we planned ahead, prioritizing DEI issues, perhaps no student would have missed a class or experienced a stuttering screen. Alas, our spontaneous cobbling-together of responsive solutions, rather than premeditated policy and strategy planning, created another dent in our pursuit of freedom, equality, and the common good.

We are still in Covid's shadow; we cannot possibly know, today, how unpreparedness affected DEI. The academy must undertake empirical studies to learn about this pandemic's outcomes so that, with temporal objectivity, we can prepare for and thrive during the inevitable next shut down. Let's not allow well-

intentioned mistakes of this crisis to unleash cobras on our efforts to advance diversity, equity, and inclusion.

MICHELLE ZAKARIN

Associate Professor of Legal Process
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Including Everyone After Each Online Class - Reinventing the Traditional Classroom Exit Line

My pre-pandemic, in-person legal writing classes usually ended in the same way each time: "Before we end, does anyone have any questions about anything we discussed today?" No raised hands. Silence. "About anything at all?" Nothing. Silence. "Okay, I'll see you at our next class." Everyone stands, assembles their belongings, and about one-half of the class forms a line in front of me, waiting patiently as I erase the dry erase board. As I turn around, they are staring at me, as if to say, "I just have a quick question . . ."

In March 2020, these exit lines that I had grown accustomed to seeing after each class, vanished almost overnight. I believed students would need some normalcy, and for them, hanging around after class to ask questions gave them a sense that someone cares and is here to listen. I was determined to re-create this

MICRO-ESSAYS

FREEDOM, EQUALITY, AND THE COMMON GOOD

scene for them online.

At the beginning of my next online class, I announced that if students preferred to ask something after class, like they often did in person, then they could stay after our Zoom session ended and I would meet with them. For my first online exit line, I had about four students who waited to meet with me. I was pleased to see them ask questions and also join the discussion when others asked questions. We stayed after class for approximately fifteen minutes, about the same amount of time that I would have spent with students after class when we were in person.

The following week, students again waited to ask questions after class. One in particular stated she would like to be last, after others left the group. I could tell she had something she would like to discuss privately. I allowed her to wait until the end to ask her question privately. I

realized I needed to be available for all students who had private questions, like I would have been in person.

After our next class, I had a group of about five students waiting to ask questions. I asked whether anyone had something they felt they need to ask privately. Two students indicated they had private questions. I told these students that after the others asked their questions, I would place them in individual breakout rooms to wait for me. Thus, I answered the other students' questions in a group style. I then placed the two students who had private questions into their own breakout rooms, and I then went from room to room, answering their respective questions and engaging in conversation. This did not require much work on my part, and I believe it successfully re-created the in-person exit lines my students had grown to love. It was one less disruption for the students and one more way they could stay connected to me.

Join us for the
CENTRAL STATES LEGAL WRITING CONFERENCE
October 22-23, 2021



I AM NOT A ROBOT: Teaching in the Digital Environment

Hosted by the University of Missouri-Kansas City School of Law

Organizers are planning for the conference to be in person but will pivot to on-line depending on developments with COVID-19.

Announcements

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*Apologies to University of Arizona, whose announcements we inadvertently omitted from the Fall Newsletter.
Look for more announcements of important program news from around the nation next fall.*
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Tessa Dysart was awarded Continuing Status--the Arizona version of clinical tenure--and promoted to full Clinical Professor of Law in spring 2020. Tessa also takes over as editor-in-chief of the Journal of Appellate Practice and Procedure; the venerated Journal publishes its first issue in its new home at University at Arizona Law and in partnership with the National Institute of Trial Advocacy this December. Tessa is also co-editor, with Tracy Norton, of Law Teaching Strategies for a New Era: Beyond the Physical Classroom, (forthcoming from Carolina Academic Press, 2021).

Joy Herr-Cardillo published *Escape the Ordinary: How to Close Out Your Semester with a Challenging "Escape Room" Competition*, *The Second Draft*, Vol. 33 (Spring 2020) at 34.

Sylvia Lett was recognized as an AALS Teacher of the Year at the 2020 Annual Meeting. Her recent piece, "Five Minutes of Gratitude," was published in the newsletter for the AALS Section on Balance in Legal Education.

Susie Salmon was recognized by the University of Arizona Commission on the Status of Women with the Edith Sayre Auslander Established Visionary Award, which honors leaders who cultivate diversity and actively advance the Commission's goals on campus climate, career and professional development, and equity and inclusion. Susie also was elected President-Elect of the Legal Writing Institute, and she will be president for the 2022-24 biennium. She recently published two co-authored pieces: one, with Professor Mark A. Hannah, *Against the Grain: The Secret Role of Dissents in Integrating Rhetoric Across the Curriculum*, 20 Nev. L. J. 935 (2020), and a second, with Professor J. Lyn Enriken, et al., *Treating Professionals Professionally: Requiring Security of Position for All Skills-Focused Faculty Under ABA Accreditation Standard 405(c) and Eliminating 405(d)*, 98 Or. L. Rev. 1 (2020). A second collaboration with Professor Hannah, "Rerouting Stigma: Leading with Law in Mental Health Rhetoric Research," is forthcoming in the edited collection *Mental Health Rhetoric Research: Strategic Interventions*, published by Routledge Press.

Diana Simon joins the Journal of Appellate Practice and Procedure as managing editor. Diana also published *A How-to Guide for Creating Optimal Hypotheticals for Law Students: Keeping it Focused and Fun*, 19 Scribes Journal of Legal Writing 161 (2020), and a column "True Confessions of a Legal Writing Professor: Semicolons Suck" in *Arizona Attorney Magazine*. In less than two years as a full-time professor, Diana has published five pieces. And Diana presented "Cross-Cultural Differences in Plagiarism: Fact or Fiction" at LWI's virtual biennial this summer, which discussed some of the groundbreaking research in cross-cultural legal education that earned her a Global Legal Skills Award in December 2019.

Carolyn Williams was named author of the Seventh Edition of the ALWD Guide to Legal Citation, forthcoming in 2021. With her two research assistants, Christina Billhartz and Christina Poletti, Carolyn recently presented on behalf of the State Bar of Arizona to almost 100 Arizona attorneys regarding current changes to legal citation format. Carolyn also published #CriticalReading #WickedProblem, 44 S. Ill. U. L.J. 179 (2020). And Carolyn presented "Taking the Show on the Road: Transforming a Traditional Upper-Level Legal Writing Course into a Hybrid" at LWI's virtual biennial this summer.

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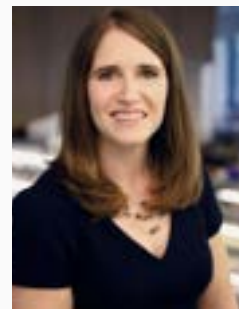
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FOR YOUR SERVICE

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