

Symposium on Legal Education

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Recommended Citation

Maureen Arrigo-Ward, *How to Please Most of the People Most of the Time: Directing (Or Teaching In) a First-Year Legal Writing Program*, 29 Val. U. L. Rev. 557 (1995).

Available at: <https://scholar.valpo.edu/vulr/vol29/iss2/1>

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Symposium on Legal Education

HOW TO PLEASE MOST OF THE PEOPLE MOST OF THE TIME: DIRECTING (OR TEACHING IN) A FIRST-YEAR LEGAL WRITING PROGRAM

MAUREEN ARRIGO-WARD*

*It is time to give away the secret: teaching writing is fun.*¹
Professor Donald M. Murray

I. INTRODUCTION

Although first year legal research and writing programs may no longer be in their infancy, they have, at best, advanced merely to adolescence² and still need to grow.³ Many programs have not yet developed to the point of fully,

* Co-Director, Legal Skills, California Western School of Law. California Western School of Law operates year round on a trimester system. We take an entering class each August and each January. Therefore, in effect, there are two legal skills programs running simultaneously (one running Fall/Spring, the other running Spring/Summer). Hence, the need for co-directors. Not only would directing this program be impossible without my co-director, Legal Skills Professor Jackie Slotkin, it would also be much less fun.

1. DONALD M. MURRAY, *A WRITER TEACHES WRITING I* (2d ed. 1985).

2. The Legal Writing Institute, which began at the University of Puget Sound School of Law, held its first national conference in 1984. Telephone interview with Professor Laurel Oates (Mar. 3, 1994).

3. A survey of literature in the field makes one wonder if any progress is being made. See Marjorie D. Rombauer, *First-Year Legal Research and Writing: Then and Now*, 25 J. LEGAL EDUC. 538 (1973) for an historical overview. Compare Roy Moreland, *Legal Writing and Research in the Smaller Law Schools*, 7 J. LEGAL EDUC. 49 (1954) with Natalie A. Markmam, *Bringing Journalism Pedagogy into the Legal Writing Class*, 43 J. LEGAL EDUC. 551, 552 (1993), suggesting writing programs in 1993 are in somewhat better shape, if not held in much higher esteem, than in 1954. Markmam writes: "[L]egal writing gets no respect; legal writing is subject to 'neglect, half-hearted attention, and inadequate attempts at improvement'; legal writing has been trivialized, demeaned, and diluted; legal writing is subject to difficulties and disdain." *Id.* & sources cited therein.

or even principally, satisfying students or faculty. Many lack a permanent program director, some have no program director,⁴ and a few have no real "program."⁵

As an increasing number of law schools begin to realize that they cannot continue to "muddle through" in this critical area of legal education, they are hiring directors, either to strengthen a program already in place or to set up a new program. As these positions open up, you may find yourself considering the possibility of becoming a program director. The purpose of this Article is to encourage, guide, and support you in this endeavor.⁶

You are likely to need support. If you have been working in the legal writing field, you know that at least some of your professional colleagues will question your judgment for choosing a career in legal writing rather than moving into a "real" area of legal academics.⁷ As a legal writing educator for the past

4. In a 1992 survey of legal writing programs, 82 schools of 117 responding had a separate director of legal research and writing (LRW). Thirty-five schools had no separate director. Thirty-nine of 90 schools responding had their director on tenure track; the other 51 schools did not. In addition, the directors are overworked. Of 89 schools responding, 27 have directors teaching a full LRW load; 21 teaching a partial LRW load, and 25 teaching a partial LRW load plus other courses. Jill J. Ramsfield & Brien C. Walton, *Survey of Legal Research and Writing Program (1992)* (unpublished manuscript on file with author). This is an improvement. In 1983, only 21 schools employed directors with tenure or long-term contracts. Helene S. Shapo, *The Frontiers of Legal Writing: Challenges for Teaching Research*, 78 L. LIBR. J. 719, 723 (1986).

5. Some schools seem to be moving backward rather than forward. See Jeremy Paul, *A Bedtime Story*, 74 VA. L. REV. 915, 917, 934 nn.6-7 (1988) (noting that Duke University School of Law has dramatically curtailed its legal writing curriculum, while Harvard Law School has abandoned a valuable course in legal method, which is one of the components of many first year writing courses).

6. Although I have addressed this article primarily to new program directors, I hope it will also be of interest and help to new legal writing instructors, especially those working in programs with no central direction.

7. Traditional doctrinal law professors have long held the view that teaching writing is a dismal task. However, this is likely because they have no idea how rewarding it actually can be. See MURRAY, *supra* note 1. Dr. Murray's comments—written to professors of undergraduate composition courses—are easily transposed to the legal writing context:

For decades, composition [legal writing] teachers have hidden behind the wailing wall created by literature [substantive law] faculties which have complained about the burdens and frustrations of teaching composition [legal writing]. Their complaints are understandable. They have been trained to teach the best writing of the centuries [the abstract theories of substantive law] and then are assigned, without special training, to teach beginning students who do not even want to write.

Even today the majority of composition [legal writing] courses in the country are taught by teachers [beginning legal writing teachers/graduate assistants/student instructors] who do not write, do not know how effective writing is made, and do not know how to teach writing. Of course they are ineffective and discouraged. They expect failure, and they get it.

Id. at 1.

decade, I respect your judgment; I actively applaud it. But, while I know that the job is rewarding, I also know that it is complex, challenging, stimulating, frustrating, and even baffling. Particularly if you have been asked to create an organized legal writing program out of prior chaos, you may not quite know where to begin.

I was fortunate enough to have been “mentored into” a director’s position,⁸ and I sympathize with persons finding themselves in a director position without the same advantage. Having risen through the ranks to the position of Co-program director, I want to share my practical experiences and my theories about directing. I hope that this Article will serve as a substitute “mentor” for those of you who are without one.

Running a solid and successful writing program is difficult. The course frustrates students who may initially view it either as a superfluous waste of time or as theoretically valuable but too demanding. In addition, the course generates student anxiety⁹ sooner and often more intensely than other courses because, in this course, the students generally get their first law school feedback—either in the form of critiquing comments or, increasingly, in the form of actual grades.¹⁰ This student discontent pours onto the Legal Research and Writing (LRW) professors, thus discouraging and exhausting them.

In addition, law school administrators are likely to receive time-and-energy consuming complaints about the writing course.¹¹ Since the director must

8. I have had the extreme good fortune to learn directorship from one of the best—CWSL Professor Barbara Cox, who has shared unstintingly of her time, talent, energy, ideas, and materials and without whose guidance I would not be a director today.

9. See Margit Livingston, *Legal Writing and Research at De Paul University: A Program in Transition*, 44 ALB. L. REV. 344, 349 (1980) (noting the constant danger of student hostility toward the person evaluating a student’s writing, whether the evaluator is a teaching assistant or writing instructor). See also Jack Achtenberg, *Legal Writing and Research: The Neglected Orphan of the First Year*, 29 MIAMI L. REV. 218, 226 (1975).

10. Most first year law school courses do not have mid-term examinations, but rather, simply have one final examination at the course’s end. Philip C. Kissam, *Law School Examinations*, 42 VAND. L. REV. 433, 456 (1989); Janet Motley, *A Foolish Consistency: The Law School Exam*, 10 NOVA L.J. 723, 750 (1986). Even when there is a mid-term examination, professors will generally withhold from students the actual grade received until it is averaged into the final examination grade. 90 of 124 schools responding to the Ramsfield survey give either letter or number grades to LRW courses. Ramsfield & Walston, *supra* note 4. Since all but three of these schools average the grade into the student’s GPA, these grades are important, and the students know it.

11. This is especially true in light of the resources devoted to an effective legal writing program. Administrative resentment at the resource allocation may account for the strong demand that the program keep everybody happy. As will be seen from my description of the CWSL program, keeping students happy does require resources—dedicated and well trained, full-time writing professors. For descriptions of economical programs, see Kenneth B. Germain, *Legal Writing and Moot Court at Almost No Cost: The Kentucky Experience, 1971-72*, 25 J. LEGAL

acknowledge and at least try to accommodate everyone's needs and mediate the frustrations, he or she also partakes of those frustrations. Accordingly, a course that manages to minimize the frustrations and to satisfy nearly everyone in the law school community most of the time may be a course worth emulating.

California Western School of Law (CWSL) has succeeded in developing and maintaining such a course. A recent accreditation committee report concerning the first year program at CWSL commented that the first year Legal Skills Program enjoyed the positive regard of faculty and students alike. How is this possible in view of the difficulties discussed above? The reason that CWSL has been able to maximize the students' learning experience and minimize their complaints is that for over a decade the research and writing course has been well structured, well managed and—above all else—well staffed!

In my mind, the key to a successful legal writing program is its personnel. Therefore, while Section II of this Article briefly discusses the structure of a sound writing program curriculum, the Article's principal objective, contained in Sections III and IV, is to assist in the identification, attraction, hiring, training, motivating, and nurturing of the types of teaching professionals who will enable this program to excel. These exceptional people not only possess excellent "credentials";¹² they also have extraordinary motivation, dedication, teaching ability and interpersonal skills.

Once you have hired these people, you will need to be an effective manager in order to nurture their potential. Thus, Section V will discuss the need for ongoing professional development and personal care.

II. DESIGNING THE PROGRAM

Although, as mentioned above, the most important component of a successful LRW program is its staff, that staff must have a solid course to deliver to the students. Moreover, from time to time you will make a mistake in selecting your LRW professors. Should this happen, you must have in place a program

EDUC. 595 (1973) and Stewart Macaulay & Henry G. Manns, *A Low-Cost Legal Writing Program—The Wisconsin Experience*, 11 J. LEGAL EDUC. 387 (1959). Both schools economized by having upper class students teach the first year students. While the CWSL program utilizes talented student teaching assistants, whose help we find invaluable, I cannot overstate the difference in the level of instruction to be obtained from even the most intelligent and dedicated student assistant versus the motivated, dedicated, and experienced writing professor.

12. For instance, we currently have six full-time members of the LRW staff, including outstanding graduates of the University of California at Los Angeles, Emory, the University of Michigan, and the University of San Diego. One holds a Ph.D. in education; another a Master's degree in philosophy. Five served on their law schools' law reviews. All practiced law before joining the faculty.

that ensures the students will learn a substantial amount even when, regrettably, they are deprived of the best possible teacher.

The LRW course at CWSL is centrally designed and administered by the co-directors. Full-time, non-tenure track LRW professors on renewable four-year-maximum term contracts work under our guidance. To fill short-term extraordinary staffing needs, we occasionally also hire adjunct LRW professors who must agree to work closely with us. The co-directors choose course topics and texts, designate readings, write the syllabus, and arrange the sequence of lectures and written assignments. As directors, we play a large part in selecting LRW personnel and in training them, both before and during the semester.

In one semester, we had fifteen sections of LRW taught by six professors. The expectation is that, regardless of how many sections and professors are involved in the program, the students in all sections will have essentially the same learning experience. Program uniformity, therefore, becomes a top administrative priority. By uniformity I mean not only using a common syllabus and books, but also providing essentially equivalent quality of instruction and quantity and quality of time, energy, and care offered to each student by his or her LRW professor.

There is no one perfect legal writing program for all schools. The decision about which is the "best" depends on a number of factors,¹³ including the number of credit hours allocated to the course, the caliber of students the school attracts,¹⁴ and the institution's priorities for what the program should accomplish. Because the CWSL program has worked so well for so many years,¹⁵ I will describe it in some detail and offer it as one sound model. Our program is not "gimmicky" or particularly unusual. Indeed, on its face, the program is not unlike many programs at the majority of law schools.¹⁶ While more unusual and ambitious models have certainly been proposed and

13. For an overview of some of the factors involved, see Allen Boyer, *Legal Writing Programs Reviewed: Merits, Flaws, Costs, and Essentials*, 62 CHI.-KENT L. REV. 23, 25-26 (1985).

14. Philip N. Meyer, "Fingers Pointing at the Moon": *New Perspectives on Teaching Legal Writing and Analysis*, 25 CONN. L. REV. 777 (1993). Professor Meyer illustrates, with sometimes painful anecdotes, the difference in basic cognitive functioning level between students at different law schools and notes that this difference must inform the decision of how to structure a program and deliver information.

15. CWSL first committed to a strong LRW program in the late 1970s. The program, then designed by Professor Peter Gross, continues to form the cornerstone of today's program. For a description of the program during its first year, see Peter W. Gross, *California Western Law School's First-Year Course in Legal Skills*, 44 ALB. L. REV. 369 (1980).

16. Ramsfield and Walton indicate that most programs are two semesters long and require students to write legal memoranda, appellate briefs, and sometimes client letters. Ramsfield & Walton, *supra* note 4.

occasionally even implemented,¹⁷ our experience shows that a traditional first year curriculum of training in research, writing, and analysis, when delivered by talented professionals, succeeds.

At CWSL, Legal Skills is a required two-semester, four-unit course. Legal Skills I is required during the students' first semester of study and Legal Skills II during the second.¹⁸

The courses are designed to teach legal analysis (how to read a case, how to determine whether the case applies to a client's problem, how to articulate the ways in which it applies), the fundamentals of legal writing format and style, and the basic tools and process of legal research.¹⁹ Legal Skills I emphasizes objective, predictive writing, while Legal Skills II emphasizes persuasion.²⁰ In their first semester, students write two inter-office memoranda analyzing a short hypothetical fact pattern in light of one or two precedent cases.²¹ Eventually they draft an opinion letter to the client whose case they researched for these short memos. In addition, students work on a closed universe

17. See, e.g., Lewis D. Solomon, *Perspectives on Curriculum Reform in Law Schools: A Critical Assessment*, 24 U. TOL. L. REV. 1 (1992) (discussing innovation at Mercer, Montana, N.Y.U., and William and Mary); see also Elizabeth M. Schneider, *Integration of Professional Skills into the Law School Curriculum: Where We've Been and Where We're Going*, 19 N. MEX. L. REV. 111 (1989) (introducing a panel discussion at the American Bar Association National Conference on Professional Skills and Legal Education, Oct. 15-17, 1987). The panel focused on integrated skills programs at several law schools, including the University of Montana.

18. In the 1994-95 school year, the school experimented with a schedule wherein students wait until their second semester to take Legal Skills I, and waited until their second year to take Legal Skills II. Entering students took a new course entitled "Legal Process." This course was designed by a committee consisting of approximately 50% of the faculty. The committee included substantive faculty—tenured and untenured—clinicians, the writing program co-directors, and the writing instructors. All faculty members were eligible to teach the course. The experiment will not continue past this year.

19. Debate has raged about the appropriate approach to teaching legal research to first year students. Our program favors an emphasis on legal research process rather than on in-depth exploration of the intricacies of many legal research tools, which strikes us as more suitable to an advanced legal bibliography course.

20. The specific CWSL program goals, as found in the statement of course policies, are as follows:

- A. To develop students' abilities to analyze legal issues.
- B. To develop students' research strategies and skills.
- C. To improve students' ability to communicate effectively in writing.
- D. To develop and maintain high personal and professional standards of responsibility and quality in students' work as a lawyer.

21. We have debated about the value of having students work with two precedents in their second memorandum versus the value of having them continue doing a one-case analysis but with a new precedent. Currently, students write one, one-case memorandum and one, two-case memorandum.

memorandum,²² which involves no research but requires more sophisticated organization and analysis. The first inter-office memorandum and the closed universe memorandum require a first draft, on which the professor and teaching assistant²³ make extensive comments. The students must then re-write the paper for a grade.

In Legal Skills II, students research a complex hypothetical case and write a longer inter-office memorandum. They then write two drafts of appellate briefs on the same hypothetical case. Finally, the students orally argue their appeal.

Our required course material includes:

1. As a guide to writing style: Richard C. Wydick, *Plain English for Lawyers*.²⁴
2. As a guide to legal writing document format and analysis: Helene S. Shapo, Marilyn R. Walter, and Elizabeth Fajans, *Writing and Analysis in the Law*.²⁵
3. As a legal research text and reference: C. Edward Good, *Legal Research: Without Losing Your Mind*.²⁶
4. To supplement these published texts, we assemble a variety of in-house teaching materials and exemplars.

Should you need specific structured ideas for program design, a body of

22. A "Closed Universe Problem" is one in which the students are given a set of authorities with which to work, usually cases, sometimes cases and statutes. They are then asked to draft a memorandum using only the "universe" of authorities they have been given. This is in contrast to "Open Universe" assignments in which the students may research to locate any authorities on point.

23. Using teaching assistants (TAs) in legal writing programs is a subject unto itself and is beyond the scope of this Article. At CWSL, each LRW professor receives one TA per small section of 20 students. The assistant does background research at the beginning of the semester to ensure that the professor's research problems are usable. The TA attends all LRW classes and holds office hours during which he or she can assist students with research and writing in progress. While the TA assigns no grades, he or she does make preliminary comments on students' first drafts, which enables the professors to review and return them more quickly than would otherwise be possible. For descriptions of programs utilizing TAs more ambitiously, see Macaulay & Manns, *supra* note 11; Germain, *supra* note 11; Gross, *supra* note 15 (describing CWSL's previous use of teaching assistants). For a recent survey on TA use, see Julie M. Cheslick, *Teaching Assistant: A Study of Their Use in Law School Research and Writing Programs*, 44 J. LEGAL EDUC. 394 (1994).

24. RICHARD C. WYDICK, *PLAIN ENGLISH FOR LAWYERS* (3d ed. 1994).

25. HELENE S. SHAPO ET AL., *WRITING AND ANALYSIS IN THE LAW* (2d ed. 1991).

26. C. EDWARD GOOD, *LEGAL RESEARCH: WITHOUT LOSING YOUR MIND* (1993).

literature exists to assist you. A wealth of legal writing and reasoning texts have been published during the past decade.²⁷

III. STAFFING THE PROGRAM

Ideally, as director of a centrally run, uniform program you will have a large amount of input concerning program staffing. No one else on the faculty or in the administration will be able to develop the same intellectual understanding of and intuitive feeling for the department's needs that you develop. A single LRW professor significantly out of step with the others can quickly lower departmental morale. If, as in most schools, your LRW staff does not stay permanently,²⁸ you will always have intense contact with them because you will always have LRW professors in training. So, at the very least, you need veto power over someone with whom you would not want to work; for instance, a candidate who might look good on paper and interview smoothly, but

27. For instance, the program at the University of Puget Sound School of Law is fully available to any other law school in LAUREL CURRIE OATES ET AL., *THE LEGAL WRITING HANDBOOK: RESEARCH, ANALYSIS, AND WRITING* (1993) [hereinafter OATES ET AL., *HANDBOOK*]. Accompanying the book are an Annotated Teacher's Manual and students' Practice Book. The University of Puget Sound's program has been acknowledged as excellent by some of the field's harshest critics. See Mark Mathewson, *Verbatim—Good Legal Writing Can Be Taught—And The Programs at Three Schools Across the Country Prove It*, *STUDENT LAW.*, Dec. 1987, at 11-13.

For a thorough review of three excellent new texts in the legal writing area, see Neal Feigenson, *Legal Writing Texts Today*, 41 J. LEGAL EDUC. 503 (1991) (essay review). Feigenson extensively critiques RICHARD K. NEUMANN, JR., *LEGAL REASONING AND LEGAL WRITING: STRUCTURE, STRATEGY, AND STYLE* (1990); DIANA V. PRATT, *LEGAL WRITING: A SYSTEMATIC APPROACH* (1989); and SHAPO ET AL., *supra* note 25. The CWSL program adopted the Shapo text several years ago. Feigenson's article also evaluates several other texts in passing. See also Appendix III for a list of my favorite current texts in the fields of writing, research, and advocacy.

28. The question of "status" of LRW professionals has been written about extensively. Some proponents of strong LRW programs opine that the best staffing model is for all faculty members (or at least those faculty teaching first year students) to teach legal research and writing. Thus far, this suggestion seems honored more in the breach than in the execution. As the trend toward skills training strengthens and as new law professors themselves graduate from schools with solid first-year skills training programs, perhaps this would be a realistic possibility. But problems are likely to arise. See Marjorie Dick Rombauer, *Regular Faculty Staffing for an Expanded First-Year Research and Writing Course: A Post Mortem*, 44 ALB. L. REV. 392 (1980). Livingston, *supra* note 9, at 350, also mentions the failure of DePaul's efforts to have first year substantive teachers teach legal research and writing as part of their course. One promising approach, however, is currently being employed by Pace University School of Law. There, regular tenure-track faculty members are hired to teach Criminal Law and legal writing as a combined project. See Michelle S. Simon, *Teaching Writing Through Substance: The Integration of Legal Writing With All Deliberate Speed*, 42 DEPAUL L. REV. 619 (1992). The pedagogical benefits of this approach are numerous (*id.* at 625-26), but the economic price is high. See Philip C. Kissam, *Thinking (By Writing) About Legal Writing*, 40 VAND. L. REV. 135, 141-51 (1987). A debate on the question of who should teach the course can be found in Willard Pedrick et al., *Should Permanent Faculty Teach First Year Legal Writing: A Debate*, 32 J. LEGAL EDUC. 413 (1982).

who you intuitively sense would not develop rapport with students.

On the other hand, I would discourage you from trying to make all the hiring or retention decisions alone, even if your faculty would allow it. Since legal writing professionals typically have trouble integrating with the full faculty anyway, it helps if the faculty is involved in the hiring decisions. One system that works rather well is for you, as director, to pre-screen candidates. Then, only invite candidates you feel that you would be able to work with to meet your full faculty or hiring committee. There can be tension between the "regular" faculty's desire to hire people with stellar academic credentials and your instinctive knowledge that another candidate with less dazzling credentials has the better personality and motivation for the job. Therefore, if possible, do not present candidates whose personalities are unsuitable—regardless of their credentials.

More schools are moving toward conducting a national search for their writing faculty.²⁹ While in theory this sounds like an excellent goal, in practice it may not work unless your school offers some type of job security for its writing professors. Otherwise, it is frustrating and even embarrassing to try to recruit people from hundreds or thousands of miles away. Recruiting is expensive for the school and moving is expensive - financially and emotionally - for the new employee. If your school is located in a metropolitan area, chances are there are numerous well-qualified people available locally, and tapping the local market is probably worthwhile if your LRW professor jobs are short-term positions.

Assuming that you do have substantial influence in identifying people likely to be successful at a LRW position, how do you locate and attract them? I recommend that you implement a thorough pre-screening process before presenting any candidate to your faculty.

First, pre-screen in writing by warning applicants about the job demands. Teaching jobs in general are highly desirable and in short supply. LRW positions in particular can become a magnet for unqualified applicants. Teaching looks like an easy "out" to many attorneys ready to retreat from the rigors of practice.³⁰ Traditionally, jobs teaching research and writing have

29. The American Association of Law Schools Placement Bulletin contains a separate job heading for "Non-Tenured Legal Research and Writing Positions." The September 24, 1993 bulletin contained six listings under this heading; the October 18, 1993 bulletin contained nine.

30. Sadly, discontent with practice seems all too common, particularly among bright women. Judy Klemesrud, *Women in the Law: Many Are Getting Out*, N.Y. TIMES, Aug. 9, 1985, at A14; Paul Ciotti, *Unhappy Lawyers*, L.A. TIMES, Aug. 25, 1988, at V8. This means that there are likely to be many applicants for any openings you have; unfortunately, it does not necessarily mean that

been available to attorneys lacking the stringent academic credentials possessed by substantive professors.³¹ Therefore, attorneys who might not feel qualified to teach anything else may feel that they could teach something as simple as LRW, particularly if the LRW classes they took years ago were poorly designed and poorly taught.

While outstanding academic credentials alone will not ensure that an applicant will be an outstanding teacher, lack of them is bound to be detrimental. Teaching LRW takes intelligence, analytical skills, dedication, talent, and time. To discourage applicants lacking these traits, I mail an information packet to those inquiring about legal skills teaching positions, which reads in part:³²

Being a full-time legal skills professor is a demanding full-time job, and the law school expects those who accept this position will devote substantially all of their work time to the job, and not attempt to "fit it in" between other significant work projects. The position requires teaching three sections of legal skills twice a week, holding office hours a minimum of six hours per week and—during peak times—double or triple that number. In addition, the full time professor will be grading approximately 400 papers over a four-month period. This is not a job for the faint of heart or for anyone with an energy shortage.

While not as time-intensive as a full-time appointment, the position of legal skills adjunct professor is nevertheless still

the applicants will be well suited to the task for which they are applying. This author has wrestled with the ethics of exploiting this applicant pool, particularly the women, when the jobs in legal writing are backbreaking and underpaid. See Terry Carter, *Women Face Hurdles as Professors*, NAT'L L.J., Oct. 24, 1988, at 1. See also J. Christopher Rideout & Jill J. Ramsfield, *Legal Writing: A Revised View*, 69 WASH. L. REV. 35, 37 n.5 & 79 n.147 (1994) (discussing the low wages and heavy workload faced by LRW professionals).

31. Elyce H. Zenoff & Jerome A. Barron, *So You Want to Hire a Law Professor?*, 33 J. LEGAL EDUC. 492 (1983). The authors discuss some desirable criteria one might use to select a "substantive" faculty member. Graduation from a "top school" is the number one criterion. *Id.* at 501. A prestigious judicial clerkship is not far behind. As to the interview "Efforts must be made to specify what positive and negative characteristics this procedure is expected to disclose, so that disproportionate emphasis is not placed on superficial qualities (e.g., fluency, conformity, the ability to get along), to the detriment of more profound qualities in the candidate." *Id.* at 505. See also Donna Fossum, *Law Professors: A Profile of the Teaching Branch of the Legal Profession*, 1980 AM. B. FOUND. RES. J. 501, 507 (showing that the vast majority of law professors graduated from a small minority of law schools). In 1980, "[t]he teachers who constituted the faculties of almost 160 law schools were graduates in disproportionate numbers of a small, select group of law schools." *Id.*

32. Were I to be brutally honest, it might begin: "Abandon hope all ye who enter here." ALIGHIERI DANTE, *Inferno*, canto 3, THE DIVINE COMEDY 5 (1948).

demanding—more demanding than many past adjuncts had anticipated. The position requires more than just showing up on campus a couple of times a week to chat about legal research and about how to draft a memorandum. It also requires extensive preparation before class, and a willingness to relate to students outside of class more intensely and more often than you would have to if you were teaching a substantive class. Moreover, because the program is highly structured and coordinated by the co-directors, adjuncts must participate in weekly departmental staff meetings with full-time professors and must agree to conform to the master syllabus and timetables.

To this warning I attach a detailed explanation of the course structure and time demands. I ask applicants to study the material and carefully consider whether they have the time and energy to devote to the class before pursuing the job further or making the commitment to teach it.

Having encouraged people to self-select *out* of the applicant pool, you should then screen the remaining candidates to find those with the following six characteristics.

A. Outstanding Legal Research, Writing, and Analysis Ability

Naturally, your applicant must be able to perform what he or she is about to teach others: legal research, writing, and analysis. Classic evidence of strong research and writing ability includes high to very high law school grades and academic experience, such as law review or moot court participation. Also informative is post-law school work at a court or in a writing-intensive law and motion or appellate practice. I suggest that you reject resumes indicating no particular talent at research and writing.

However, even this is not enough, since you need LRW professors who will teach students not to write as lawyers write, but to write as lawyers should write: clearly, concisely, and coherently. Therefore, regardless of an applicant's academic credentials, you must see how the applicant, in fact, writes.

Have all applicants submit a writing sample along with their resumes. The sample should be some sort of legal work product, such as a memorandum or brief, rather than a law review article. You need to know how the applicant writes practical legal prose, not highly edited theoretical work.

B. Effective Oral & Writing Communication Skills

Like all teachers, LRW professors need to be able to explain to students the material they need to learn. This means that the candidate must be able to

articulate writing problems precisely, simply, and in a non-threatening manner. One way to screen for this type of communication skill is to conduct a mock conference in which you take the role of a student needing help. How does the candidate deal with a student who is belligerent? Frightened? Confused? Sad? Is the candidate relaxed or tense? Helpful or defensive? Do you, as the student, feel better or worse as a result of the interview? Have you, role playing the student, learned anything useful?

LRW professors must also be able to write constructive, insightful comments on student papers. Although you will be training them how to do this, both before school begins and throughout the school year, it can still be informative to have them do a sample critique at the outset so you get an idea of their likely aptitude in this area. Certainly if a candidate made a number of comments that were clearly erroneous, this would be a good time to screen that candidate out of your pool.

If you send out a marking sample, include marking guidelines. Tell the applicant whether you want him or her to identify every possible mistake, from missed commas to poor organization and analysis, or whether you prefer him or her to identify and mark only the paper's most pressing problems.

C. Sufficient Time for Teaching and Counseling

Occasionally a candidate will apply for a "full-time" position as a legal writing instructor with a hidden agenda. Thinking that such a job is not really full-time, the applicant plans to continue substantial other work while using the job as a filler or as extra income. Our few mistaken hiring decisions at CWSL have generally involved "full-time" LRW faculty who were carrying on other major jobs on the side. One was also a full-time faculty member at an undergraduate institution in town. Another had a law practice that was not limited to a case or two. Tell your candidates that full-time means full-time.

First of all, class preparation is a must and invariably takes far longer than a new professor anticipates. Even though as director you should provide new professors with a master syllabus and sample lesson plans, they still must prepare to teach. A class sinks fast if the instructor tries to come to class and "wing it." The students know the instructor is unprepared; they complain to their classmates and to the program director; morale drops; and the students make the writing professor's classroom time miserable.

Second, first-year students in skills courses require hands-on attention. This means the instructors must not only post office hours but must actually *hold* them. Moreover, the dedicated professors will not adhere rigidly to the

minimum number of institutionally required hours,³³ but rather will make themselves available during as many hours as students reasonably need to get their questions answered. In other words, during times when the students are working particularly hard (e.g., just before an assignment is due) or suffering special anxiety (e.g., just after one is returned), the successful professors either spend extra time in the office or make themselves available by telephone.

D. Team Spirit

In the LRW context, team spirit is both a willingness to find out what the other professors are doing and a desire to stay synchronized with their schedules and timetables. Since one of your numerous jobs as director is to keep pressure off the administration, you need to reduce student discontent to a minimum. A frustrating law school phenomenon is that, once you present a writing program with any semblance of uniformity, all the students in various legal writing sections expect to be treated identically to all other students. Although these expectations and demands can be hard to satisfy, they are real and will consume much of your administrative energy.³⁴

The necessity for departmental teamwork cannot be over-emphasized. All professors must adhere to the master syllabus and the master assignment schedule. They must give substantially similar assignments, return papers at approximately the same time, and provide feedback at approximately the same level of detail and clarity. While professional creativity is possible and encouraged in designing new ways to present the required course material, it is not encouraged and rarely permitted in scheduling matters.

One of your jobs as director is to ensure that all professors consider the impact of their behavior on their colleagues,³⁵ as well as on their students. You can easily underestimate how the smallest deviation in procedure from one

33. At CWSL, each professor must hold a minimum of one office hour per week for each hour spent in the classroom.

34. Livingston, *supra* note 9, at 357, writes: "Students become frustrated quickly if they hear different reports about the basic instructional policy." See also Donald S. Cohen, *Ensuring An Effective Instructor-Taught Writing and Advocacy Program: How To Teach The Teachers*, 29 J. LEGAL EDUC. 593, 596 (1978) (noting the uniformity of workload across small writing sections can minimize student distress). See also Germain, *supra* note 11, at 601-02.

35. Professional colleagues for legal writing professors include not only the other writing professors but also the substantive professors, the school's administrators, and the library staff. Substantive professors are affected by the timing of legal writing assignments (students often skip classes or sleep through them after "pulling all-nighters" for their writing assignments). Administrators field the students' complaints. Library staff can be burdened by the students' poor library manners, including excessive demands for help with tasks the students should be performing themselves. Thus, your writing professors must be sensitized to all of these other people's concerns.

professor to the next can escalate into massive student unrest. For instance, suppose Professor Brown happens to finish grading her papers early and, knowing how much her students would like to get the papers, returns them earlier than the date upon which all professors had agreed to return papers. Professor Green, however, needs the full time allocated to grading and cannot return her papers early. Professor Brown's students will be happy with Professor Brown. Professor Green's students will feel abused (and so will Professor Green, both by her students and by Professor Brown).

To facilitate and monitor this teamwork, schedule regular formal weekly department meetings. Any applicant unwilling to commit to regular meetings should not be hired.

*E. Willingness to Help First-Year Students*³⁶

LRW professors must be willing to help students not only with their writing, but also with the physical and emotional demands of being first-year law students. Ascertain in your initial interview whether the applicant is likely to be kind, patient, and respectful. Be sure to ask, "Why do you want to teach?" You should be very concerned if the answer is any variation of, "Well, I love being 'on stage' which is why I like litigating. I figure that teaching will be the same thing." Perhaps this attitude will work in a large lecture class. It is a death knell in a small skills class. Students need the professor to get into the trenches with them, not to stand on a stage being admired.

The time to actually experience an applicant's attitude toward students is during your role-play of a mock student conference. Do you find that, in the role of professor, the applicant shows sensitivity to the student's concerns? Can the applicant listen? Does he or she seem to care about the student's confusion? Can he or she clarify points? Does he or she get defensive? Do you, as the student, feel better or worse as a result of the conference?

36. LRW professors can be called upon to give exceptional amounts of time to students, both because effective writing instruction requires one-on-one time (see Rideout & Ramsfield, *supra* note 30, at 79) and because so few other professors are available. See Alan A. Stone, *Legal Education on the Couch*, 85 HARV. L. REV. 392, 404 (1971) (stating that the large number of students assigned to each professor who teaches substantive law tends to encourage the professors to become inaccessible, so they have time and energy left for scholarship). LRW professionals on short-term contracts rarely have scholarship demands. Also, they tend to like students; therefore, they become de facto counselors.

F. Flexibility, Resiliency, and a Sense of Humor

Legal Skills professors are on the “front line,” absorbing student frustrations and complaints. An applicant who appears to take either himself or herself or life in general too seriously will no doubt find the job a miserable experience and spread the misery to the students and to the other writing professors. It is one thing to be dedicated to excellence and perfection;³⁷ it is another thing to insist on them unflinchingly.

Receiving criticism is a painful experience, and sooner or later, a LRW professor will be criticized by students. Some criticism is overt (complaints to the dean, director, or the LRW professor) and some more covert, such as general passivity or negativity in class. Professors need to be able to detach their own egos enough to continue to help students regardless of whether the students respond positively. This is not a job for someone who needs everyone to like him or her.

Attracting people of this quality may sound like a formidable task. It is. But our experience at CWSL shows that these people exist and they will be attracted to the job you have to offer them. Your biggest challenge, however, even after having hired well, is to keep your program running smoothly. That is discussed in Section IV.

IV. MANAGING THE PROGRAM

A. Learn to Be a Manager

As the director of a LRW program, you have an unbelievably demanding job—a job at which few have excelled.³⁸ As mentioned earlier, you have probably become a director because you are an experienced LRW teacher. Even though this teaching job in itself requires delicate handling of people, you may not have any particular background or proven skill in personnel management. Some of the skills that made you a successful classroom teacher and, before that, a successful attorney, will transfer to successful management techniques, but they may not be enough. Yet, it is unlikely that you suddenly have a large block of time in which to acquire in-depth management training. Fortunately, there are shortcuts to learning what you will need to know.

37. For a discussion of the difference between the positive trait of seeking excellence and the counter-productive one of being rigidly perfectionistic, see Marian Elliott & Susan Meltner, *What's So Bad About Being Good?*, in *THE PERFECTIONIST PREDICAMENT: HOW TO STOP DRIVING YOURSELF AND OTHERS CRAZY* 51-54 (1991).

38. The importance and difficulty of finding a strong director for legal writing programs was emphasized by Achtenberg, *supra* note 9, at 241.

If you lack any management training, one "quick fix" can be found in two small books packed with useful ideas: *The One Minute Manager*³⁹ and *Leadership and the One Minute Manager*.⁴⁰ The authors introduce the reader to the concept of basic leadership styles: (1) directing; (2) coaching; (3) supporting; and (4) delegating.⁴¹

A manager with a "directing" style specifically instructs and closely supervises the employee to the end of the assigned task. A manager who is "coaching" will instruct and supervise closely but, in addition, will explain decisions, solicit suggestions, and support progress. The "supporting" manager facilitates and supports employees' efforts by listening to their concerns, sharing some decision-making with them, and praising their successes. Finally, a "delegating" manager fully relinquishes responsibility for decision-making and problem-solving to employees.

The most effective manager possesses enough flexibility to employ all four styles, depending on the employees' level of commitment to excellence (a combination of motivation and self confidence)⁴² and the employees' competency level. An employee with low competence but high commitment would benefit from being heavily directed (Style 1). One with a moderate degree of competence but a low commitment would need to be coached (Style 2). A highly competent employee with variable commitment levels would benefit from a supportive manager (Style 3), while a manager could simply delegate (Style 4) to a highly committed and extremely competent employee.

If you have hired well, your new professors will be highly motivated and very smart. However, they could lack self confidence and actual experience handling students or preparing lessons.⁴³ In that case, you have a person with some competence (talented but inexperienced) and some commitment (highly motivated but lacking in confidence). This person will benefit from a coaching

39. KENNETH BLANCHARD & SPENCER JOHNSON, *THE ONE MINUTE MANAGER* (1982).

40. KENNETH BLANCHARD ET AL., *LEADERSHIP AND THE ONE MINUTE MANAGER* (1985).

41. *Id.* at 46. For a discussion of LRW professors as coaches, see *infra* text accompanying notes 72-85. Not only will you be looking for professors to coach the students; you will be a coach to the coaches.

42. BLANCHARD ET AL., *supra* note 40, at 46-53.

43. The low pay and low status of legal writing positions tends to result in their being filled more often by women than by men. See Gordon T. Ownby, *Making the Commitment to Skills Instruction*, CHI. DAILY L. BULL., July 25, 1986, at 2 (interview with Professor Kathleen Carrick of Case Western Reserve University School of Law in which she laments that "non-tenure track positions in research and writing skills . . . 'can become a female ghetto'"). See also Terry Carter, *Women Face Hurdles as Professors*, NAT'L L.J., Oct. 24, 1988, at 30. Regardless of how much objective success they achieve, women professionals still suffer from unrealistically low self esteem. See LINDA TSCHIRHART SANFORD & MARY ELLEN DONOVAN, *WOMEN AND SELF-ESTEEM* 217-19 (1987); MADONNA KOLBENSCHLAG, *KISS SLEEPING BEAUTY GOODBYE* 77-117 (1981).

management style in which you would direct closely and support heavily.

Toward that end, at CWSL we provide new professors with a fully prepared course syllabus. The texts, the sequence of lessons, the format and timing of written assignments, and the sequence of reading assignments are pre-selected by the director. The professors are also provided with a complete set of lesson plans⁴⁴ in hard copy and on computer disk. The weekly staff meeting gives the director a chance to talk with all writing professors about the upcoming classes for the next week or two, to answer questions, and to make sure that the program is running in a coordinated fashion. In addition, the director regularly meets informally with new professors. The director attends new professors' classes to monitor the level of teaching and to give constructive feedback and tips on teaching. This system seems to give the new professor a feeling of security—he or she does not have to reinvent the wheel in order to teach for the first time.

As members of your teaching staff gain experience and self confidence, you can delegate more responsibility to them. For example, while professors at CWSL are provided with lesson plans, they are not required to use those lesson plans if they have better or more creative ideas for how to present the material. By the third year of teaching, professors are even free to select their own books for the course (though they must still follow the basic sequence of material on the syllabus and the format and sequence of assignments).

It is unlikely that you would ever get to the point of being able to fully delegate in all areas, at least insofar as delegation means leaving people to provide their own support and motivation. The job is inherently likely to discourage professors from time to time and your support will be needed. I say this because, in nearly all legal writing programs, the salaries are low and professional status substandard.⁴⁵ No matter how much your professors enjoy teaching writing (and you will find that many of them enjoy it very much indeed),⁴⁶ the working conditions can wear on them. In that case, your ability to praise, encourage, and motivate will sometimes be the most important assistance you provide to your staff.⁴⁷

44. See Appendix I for a sample lesson plan.

45. Achtenberg, *supra* note 9, quotes "a dean" as follows: "You realize that among many of your colleagues a long-term commitment to legal writing and research makes you suspect as an incompetent or a borderline crackpot." *Id.* at 218. Fortunately, this quote had escaped my notice when I accepted my first position at CWSL.

46. See generally MURRAY, *supra* note 1.

47. For an outstanding book on attitudes of effective managers, see STEPHEN R. COVEY, PRINCIPLE-CENTERED LEADERSHIP (1991) (recommending that a manager be guided by an internal spiritual "compass" and that she lead in a way that inspires and guides rather than bludgeons through use of raw power).

B. Train Your Staff

Regardless of your level of functioning as a manager, you will need to have some specific information to pass along to your new legal writing professors, and you should begin training them as soon as you possibly can. I discuss below the highlights of the CWSL training program for LRW professors. It contains three components: first, a pre-semester intensive training program; second, regular formal weekly meetings; and finally, an ongoing program of informal training, coaching, guidance, and professional mentoring.

1. Staff Training Component One: Pre-semester Training⁴⁸

New writing professors must be available before school begins for several days of training. This training is an opportunity for the director both to orient the professors to the program and the school in general terms and to discuss matters of importance, such as the program's structure and goals, the sequencing of assignments, teaching strategies, grading procedures, and instructor-student relations, including ways of handling student conferences.⁴⁹ Between sessions, instructors are given readings to help them in their new teaching role. (See Appendix IV for a list of recommended readings.) Described below is a recommended session by session training sequence.⁵⁰

a. Session One: Orientation

On the first day, show your professors their offices and familiarize them with your school's facilities. See to it that by day's end they have signed any

48. The very notion of training law teachers seems novel. A psychiatrist in both the law and medical school faculties at the University of Michigan wrote 25 years ago on the value of systematic training. Little seems to have been done about this notion that training is needed. See Andrew S. Watson, *The Quest for Professional Competence: Psychological Aspects of Legal Education*, 37 U. CIN. L. REV. 91, 160 (1968). More thought may have been given to training LRW professionals because of the legal writing field's history of being taught by upper-class students needing guidance. See, e.g., Cohen, *supra* note 33, at 597. Murray speaks of having been put into a novel position of having to teach writing teachers how to teach. A course for teachers had never before been taught because, before Dr. Murray arrived, others had refused to teach it. MURRAY, *supra* note 1, at 2-3.

49. For additional resources concerning how to conduct student conferences, see generally RICHARD K. NEUMANN, JR., *Teacher's Manual, LEGAL REASONING AND LEGAL WRITING: STRUCTURE, STRATEGY, AND STYLE* 197-224 (2d ed. 1994); LAUREL CURRIE OATES ET AL., *THE LEGAL WRITING HANDBOOK: RESEARCH, ANALYSIS, AND WRITING* I-61 to I-65 (Professor's Anno. ed. 1993) [hereinafter OATES ET AL., *PROFESSOR'S HANDBOOK*].

50. The training materials at CWSL are in a state of constant evolution. They are heavily adapted from materials originally developed at the University of Wisconsin School of Law by Professor Mary Barnard Ray, Professor Mary Ann Birchler Polewski, and Professor Barbara Cox (then director of the Wisconsin writing program). The CWSL program is indebted to these women for sharing their knowledge and expertise.

required paperwork, received office keys, parking permit or instructions, and a coffee mug. In general, inform them about administrative procedures (how to get secretarial help; where the office supplies are located; how they order audio-visual equipment; who is who in the library). If the school does not already have an administrative procedures manual giving these details, consider preparing one.

All CWSL students receive a detailed description of course policies and procedures. Therefore, on this first day of orientation, I review these policies with the new professors. Although the policies are lengthy and the students are required to read them on their own, past experience has shown a few policies to be so important that each professor should highlight them for students early in the course. This is the time for you to emphasize these policies (for instance, plagiarism, collaboration rules) for new professors.

Next, spend time orienting the professors to the structure of the courses they are about to teach. For instance, at CWSL, we go over the syllabus and required texts for Legal Skills I⁵¹ to give the professors a broad overview of the upcoming semester. In particular, I want them to know right away when students will be submitting assignments and when they will expect to receive the assignments back. With this information, professors can predict their "peak" workload and plan their semester accordingly.

This first day of orientation is an excellent time to help the LRW professors to start interacting with the faculty. If possible, set up an informal get-acquainted luncheon to which all faculty are invited.

b. Session Two: Explaining Structure and Goals

During session two, I explain the structure and goals of the research and writing assignments. In order to reduce the demand for certain library books during research assignments, each professor uses a number of different hypotheticals covering a range of first-year topics. Since professors will have to design hypotheticals to be used for the research/writing assignments, I give them examples of hypotheticals used in the past. The examples prevent new professors from inadvertently designing hypotheticals that are far too complex for students in their first month of law school—a problem we have had in prior years. If the closed universe memorandum assignment has already been prepared, we would also discuss that.

51. If I know the professors will be teaching for the full year, we also review the syllabus and texts for Legal Skills II.

c. Session Three: Teaching Strategies

During the third session we discuss teaching strategies. Since the course integrates the teaching of research, writing, and analysis, the professors need to be able to teach all three subjects. This is a great deal to teach in one course.⁵²

I stress the importance of preparing a lesson plan so that the professor knows in advance what he or she hopes to achieve in each class, and understands the parallel importance of sharing that objective with the students. To help with lesson preparation, I give instructors hard copies of lesson plans for the majority of the lessons they will be teaching.⁵³ These lesson plans have been developed over the last ten years⁵⁴ and embody the best ideas of directors and professors who have come and gone. Although instructors may use these lesson plans freely, they are not required to do so. On the contrary, professors are encouraged to develop their own approach to the material they must cover. Generally, those with little or no prior teaching experience rely heavily on the prepared lesson plans, while those with a stronger teaching background are more likely to design their own.

We then discuss a variety of teaching techniques which can diversify the classroom hour. The most obvious classroom technique, lecturing, enables a LRW professor to cover much material efficiently. However, unless she is Roseanne Arnold, the professor's "stand up routine" can become dry very quickly. The most successful research and writing professors inject variety into the fifty minutes of class by avoiding a pure lecture format.

For instance, classes on using research tools can be boring, but they need not be. If your LRW professors have small sections (for instance, the twenty at CWSL), they can turn the classroom into a "research lab" by bringing research tools to class and letting the students work with them in the classroom. Typically the students will be divided into small groups, allowed to work

52. Indeed, some suggest separating research from the writing course on the ground that loading the writing course with research projects blurs the course's emphasis and guarantees that neither subject will be effectively handled. See generally Reed Dickerson, *Teaching Legal Writing in the Law Schools (with a Special Nod to Legal Drafting)*, 16 IDAHO L. REV. 85 (1979). The trend, however, seems to be toward keeping both subjects in one course and integrating them. See Shapo, *supra* note 4, at 726; Christopher G. Wren & Jill Robinson Wren, *The Teaching of Legal Research*, 90 L. LIBR. J. 7 (1988).

53. I say "majority" because some of the lessons evolve during the course of the term. In particular, these are the lessons dealing with the substance and organization of the large writing project—in Legal Skills I the "Closed Universe Memorandum." These lessons change from year to year; the others, however, are standard.

54. The author is indebted to former director Professor Barbara Cox of California Western, who first shared her lesson plans with members of the legal writing department.

together to solve some sort of problem, and asked to fill out a short worksheet on the spot.⁵⁵ While students are working, the professor and (if your program provides one) the teaching assistant can move around the classroom answering questions and providing encouragement.

One of my exceptionally creative CWSL colleagues actually created games for certain lessons. For example, he taught citation form by a relay race entitled "The Cite is Rite."⁵⁶ A question and answer session elicits active student involvement, while allowing the professor to keep a fairly tight control of class content, particularly if the questions are concrete and students are likely to answer correctly. For instance, one can use questions and answers to find out if students understand the content of background reading. To minimize student anxiety about participating, it can be helpful to call on students rather than waiting for volunteers, and then praise students lavishly for any participation.

Guided discussion allows the students even more involvement in the class and has the advantage of being more of a "known commodity" since it resembles the Socratic dialogue they are used to in substantive classes. At CWSL, we typically use this format when students start to discuss the statutory or case law of their closed universe memorandum packet. It can also be useful during the second term when students are working on a large research and writing project and actually take on the role of advocates. For instance, I have turned the classroom into a "law firm" and had a round-table discussion of appellate issues.

In-class debates or abbreviated moot court sessions often appeal to students who come to school with debating backgrounds and are disappointed that law school provides so little opportunity for this type of expression. Although there tends to be limited time available for this type of activity, it can be worthwhile to carve out a class or two for it. Debating can be an alternate way to cover substance, plus it is an excellent introduction to advocacy and persuasive techniques.

55. For more information on ways to use the classroom for group collaboration, see Thomas Michael McDonnell, *Joining Hands and Smarts: Teaching Manual Legal Research Through Collaborative Learning Groups*, 40 J. LEGAL EDUC. 363 (1990).

56. Many of the most creative ideas for legal writing classes came from my association with Professor Robert DeKoven, a Research and Writing professional at CWSL from 1985 to 1987. While I am not intimately familiar with the "rules" of this particular game, I gather students were divided into teams of two, cites were written on the board, and the first student who could identify the citation's error "rang in" with the right answer. The student assistant kept score (and, I imagine, kept order).

d. Session Four: Commenting and Grading

The heaviest workload in legal writing does not come from preparing for class, from teaching class, or even from holding student conferences (although this is certainly a big part of the job). No, the heaviest and most burdensome part of the job is commenting upon and assigning grades to papers. Furthermore, many of your new professors probably have little experience doing this. Therefore, you must give them guidance. Because this is such an important component of the training sequence, I devote somewhat more space to it than to some other aspects of training.

1. Making Comments⁵⁷

Your professors need to understand the commitment of time and energy required to effectively evaluate papers. It is not uncommon for a new legal skills professor to be astonished at how demanding this task can be. Make it crystal clear to your professors that they cannot expect to grade "in between" their leisure activities. Evaluating takes intense concentration and blocks of quality time because LRW professors must do more than simply give a paper a grade. They must support the grade with useful comments. Neither a lecture about writing nor generalized class-wide feedback can substitute for explicit, constructive comments on the students' papers. The comments are necessary for at least two distinct purposes: to help the students and to help the professor.

The first and more important purpose is to teach the student how to write better. The students can only improve when they receive specific, detailed feedback on what they have already done. This is particularly true on first drafts of papers that will be revised in accordance with the professor's feedback. Imagine a skating coach just telling the pupil that the jump was terrible, but not telling the pupil what was wrong or how to make it better. Chances are that the next jump would be little better than the first. Similarly, unless the writing student is given explicit guidance on what is wrong (and also what is right), that student's chances of improving are slight.

The second purpose of comments is to enable the professors to recall why they gave the paper a particular grade should they ever be called upon to justify it. And they will be called upon to justify it.⁵⁸

57. For additional information on commenting on papers, see NEUMANN, *supra* note 49, at 160-69; Anne Enquist, *Beyond Labelling Student Writing Problems: Why Would a Bright Person Make This Mistake?*, in OATES ET AL., *PROFESSOR'S HANDBOOK*, *supra* note 49, at I-55 to I-60; Richard L. Larson, *Making Assignments, Judging Writing, and Annotating Papers: Some Suggestions*, in TRAINING THE NEW TEACHER OF COLLEGE COMPOSITION 109-16 (Charles W. Bridges ed., 1986).

58. See *infra* section IV.B.1.f, text accompanying notes 69-71 (discussing student conferencing).

As noted above, the feedback students receive on writing assignments is usually the first feedback the students receive at law school. It therefore generates an immense amount of anxiety. You need to warn the professors about the depth of the students' reactions and help them prepare for it. Some of the advice involves helping the professors to protect themselves. Accordingly, I recommend that my professors not see students the same day that they hand back papers. A twenty-four-hour cooling off period, coupled with explicit instructions that students must bring written questions to their office conference, can make professors' lives almost bearable.

When student conferences do take place, the professor will be much better able to discuss the student's paper if it contains thorough summary comments and a reasonable number of in-line comments to remind the professor what he or she thought of the paper the last time he or she looked it over.

Tell the professors that, when writing comments, just as when writing anything else, they need to keep their reader in mind. Remind them that they are trying to communicate with a first-year law student, who likely has a shaky ego, is nervous and possibly defensive, and perhaps is someone who has been told for years that he or she is a good or excellent writer and only wants to be reassured that these earlier evaluations are still true. So, offer your professors some suggestions for communicating with these readers. Some examples are presented next.

a. Maintain a Positive Tone

The extent to which a reader can accept or reject a comment can depend in large measure on the comment's tone. Therefore, avoid blunt negative statements—do not write “this is bad,” “this is confusing,” “this stinks,” “this is a disorganized piece of junk,” or other similarly unconstructive comments.”

59. Some additional comments worth avoiding include these remarks gleaned from marked undergraduate papers at the University of Wisconsin.

“You are intolerably muddled.”

“Try thinking; it's fun.”

“The following is suggested:

- a. Go out into a field and dig a deep hole.
- b. Drop your paper in.
- c. Refill the hole with earth.
- d. Do not grow anything over this area.”

“Your grade is a 2, of a possible 100, out of sheer pity.”

“Yuk. F.”

“I am almost tempted to believe that you are putting me on.”

“Ten more lines of randomly selected BS and I would have failed you and anyone who looks like you.”

“If this were a yacht, I'd sink it.”

Keep the tone positive.

Because positive comments are well received and are building blocks for improvement,⁶⁰ your professors should be encouraged to start giving them as early as possible in the paper. If they can find something positive to comment upon on page one, great! But encourage them not to return any paper without something positive, even if they have to stretch to find it.⁶¹

b. Avoid Personal Criticism

"I" statements or statements in the third person worded from the reader's perspective can take some of the personal sting out of criticism. Rather than writing "disorganized," try "I found your organization difficult to follow here" or "your reader is going to find your organization difficult to follow here." Rather than writing "confusing," write "I became confused here" or "your reader is likely to be confused here because you are combining your discussion of issue one with issue two."

c. Keep Comments Specific

Specific comments mean more to the reader than vague generalities. Rather than writing "confusing," perhaps write "you switched topics in this paragraph; your reader needs a transition to know you have done that; otherwise, your reader is going to be confused."

Or rather than saying "this paragraph is unclear," say "you do not have a topic sentence in this paragraph; you need to include, probably at the beginning of the paragraph, a sentence that lets the reader know what the paragraph is about."

On the topic of specificity, remind professors that positive comments must be as specific as negative comments. So just as one should not put "ugh" next to a paragraph that needs work, neither should one just say "good"⁶² next to a paragraph containing some strengths. The comment "good," although pleasing,

"Don't do any more work, don't study for the next class, don't ever come to class again. Goodbye."

Professor Barbara A. Cox, student writing instructors' unpublished training material (copy on file with author).

60. *Id.* at 157.

61. There is always "good start," "shows hard work" or "nice headings" if it seems like nothing else is positive.

62. Professor Barbara Cox first brought to my attention this notion of avoiding blanket "goods." The longer I teach, the more strongly I agree with her that "good" next to a comment is just about "good" for nothing.

is not informative enough to be useful. While it does indicate that the student did *something* good, it does not say what was good about it, why the professor chose to comment on it, or what the student should try to do the next time.

Moreover, "good" can come back to haunt the professor, particularly on papers that will be re-written. Chances are that when the professor wrote "good," he or she had decided that one particular thing or even a couple things about that question presented, that paragraph, or that analysis was good. "Good" was not supposed to signal that the entire sentence or paragraph did not need any improvement. The student, however, may not realize this.

Very little writing is as good as it possibly could be, especially on a first draft. Often, something that looked relatively good on the first draft loses its luster on the second. Comments like "good statement of the rules from that case," "concise, clear question presented," or "good use of analogy to analyze that case" not only inform the student, but also leave room for the professor to make additional comments on the same sentence or paragraph on a re-write.

d. Substitute Questions for Comments

The professor can also try using questions rather than blunt critical statements. Rather than writing "this is awkward," try "can you re-draft the sentence for a smoother sentence flow?"⁶³ Questions can get the students thinking about what they were actually trying to accomplish, thus making them more active participants in the writing and thinking process.

e. Place Limits on Comments

Emphasize major problems rather than marking everything. Writing professors must strike a balance between telling students as much as possible about what they need to do to improve their writing and telling them so much that they lose all perspective, get overwhelmed, and give up.

Furthermore, the students are not the only potential casualties of trying to do too much marking. Given the course workload and time constraints, it is impossible for the professors to comment upon every major and minor problem in each student's paper. Some commentators suggest that there is a limit to how many comments a student can absorb.⁶⁴ There is certainly a limit to how many

63. A professional editor discusses the value of asking questions in Linda Buchanan Allen, *An Editor Should Be Seen and Not Heard*, in MURRAY, *supra* note 1, at 185.

64. "[N]umerous corrections combined with long marginal and end comments produce cognitive overload." Maxine Hairston, *On Not Being a Composition Slave*, in TRAINING THE NEW TEACHER OF COLLEGE COMPOSITION, *supra* note 57, at 117-20.

comments a professor can write and maintain his or her sanity.⁶⁵

To help your professors focus on major problems, you can predict for them in advance the problems they will most likely encounter. Beginning students have the most trouble with organization (failing to logically sequence the major ideas in the paper or the thoughts within paragraphs and words within sentences) and with analysis (making vacuous or superficial comparisons of case law facts to hypothetical facts, but not including reasoning to show why the comparison is significant). Encourage your professors to focus on these problems, instead of commenting on every missing comma or subject-verb disagreement.

f. Encourage the Use of Summary Comments

Summary comments at the end of a paper encapsulate the major areas of strength and weakness.⁶⁶ Going back through the paper to do this is demanding. However, the student benefits from some guidance on what to tackle first in trying to do a better job the next time around.

2. Assigning a Grade

As if commenting on papers was not hard enough, grading is even harder. Now, the professor must not only evaluate the student's problems and communicate them to the student, but also make a judgment call and actually rank the papers.

When professors start grading, they must decide on the standard that they will use. This is tricky when the professor has not taught before and has a poorly defined frame of reference. He or she may not even really know what is most important to him or her. The professor will need the director's help during this process.

It is important for there to be some uniformity in what all the professors want to see in the papers. However, absolute lock-step uniformity is impossible and, perhaps, not even desirable. At CWSL, we normalize grades by use of a department-wide curve before submitting them to the administration.

Professors need to find a way to grade that enables them to maintain internal uniformity and consistency across a group of papers over time. For instance, the professor must keep track of whether his or her grading is being

65. For another excellent discussion of commenting on student papers, see Nancy Sommers, *Responding to Student Writing*, 33 C. COMPOSITION & COMM. 148-56 (1982).

66. Larson, *supra* note 57, at 114-16 contains an excellent discussion of the benefits of summary comments and how to effectively coordinate them with your marginal comments.

affected by fatigue, irritation over minor problems (such as a sloppy paper), or too much comparison with the previous papers (the last paper was so bad that a mediocre paper following it looks better than it actually is). There are two main ways to approach grading. One can use a checklist or one can grade "holistically."

a. Checklist Grading

I confess my bias at the outset. I typically use a detailed checklist, with raw score points allocated to the various tasks I expect students to have successfully completed. I give samples of these checklists to my professors and encourage them to adapt the checklists to reward whatever skills the professors deem most important on each assignment.⁶⁷

The benefits to checklist grading as an aid to internal consistency are numerous. First, the professor is forced to think about what particular grading criteria he or she is using; what tasks he or she has taught; what he or she is looking for in a finished product; and how much each discrete task is worth as a percentage of the total grade. Next, because these criteria are embodied in the checklist, the professor can rely on the checklist to make sure he or she has not evaluated one paper for some criteria and neglected to look for those criteria on other papers. Furthermore, since each criterion has been assigned a specific number of points, the checklist itself helps keep the professors from overreacting either positively or negatively to other parts of the paper and having the entire grade contaminated.

The checklist also has advantages for the students. Writing down these criteria enables the professor to inform the students of them even before they complete their assignment. I recommend getting the checklist prepared before the papers are due and handing out copies of the checklist to the students. "Hide the ball" has no place in a writing skills classroom.

Once the student receives the completed checklist, he or she then has received very precise feedback on what is good and what needs work. I have found that this reduces the time students spend in professors' offices aimlessly debriefing the grade.

Although I firmly believe that the benefits predominate, checklists do have a few drawbacks. One might design a checklist that omits a criterion which, upon later reflection, the professor wishes was included. A checklist also removes the alluring option of deciding that the paper, as a whole, is better or

67. See Appendix II for an example of a detailed grading checklist.

worse than the sum of all its parts, which is an option available to the holistic grader. So the professor might feel "locked into" a particular grade he or she does not "feel" quite good about. Moreover, because of the numbers the professor must allocate to various criteria and the arithmetic involved in checking and double-checking those numbers, use of checklists can be time-consuming.

b. Holistic Grading

While not a fan of holistic grading, I do not prohibit its use, as I believe the professor must feel completely comfortable with the grading method he or she uses.⁶⁸ Holistic grading is less legalistic and rigid. It allows more flexibility to assign a grade based on the overall quality of a paper without locking the professor into allocating only a certain number of points per particular task completed. It allows the professor to dispense with the tedium of adding up dozens of numbers on a checklist. And, it may permit the professor to acknowledge a wider range of student creativity in work product.

On the other hand, holistic grading can be inconsistent. It is tiring, as it requires one to concentrate on a "critical mass" of papers in each grading session so that the relative ranking of a group of papers can be kept in the professor's head. Holistic grading can make it harder for the professor to justify the grade to a student in a conference. The holistic grader is more susceptible to charges of grading the paper according to his or her own biases. And finally, I believe that it is much harder for a director to teach this method to a new writing professor, because the method is based so heavily on one's own subjective reaction to the paper. You will have to decide how to handle this issue of selecting grading standards and feedback mechanisms and train your professors accordingly.

c. Advice on Avoiding Grading Burnout

While the LRW professor is trying to give students as much useful and specific information as possible on how to improve their writing, the professors also have to guard against burnout because of the intense time demands of their work. Some helpful short-cuts in commenting include using some standard abbreviations and cross-references ("this is the same problem that you had when analyzing A case on page 2—see comment there," or "see pg. 2 comment on analysis") rather than re-writing each comment. Encourage professors to set a maximum amount of time they will spend per paper. If necessary, tell them to

68. For a discussion of examination grading techniques, and a rather positive view of holistic grading of exams, see Philip C. Kissam, *Law School Examinations*, 42 VAND. L. REV. 433, 444-52 (1985).

set a timer or keep an eye on a clock. The time allotted should be realistic. Five minutes is not enough time to grade a ten-page paper; two hours is too much. The first few papers will, naturally, take longer to grade as the new professor gets accustomed to the new task. But thereafter, the professor needs to have an idea of about how much time can reasonably be allocated to each paper and—for his or her own sanity—he or she must stick to it.

This was a rather long digression into the mechanics of grading and commenting, but your professors are likely to need a great deal of help with this task. Having completed this theoretical discussion of the process, you will now be ready to give your professors some experience in commenting on and grading papers. That should be the focus of your next training session.

e. **Session Five: Practice Grading and Commenting on Student Papers**

In session five, give the professors time alone to mark a sample paper or two. Mark these papers yourself. Then reconvene to compare notes and comments. What did they mark? Why? How does it differ from what you marked? Are these reasonable differences of opinion or do you need to educate the new professor on things to identify and mark?

To help them prepare for this session, I give the professors some examples of papers I have graded in the past, along with grading materials. These include:

- 1) A sample grading sheet.
- 2) An example of a first draft of a closed universe memorandum with marginal and end comments.
- 3) An example of the graded, re-written closed universe memorandum, showing that even final drafts require comments, but not as many as first drafts.
- 4) An example of an outstanding memorandum written on the same topic as Items 2 and 3 above.

The discussion is useful in a variety of ways. It gets the professors accustomed to the demands of grading. It gives everyone a chance to share points of view about major and minor problems. It enables you to get a sense of the uniformity or diversity of your professors' attitudes. And, best of all, since in the last session you did an awful lot of the talking, it is a chance for the new professors to interact with you and with each other.

f. Session Six: Student Conferences

LRW professors probably spend more time conferencing with students than do all the students' other first year professors combined. Accordingly, they must have guidance in the art of conferencing. Some programs require mandatory conferences, others do not. I have found mandatory conferences useful when I am having trouble establishing needed rapport with my students. Otherwise, I let students make appointments for conferences at their discretion. Few legal writing professors are likely to find themselves without enough students coming to office hours!

Whether conferences are mandatory or optional, your professors will be conducting many of them. Here are a few suggestions to help the process.⁶⁹

1. Structuring the Conference Content

Students should be discouraged from coming to a conference without an agenda of specific goals. Some professors insist on students coming with written questions. This is a policy I have sometimes set but generally only partially enforce. At least having the policy generally means that students will apologize for not having thought about the conference ahead of time, instead of just assuming that they can come to the professor with a formless mass of discontent.

Conferences require excellent interpersonal skills. Professors first listen to the student's needs and concerns and then respond to that student, not generically, but personally. On the other hand, if the student is unfocused, the professor will have to exercise some control to get the conference finished before the next student arrives.

2. Managing Time and Avoiding Conference Burnout⁷⁰

Managing time is important so that each student can be seen when he or she needs to be seen. It is also important because, without time management, professors can exhaust themselves holding student conferences. I can recall suddenly realizing that I had lost all ability to understand what the student sitting across from me was talking about. I simply had been concentrating so hard for so long on many students' concerns. Encourage professors to take breaks between conferences, doing no more than two or three in a row without a few minutes to rest.

69. See sources cited at *supra* note 49 for additional conferencing suggestions.

70. As I was writing this section of the article, one of my professors arrived having spent one hour and 20 minutes with one student. The professor was understandably exhausted.

If appointments for conferences have been set for certain times, the professors must adhere to their schedules. If a conference needs more time than originally allotted, it is better to re-schedule an additional session than to keep all the other students waiting. Give the professors tips for graceful exit lines: "Well our conference time is nearly up—what one last point can I help you with today?"

3. Handling Emotionally Charged Situations

If you screened well for your applicants, your professors took this job because they knew it would involve intense contact with students. Nevertheless, they are likely to find themselves disturbed by their first confrontations with highly emotional students. Offer some advice on handling special situations.

a. **The Hostile Student.** If a student is angry or agitated, the professor could try active listening⁷¹ in the hopes of figuring out why the student is really angry. If necessary, the professor can call a "time out" and re-schedule the conference. In any event, professors should avoid getting into a debate (especially about their qualifications to evaluate writing) or getting angry and emotionally involved themselves. One way or another, each professor will have a relationship with the student for the rest of the semester and needs to keep the meeting calm.

b. **The Passive Student.** If a student is unduly passive in the conference, the professor can try eliciting a response by asking questions (and if necessary, very specific questions) so the student is encouraged to begin talking. Passive students will try to throw the responsibility for the conference onto the professor, but they cannot be allowed to succeed.

c. **The Despondent Student.** If the student seems sad or depressed, the professor might ask how things are in the student's life, in and out of school. If the student looks as though he or she could be helped by some psychological counseling, the professor can gently inquire whether the student is seeing anyone and, if not, consider providing some referrals.

These are only a few examples of special problems. There are innumerable ways in which students can be upset and some of them have nothing to do with their LRW class. By all means, have professors keep facial tissues handy. A few times during any given semester, there is bound to be a crying student in

71. Active listening involves more than just listening to the obvious content of the speaker. It involves hearing and acknowledging the unspoken message the speaker's words and demeanor may convey. See DAVID C. BINDER & SUSAN C. PRICE, *LEGAL INTERVIEWING AND COUNSELING* 20-37 (1977) (containing detailed advice on how to be an active listener).

the professor's office. Sitting quietly until the student composes himself or herself seems to work best.

In summary, the pre-semester training should cover several days and give the professors a chance to think about and experience what is to come, in terms of course content and process. After the last training session, the new professors should still have at least two weeks in which to prepare their first several lessons, read the course books, prepare the hypothetical problems they want their students to work on, get plenty of rest, good food, fresh air and exercise, and in all ways get ready to teach.

2. Staff Training Component Two: Ongoing Training

As mentioned above, you will be training your professors not only before the semester begins, but throughout the school year. Ongoing training and mentoring is just as important as, if not more important than, the preliminary orientation which you give your new professors. True, you have given them an overview of what their tasks are to be; you have provided them with materials of all sorts; you have organized their workload for them. But, this new job will demand more of the new LRW professor than he or she imagines. As those demands become reality, your new professors will need your guidance, advice and support in innumerable ways. In this section, I will discuss some of the principal ways in which you will be called upon to assist your LRW professors. I also share with you some of my biases as to what you should try to accomplish throughout your ongoing training.

a. Help Your Professors Move Beyond the Role of Teacher into the Role of Coach

I have been struck by the complexity of effectively teaching a LRW course and have concluded that the best professors approach the job as would a first-rate sports coach.⁷² Carlo Fassi, who has coached world-class figure skaters such as Dorothy Hamill and Robin Cousins, points out some of the characteristics that go into outstanding coaching.⁷³

Fassi points out that, to coach effectively, one must first have a genuine liking for students and must develop a relationship with them. He ranks intrinsic love of students and patience as the coach's most important qualities.⁷⁴

72. The analogy between coaching and teaching legal writing is also mentioned, though not developed, in Bari R. Burke, *Legal Writing (Groups) at the University of Montana: Professional Voice Lessons in a Communal Context*, 52 MONT. L. REV. 373, 411 (1991).

73. CARLO FASSI, *FIGURE SKATING WITH CARLO FASSI* (1980).

74. *Id.* at 176.

This is also true for first year LRW professors. They care about students on a variety of levels. While the student's writing and analytical abilities concern the LRW professor, the student as a person concerns the professor even more. A coach is more than a teacher, for he or she does not just tell a student how to execute a move; he or she actually cares about the student personally and is willing to hear about aspects of the student's life that do not bear directly upon the acquisition of the skill.

Fassi's effective coach tunes into students and respects their need to develop at their own individual paces. Similarly, the LRW professor honors the differences in each student's writing background and patiently understands that there are differences in each student's ability to acquire the skill of analytical writing. "To train a champion, a coach must be willing to adapt and adjust his or her method to each skater A coach who is rigid about his 'best technique' will prevent the skater [or writer] with good potential from developing to his or her full capacity."⁷⁵

Moreover, the effective coach makes learning a joyous experience and not a chore.⁷⁶ One way he or she does this is by making the student understand that the coach completely supports the student and is there for the student's benefit. A big ego will get in the way of effectively teaching anything—whether skating, writing, or thinking. Conversely, if the coach's attitude is positive and supportive, the student will respond in kind.

I have been asked whether this attitude toward students amounts to "coddling." I do not think so. The effective teacher, like the coach, maintains discipline and sets high standards—but does so within an environment of mutual understanding and respect.⁷⁷ Too often in academia, professors demand respect from students but fail to respect them in return.

If you have hired well, your new LRW professors will already have strong interpersonal skills and a caring, compassionate attitude toward students. They probably already know, from having experienced law school themselves, that law school can be an emotionally battering experience for students,⁷⁸ but with proper instruction it need not be. My colleagues in this field and I have found

75. *Id.* at 175.

76. *Id.* at 10.

77. *Id.* at 176.

78. For excellent articles on the horrifying subject of a law student's view of life, see Lawrence Silver, Note, *Anxiety and the First Semester of Law School*, 1968 WIS. L. REV. 1201; Phyllis W. Beck & David Burns, M.D., *Anxiety and Depression in Law Students*, 30 J. LEGAL EDUC. 270 (1979); James R. Elkins, *Rites de Passage: Law Students "Telling Their Lives,"* 35 J. LEGAL EDUC. 27 (1985).

that the most satisfaction for us and for our students comes about when we maintain a coaching attitude—when we encourage, motivate, humor, and support our students through the course, doing whatever we can to humanize the law school experience.⁷⁹

b. Help Your Professors Understand the Causes of and Remedies for Student Stress

Law school is “a time of exhilaration, high expectations, ideals, and dreams. It is also a time of frustration, stress, conflict, boredom, alienation, depression, and despair.”⁸⁰ Students are plagued by feelings of confusion, fear of failure,⁸¹ disorientation, and pressure from abandoning their prior lives, neglecting their loved ones and former hobbies, and generally losing themselves.⁸²

Students do not necessarily realize that they are suffering from generalized stress when they come to see a professor. The students may think that their problem is more specific. For instance, I have had students come to my office ostensibly concerned about a low grade. Yet I sensed that the students seemed overly upset about the critique of the paper. When this occurred, I moved the discussion away from the student’s paper and onto the student’s law school experience in general. Often, this elicited the reason why the student was so upset and enabled me to give some useful advice or refer the student to someone else for help.⁸³

The LRW professors will need good listening skills to get the students to talk honestly about what they need. Some fine books are available on the topic

79. Because law schools were founded by men as part of a male-dominated profession, they can be particularly alienating environments for women. See generally Catherine Weiss & Louisa Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299 (1988).

80. Elkins, *supra* note 78, at 27.

81. Sadly, the writing class itself may be one of the students’ biggest sources of stress. “[O]ur students are terrified by failure. They have been taught, by teachers, parents, the press, and their own instinct, that everything must be done perfectly the first time. They are inhibited, constipated, frightened—in no condition to produce good writing.” MURRAY, *supra* note 1, at 9.

82. Elkins, *supra* note 78, at 33-34. For more readings on the topic of first-year stress, see Michael J. Patton, *The Student, the Situation, and Performance During the First Year of Law School*, 21 J. LEGAL EDUC. 10 (1968). For insight into the overall system of legal education, see Andrew S. Watson, *Some Psychological Aspects of Teaching Professions Responsibility*, 16 J. LEGAL EDUC. 1 (1963); Silver, *supra* note 78, at 1201. This is not to say upper class students are free of stress. See also Walter Gellhorn, *The Second and Third Years of Law Study*, 17 J. LEGAL EDUC. 1 (1964).

83. A short but useful discussion on handling students under severe stress is found in Kent D. Syverud, *Taking Students Seriously: A Guide for New Law Teachers*, 43 J. LEGAL EDUC. 247, 255-56 (1993).

of effective listening—books for lawyers⁸⁴ and for the general public.⁸⁵

Even without developing any particular sensitivity or listening skills, there is one thing all of your LRW professors can and must do to minimize students' stress—perform competently. Students will be anxious if they do not trust that they are in good hands. A large component of trust is being confident that the professor's advice is sound and not based on "whim" or idiosyncrasy. The professor absolutely must know the subjects—all of them—which means writing, research, and legal analysis. This is quite a list. Your professors will have to engage in continuing legal education to keep themselves abreast of the latest developments in all three fields.

c. **Champion Your LRW Professors with Your Faculty and Administration**

As mentioned earlier, your professors are unlikely to have a great deal of professional status or visibility. While it is beyond the scope of this Article to discuss in depth the politics of being a program director, I would be remiss in leaving you with the impression that you can run an effective program if you lack all political acumen.⁸⁶

At the very least, LRW professors need your support in becoming as integrated into the law school community as their status permits. For years, law schools have complained about the cost of running programs as labor-intensive as a quality legal writing program. They have tried to get by without investing the necessary resources.⁸⁷ If the school does hire full-time instructors, it may attempt, however subtly, to make them feel guilty about the expense of paying them.⁸⁸

In addition, the school can try to convince the LRW professors that their contribution to the school, while valuable, is less valuable than that of "real" faculty members, and thus they deserve to receive less money for their work.

84. *E.g.*, DAVID A. BINDER & SUSAN C. PRICE, *LEGAL INTERVIEWING AND COUNSELING, A CLIENT-CENTERED APPROACH* 20-52 (1977).

85. *E.g.*, DEBORAH TANNEN, *YOU JUST DON'T UNDERSTAND: WOMEN AND MEN IN CONVERSATION* (1990).

86. For anyone completely oblivious to institutional politics, a quick primer is provided by JINX MELIA, *BREAKING INTO THE BOARDROOM* (1986). While initially written for women, it is also helpful to men who have successfully evaded political situations in the past.

87. *See, e.g.*, Germain, *supra* note 11; Macaulay & Manns, *supra* note 11.

88. "Nearly everyone who writes about legal writing courses duly records faculty disdain for the subject matter and administrative dislike of the expense." Mary Ellen Gale, *Legal Writing: The Impossible Takes a Little Longer*, 44 ALB. L. REV. 298, 317-18 (1980). Livingston, *supra* note 9, at 362, also refers, somewhat less directly, to the sensitive expense issue.

This lack of respect batters morale.⁸⁹ As director, you must be your staff's advocate. This means keeping your faculty colleagues apprised of the talents, activities, and contributions of the LRW faculty.

Another political concern is running your department so that the faculty and students follow the established departmental and institutional chain of command. For example, complaining students should not go over their professors' heads to the dean or associate dean. Your professors must let students know that you, as program director, are the first person to whom they should address their problems. It will then be your job to listen carefully to the students and then wait until you also talk with the professor.

This type of dispute mediation between students and LRW professors will be one of your most challenging tasks. On the one hand, you owe it to your professors to support them and, therefore, you must be cautious about too quickly taking a student's complaint at face value. On the other hand, professors can make mistakes in handling students and, if they have done so, you will have the important but unpleasant task of helping them find a way to fix the problem.

Similarly, if students have bypassed you and gone directly to the administration with a problem, be sure to support your professors. Regardless of how much pressure you may be under from the administration to do so, be cautious about making a decision that undermines a professor's authority. First, gather all the relevant facts. If you must override a professor, do not do so without informing him or her of the decision and the reasons for it.

d. Function as a Peer Counselor

Highly motivated new professors undoubtedly have a history of doing extremely well in school and at work. They may be surprised to find themselves perplexed or discouraged by some of the unusual demands of students. Be available as a counselor. Encourage them to vent—to talk with you about their discouragement when students are demanding, whining, or belligerent. Remind them of the ways that they can help students, like active

89. Indeed, as civil rights case law has pointed out, the experience of lowered status can actually convince people of their own inferiority. The sense of inferiority then decreases motivation that would lead to greater achievement. See generally *Brown v. Board of Educ.*, 347 U.S. 483, 494 n.11 (1954) (discussing the impact of segregation on African-American children—separation denoted inferiority which retarded educational achievement). Having for years personally “bought into” the notion that I must be less academically qualified because I was teaching LRW, I can attest to the debilitating psychological effects and the intellectual inhibition engendered by the attitude of the non-LRW majority.

listening techniques. But also give the professors permission not to solve every student's problem, as trying to do so can result in the professor burning out emotionally. Occasionally being a *de facto* counselor is one thing; being an ongoing psychotherapist is another. Be sure that all of your professors have the names and numbers of some local mental health professionals available for student referrals.

Be lavish in your praise of your professors' strengths and contributions. Let them use you as a sounding board when they become discouraged about their lack of status, excessive workload, and under-appreciated contributions. Be readily accessible for impromptu advice on everything from handling students to critiquing papers to planning their future careers.

One of the best ways to support your professors is by being a good teaching role model and mentor. As director, you should have more than just a theoretical understanding of what it takes to teach legal skills. Ideally, you have not only taught the subject in the past but you are teaching it now, while you are mentoring your new professors.⁹⁰ If you are teaching, invite your professors to watch you teach. In addition, encourage them to observe other experienced professors on your faculty in action.

Treat your professors with all the respect that you want them to show the students. Work hard yourself, and share your energy and enthusiasm for the field of legal writing. Be generous with your time: invite professors to drop in with their problems and concerns; visit them in their offices informally, not just when it is time for your regularly scheduled meeting. Be generous with your ideas: share lesson plans and brainstorm new teaching ideas.

As the semester wears on, you may find your professors getting fatigued and discouraged from the combination of the workload and the student resistance to doing the work. Therefore, recommend ways for them to ease their burdens.

For example, although we have small class sections at CWSL and believe that most classes benefit from a small group format, occasionally a professor might combine two small sections into one, thereby relieving himself or herself of some time in class. Alternately, two professors who typically teach at the same hour might combine their classes into one and try team teaching. I have done this most successfully in classes teaching American Law Reports and Shepard's Citators. Another way to take a break is to have a guest speaker. Students generally enjoy hearing from someone new—especially a practicing

90. There is another reason why you should be in the classroom: you probably love teaching, which is why you are good at it. If you find yourself burdened with solely administrative duties, you are likely to become bored and depressed.

lawyer who can remind them that there is life after law school.

e. **Develop—and Encourage Others to Develop—a Constructive Attitude Toward Mistakes**

It is possible to run an organization with no mistakes, but the cost of doing so is high.⁹¹ Operating to eliminate all mistakes inhibits risk taking and creativity. Therefore, view mistakes as a sign that your staff is energetic and innovative. When mistakes occur, do not worry about assigning blame. Instead, analyze how the mistake occurred, how to prevent its recurrence, and how to fix it as fast as possible, minimizing harm to the students, the institution and the program.

f. **Constructively Evaluate Your Professors' Performance**

A key part of your job as director is to evaluate the LRW professors' performance. At a minimum, this generally involves attending their classes to see how they teach and discussing with them your reactions and recommendations. Regardless of how supportive and helpful you subjectively feel, they may feel threatened at the thought of your coming to the classroom. Here is another time when you will need to use your own interpersonal acumen to help your faculty remain calm and to use the visit for a constructive review of teaching weaknesses and strengths.

Another component of LRW performance may be student evaluations. If, as at CWSL, the students fill out evaluation forms, you must review them to see how the professors are faring in the eyes of the students. If the students love the professors—great! But if the students do not (or if even a few students do not) then you will have to decide how to handle it with your professor. Do you think that the criticisms are valid? Do you perceive the professor as less than competent? Does the professor have an interpersonal style that might antagonize the students? If you see real problems, you owe it to your professor to share your insight. But you will have to be sensitive in finding ways to do so. At times like this you will call upon all the mutual trust and goodwill that you have already built between yourself and your staff.

Conversely, the students may simply have complaints that strike you as not particularly valid. Those complaints may still hurt and, in fact, are very likely to hurt, the conscientious and hard-working LRW professors. At this point,

91. See ROBERT J. SCHOENBERG, *How to Think About Mistakes and Mistakes, Tolerable and Intolerable*, in *THE ART OF BEING A BOSS* 160-70 (1978). This book also contains helpful chapters on motivating employees (ch. 7), encouraging new ideas (ch. 24), and avoiding destructive perfectionism while still maintaining high standards of operation (ch. 24).

they will need you for a sounding board and morale booster.

g. Have Fun Together

Above all else, have fun together. The writing professor is a lot like a "home-room" teacher. Students can develop a bit of a love-hate relationship with him or her. Students may at times yell, cry, complain and lash out; but professors may never respond in kind. However, repressing feelings does not necessarily eliminate them. So, the members of our department use one another. We share our frustrations, excitement, anger, and laughter. We joke around and, in a way, we become a family.

One of the best traditions in the CWSL writing department is our Legal Skills Parties. Everyone's families are invited. This gives us a chance to see each other's babies and meet each other's spouses, significant others and parents. Socializing helps us keep life in perspective and we can remind each other that, despite all its frustrations, this job is one we love.

V. PERSONAL STRESS MANAGEMENT FOR DIRECTORS

*My candle burns at both ends;
It will not last the night*⁹²

As a director you will burn your candle at both ends and in the middle too. Think of the multiple demands of your job: 1) you must be a first rate teacher; 2) if you hold a tenure-track position, you must be a published scholar; 3) you are also a personnel manager, a mediator, a counselor, and an administrator. In short, you are a candidate for job burnout.

Burnout is "a complex process which affects at least five major areas of human functioning: physical, intellectual, emotional, social, and spiritual."⁹³ It is especially common among dedicated, committed, achievement-oriented, and perfectionistic people in the helping professions who relentlessly give of themselves without replenishing their energy supply through relaxation, recreation, spiritual renewal, or nurturing personal relationships.⁹⁴

The book *Beyond Burnout* contains separate chapters discussing the burnout pattern of professionals in a variety of roles. As director of a law school legal writing program, you function in at least five of these specific roles: you are

92. EDNA ST. VINCENT MILLAY, COLLECTED LYRICS OF EDNA ST. VINCENT MILLAY 105 (1939).

93. I. DAVID WELCH ET AL., BEYOND BURNOUT 6 (1982).

94. *Id.* at 6-8.

an attorney; a teacher; a counselor; an executive; and, in addition, you sometimes function much like a school principal.⁹⁵ You attend to the problems of many people—people over you and under you and people at your side. Without a personal stress management program, you may well find yourself increasingly tired, both physically and mentally, discouraged, and disconnected from your students, your staff, and yourself.⁹⁶

Therefore, just as you help relieve your students' and your professors' stress, you must take time to relieve your own.⁹⁷ In general, you will be far more relaxed if you are not overly perfectionistic, even while holding yourself to a standard of excellence. Directing is an imperfect art;⁹⁸ do not expect yourself always to be right. You can then pass along this compassionate attitude to your professors, and they can pass it along to their students. A helpful tip for staying calm is to not allow yourself to be forced into on-the-spot decisions—particularly concerning problems between people. Give yourself time to think creatively about a solution and to brainstorm with others.⁹⁹

Sabbaticals or some sort of release time will be especially critical for program directors. If you are on a tenure track, then you should receive the same sabbatical opportunities as other faculty members. However, many directors hold positions categorized as "administrative." These often require a twelve-month working contract. Thus, you are working year round and are not automatically entitled to faculty privileges such as sabbaticals. Before you accept a directorship, attempt to negotiate sabbatical or release time for yourself. You will need it at least as badly as others in your institution.

95. *Id.* The authors discuss separate stress factors of attorneys, teachers, counselors, executives, and principals in chapters 5, 2, 10, 12, and 3, respectively.

96. *Id.* at 10-12.

97. An excellent resource book is EDWARD A. CHARLESWORTH, PH.D. & RONALD G. NATHAN, PH.D., *STRESS MANAGEMENT: A COMPREHENSIVE GUIDE TO WELLNESS* (1982).

98. Again the analogy to coaching comes to mind. "Perhaps the reason nobody can agree about coaching is because it is, after all, an imprecise art." Lynn Rosellini, *The Year of the Coach*, U.S. NEWS & WORLD REP., Oct. 3, 1988, at 54.

99. Taking time can make all the difference between reaching a solution you cannot only live with, but defend, and making one upon which you dread being challenged. For instance, as I was writing this article, students in two writing classes petitioned first their professor and then the associate dean for an extension of time within which to submit a writing assignment on the ground that they had a mid-term examination two days before their paper was due. It took from 9 p.m. on Thursday night until 10 a.m. Friday morning for me to have enough telephone and E-mail conversations with the faculty and administrators for us to settle on a principled, articulable reason to deny the petition. Thirty-six hours earlier my instincts had been to deny it, but the denial at that point would have been premature.

VI. CONCLUSION

In light of the above, you may ask yourself why anyone would take on the job of directing a legal writing program. Despite all the demands and stresses, the job has much to offer. You are called upon to stretch yourself in such a wide variety of ways: intellectually, emotionally, and spiritually. By guiding all the writing faculty, you spread your teaching expertise about analysis and writing across the entire first year class. You exercise your creativity in program design and implementation. And, you have the satisfaction of knowing that you are making a solid, necessary contribution to the legal profession by helping your school produce students who will contribute to the worthy goal of effective legal writing.¹⁰⁰

100. As one commentator has stated:

If you accept this profession—this calling, this vocation—you have apprenticed yourself to a lifetime of learning. Neither you nor your students will learn to write. You will use writing as a way of learning, as way of discovering and exploring, of finding what you may have to say and finding ways in which you may say it.

The same is true of teaching. Each semester your students are new, and you are new too. Together you will share the frustrations, the satisfactions, the difficulties, the failures, the successes, the despair, the joy of writing. And you will discover in your own way the secret that all effective composition teachers share: teaching writing is fun.

MURRAY, *supra* note 1, at 5-6.

APPENDIX I. SAMPLE LESSON PLAN—LEGAL SKILLS I

Lesson Plan for American Law Reports (ALR):

Lecture on Purpose and Use of the Tool:

1. ALR is often an under-utilized tool but can be an excellent starting point for research.
2. ALR was originally a case reporter like the official state reporters and West's national reporter system; West's was publishing comprehensively so Lawyer's Co-op (which publishes ALR) decided to do selective publishing of key cases along with annotations (3-100 pages long) that summarized and commented upon the main point of law discussed in special cases selected by the ALR editorial staff.

Scope of Coverage:

ALR	State and Federal Courts	1919-1948
ALR 2d	State and Federal Courts	1948-1965
ALR 3d	State Courts	1965-1980
	Federal Courts	1965-1969
ALR 4th	State Courts	1980-1991
	Federal Courts	1969-1991
ALR 5th	State Courts	1992-present
	Federal Courts	1992-present

3. Why is ALR such a helpful tool? Because so much research has already been done and it can save an incredible amount of time. If an annotation exists on your issue, you will find that its author has already compiled *some* of the cases in the area, analyzed them, and summarized them for you.

Caveat: You cannot just use the author's research and assume that it is complete, but you can use it as a starting point to get a lot of information and an overview of the issue.

4. How ALR is structured.

- a. ALR starts with a key case on a specific point of law. The subject of that case is the subject of the “annotation” (article) that follows it. The case is reprinted in full just like in other reporters. (Note: ALR 5th has re-arranged this a bit. Now, all the main cases which are the subject of annotations are collected together at the end of the volume and are therefore separated from the annotations).
- b. After selecting a key case, a scholar writes an annotation (think of this as an “article” about the point of law the reported case is being used to illustrate). These can be on extremely narrow topics, such as:
 1. Liability of hotel/motel operator for injury or death of guest resulting from condition in plumbing or bathroom of hotel/motel room.
 2. Liability for injury or damages caused by bees.
 3. Liability for damages to adjacent land or building caused by dredging.
 4. Duty of physician or nurse to assist patient while dressing or undressing.
 5. Rights of a police officer to use deadly force in attempting to arrest a fleeing felon.
- c. The author’s name should be located either at the beginning or the end of the annotation.
- d. Most annotations start with an outline or table of contents listing what is in the annotation.
- e. Most annotations include a table of jurisdictions which tells the reader what states have cases that are included in the annotation.
- f. The body of the annotation includes:
 1. “Scope note” telling what the annotation is about.
 2. “Related matters” listing annotations on slightly different but related topics.
 3. “Summary and comment” which discusses what the law is in various jurisdictions on that point of law.

5. How to use ALR:

- a. Use the Index or the Digest to locate your topic.

ALR has one index that gives references to annotations in ALR, ALR 2d, ALR 3d, ALR 4th, ALR 5th, and ALR FED. It is very easy to use. Look up your search words in the index, trying to find annotations on your issue.

You can also use the ALR digest (for ALRs prior to ALR5th) which has topics similar to digest topics. The older ALR digest system was not especially helpful and many researchers skipped it. It is a five volume set of indexes divided alphabetically. However, the good news is that starting with ALR 5th, ALR is cross-referenced to the West's Digest key number system.

- b. Search for Supplementing and Superseding Annotations.

After you find an annotation mentioned in an index, check the Annotation Historical Table and the Pocket Part of the Historical Table to see whether the annotation has been *superseded*—in which case ignore the first annotation reference, and read the superseded annotation, or *supplemented*—in which case read both.

If your annotation is neither superseded nor supplemented, just read the original annotation you found.

- c. Get the volume or volumes containing the annotation or annotations you need to read.
- d. Check the "Table of Jurisdictions" to see if your jurisdiction is represented anywhere in the annotation. Just because it is not included, does not mean that the annotation is not helpful. Reading it will give you a better idea of the issues involved and how other courts have dealt with them. Also, if your jurisdiction is not included, it may mean that your jurisdiction has not addressed the issue and therefore finding out what other courts have done will be especially important.
- e. After reading, update by checking the pocket part of the volume to see if any other cases have been decided since your annotation was published. If you are using ALR 3d, 4th, 5th or Fed, just check the pocket part. If you are using ALR 2d, check the ALR 2d Later Case Service and the pocket part to ALR 2d Later Case Service.

Other ways to use ALR besides starting with the Index to Annotations:

- a. Case approach—you may find a cite in Shepard's or Am. Jur. that lists annotations and you can go to the annotation directly.
- b. Using a table of cases which lists those cases reported in full in the ALR system. If a case that you know is on point is reported in ALR, there will be an annotation addressing one of the issues in that case. If your issue is the same as the annotation, you have got a lot of research done for you.

TEACHING TIPS: At this point, professors might give the students volumes indicated in the ALR hypotheticals** to use in getting a feel for ALR.

****Professors:** See your director or a veteran skills professor for the ALR hypotheticals. Feel free to design a few of your own (remember—sharing makes for happy colleagues).

****Professors:** On the following page is an exercise sheet which may be given to students in class. Then you assign them, either individually or in pairs, to look for the ALR volumes referenced in the following hypotheticals and direct them to answer the worksheet questions.

See next page for exercise sheet. Hypotheticals follow.

Each student should pick a partner who is in his or her Legal Skills Class.

What Legal Skills Section are you in:

Student No. 1 Name: _____

Student No. 2 Name : _____

Assume that you need to find law in the same jurisdiction as the jurisdiction you use for your research memos (i.e., treatises, digests, memos).

1. Here is an example of a correct citation to an ALR annotation:
(see BB page 117):

William B. Johnson, Annotation, *Use of Plea Bargain or Grant of Immunity as Improper Vouching for Credibility of Witness in Federal Cases*, 76 A.L.R. Fed. 409, 415 (1986).

Using this as a guide, what is the correct citation of the ALR annotation you are working with?

2. Which ALR hypothetical are you researching? (insert the hypothetical number here:)

3. Before reading your annotation, be sure to see whether it is still the most recent ALR material on point.

Do this by checking the *Historical Table* to see whether your annotation has been *supplemented* or *superseded*. If it has been supplemented, read the original annotation and the supplementing annotation. If it has been superseded, just read the new (superseding) annotation. The *Historical Table* is listed in the "Tables" volume of the ALR index. Remember: the ALR index volumes also have pocket parts. Check both the bound volume and the pocket parts "Historical Tables." List any supplementing or superseding annotations here.

4. Skim the annotation(s) in #1 and/or #3 above. Briefly, state the answer to your question. (use reverse if necessary)

5. From reading the annotation(s), locate and list a couple of cases directly dealing with your issue.

6. Did your ALR annotation cross-reference you to any other ALR annotations concerning your issue? If so, list one of them.

7. Have you *updated* your research by: checking the *supplement to your volume* (either the pocket part or the ALR2d Later Case Service) to see whether there are any more recent cases dealing with the subject of your annotation?

Please hand this worksheet in to the professor after class.

Legal Skills I—In Class Exercises—ALR Hypotheticals—Here are a few of the types of hypotheticals useful in helping the students learn their way around ALR volumes.

AMERICAN LAW REPORTS

1. Your client is Wilma Flintstone. She is getting a divorce from her husband, Fred. Wilma supported Fred while he attended law school. She believes that Fred's law degree is marital property for purposes of property settlement. (See 4 ALR4th 1294)
2. Your client is Julianna Jefferson, a ten-year-old girl. While Julianna walked home from school last week, a German Shepherd growled at her. The dog did not bite her, but he did scare her. Julianna has had recurring nightmares about the incident and she now hates dogs. Her parents want to know if they have an action against the dog's owner for emotional distress. (30 ALR4th 986)
3. Your client is Trish, a sixteen-year-old girl. Trish's mother was recently involved in an accident with a drunk driver. Her mother is now an invalid. Trish would like to know if she has an action against the defendant driver for loss of support. (11 ALR4th 549)

Teaching note: Use these hypotheticals as follows: Have your students work in pairs or alone. Assign them one hypothetical and tell them to go directly to the ALR volume listed at the end of that hypothetical. Then have them fill out the ALR worksheet above. This will enable them to see what a typical ALR annotation "looks like" and how to find their way around one. To the extent time permits, encourage the students to look up their annotation in the Historical Tables to check for supplemental and superseding annotations. Depending on the number of students and the number of index volumes you have available, not everyone may get a chance to do this.

Typically, by the end of this class, students have a "feel" for ALR usage and you can elicit feedback from them on how helpful they believe this tool might be in a given set of circumstances.

APPENDIX II. EXAMPLE OF GRADING SHEET

Student # _____ Raw Score /104

EVALUATION SHEET: RESEARCH REPORT NO. 2

1. *DESCRIPTION AND SOUNDNESS OF RESEARCH PROCESS* [23 points total] /23

5 — OVERALL, DOES THOROUGH RESEARCH, COHERENTLY DESCRIBED [5 points total]

2 — LISTS REPORTERS CONSULTED [2 points total]

AMERICAN DIGEST SYSTEM: [10 points total]

2 — Consults and lists appropriate volumes of eighth decennial

2 — Consults and lists appropriate volumes of ninth decennial

2 — Consults and lists appropriate volumes of general digest

2 — Gives all required information (name, volume number, date)

2 — Gives topics and key numbers consulted in each volume

STATE DIGEST/REGIONAL DIGEST: [6 points total]

3 — Consults and lists appropriate volumes of either state or regional digest, including indexes and pocket parts

3 — Gives topic name, key numbers, and descriptions of most relevant digest topics

2. *CITATION FORM* [14 points total] /14

8 — Correctly cites cases in research section: one case each from eighth decennial, ninth decennial, general digest, and state or regional digests

2 — Correctly cites case from treatise/encyclopedia

4 — Correctly cites cases throughout memorandum

3. *FACTS, QUESTION PRESENTED, SHORT ANSWER* [10 points total] /10

2 — Includes legally significant facts

2 — Question presented gives law, core question, specific facts

2 — Short answer includes reasoning

4 — All of above are clear and concise

4. *CASE ANALYSIS* [24 points total] /24

2 — Defines the legal concept pivotal to client's problem

2 — Illustrates the definition with facts of precedent cases

- 5 — Compares facts of client's case with facts of precedent case showing significance of comparison
 - 3 — Shows how the precedent case favors one party in the dispute
 - 5 — Shows how the other party can distinguish the precedent case
 - 2 — Draws supportable conclusion
 - 5 — Analyzes soundly, showing logical progression of ideas
5. *ORGANIZATION* [12 points total] /12
- 5 — Puts paragraphs in logical sequence
 - 5 — Puts sentences in logical sequence within paragraphs
 - 2 — Clearly signposts each part of the report (topic sentences/transitional words, phrases, etc.)
6. *FOLLOWS PRINCIPLES OF GOOD LEGAL WRITING* [15 points total] /15
- 2 — Prefers verbs in active voice to verbs in passive voice
 - 2 — Prefers active verbs to noun forms of verbs
 - 3 — Uses as few words as possible to express ideas
 - 2 — Prefers concrete words and phrases to abstractions
 - 3 — Uses correct grammar, spelling, and punctuation
 - 3 — Simplifies sentence structure
7. *COMPLETELY CARRIES OUT INSTRUCTIONS* [6 points total] /6
- 6 — Gives the information called for in the assignment; follows all directions; submits professional looking report

APPENDIX III. CURRENT WRITING/REASONING TEXTS

CHARLES R. CALLEROS, *LEGAL METHOD AND WRITING* (1990) (also available: *Teacher's Manual and Problems and Assignments book*).

VEDA R. CHARROW & MYRA K. ERHARDT, *CLEAR & EFFECTIVE LEGAL WRITING* (1986).

C. EDWARD GOOD, *MIGHTIER THAN THE SWORD: POWERFUL WRITING IN THE LEGAL PROFESSION* (1989) (like all of Good's books, this one has a sense of humor).

RICHARD K. NEUMANN, JR., *LEGAL REASONING AND LEGAL WRITING: STRUCTURE, STRATEGY, AND STYLE* (2d ed. 1994) (this text has a particularly helpful teacher's manual).

LAUREL CURRIE OATES ET AL., *THE LEGAL WRITING HANDBOOK: RESEARCH, ANALYSIS, AND WRITING* (1993).

KAREN K. PORTER ET AL., *INTRODUCTION TO LEGAL WRITING AND ORAL ADVOCACY* (1989).

DIANA V. PRATT, *LEGAL WRITING: A SYSTEMATIC APPROACH* (1989).

MARY BARNARD RAY & JILL J. RAMSFIELD, *LEGAL WRITING: GETTING IT RIGHT AND GETTING IT WRITTEN* (1987) (a reference book arranged alphabetically by topic).

HELENE S. SHAPO ET AL., *WRITING AND ANALYSIS IN THE LAW* (3d ed. 1995).

For advanced legal writing:

STEPHEN V. ARMSTRONG & TIMOTHY P. TERRELL, *THINKING LIKE A WRITER: A LAWYER'S GUIDE TO EFFECTIVE WRITING AND EDITING* (1992).

MARY BARNARD RAY & BARBARA J. COX, *BEYOND THE BASICS: A TEXT FOR ADVANCED LEGAL WRITING* (1991).

APPENDIX IV. RECOMMENDED READINGS FOR NEW LEGAL
RESEARCH AND WRITING PROFESSORS

Phyllis W. Beck & David Burns M.D., *Anxiety and Depression in Law Students*, 30 J. LEGAL EDUC. 270 (1979).

James R. Elkins, *Rites de Passage: Law Students "Telling Their Lives,"* 35 J. LEGAL EDUC. 27 (1985).

James D. Gordon III, *How Not to Succeed in Law School*, 100 YALE L.J. 1679 (1991).

Donald M. Murray, *Teaching the Other Self: The Writer's First Reader*, 33 COLL. COMP. & COMM. 140 (1982).

Donald M. Murray, *The Techniques of Teaching Writing, in A WRITER TEACHES WRITING* 129 (1984).

Douglas K. Newell, *Ten Survival Suggestions for Rookie Law Teachers*, 33 J. LEGAL EDUC. 693 (1983).

Richard K. Neumann, Jr., *Legal Reasoning and Legal Writing: Structure, Strategy, and Style, Teacher's Manual* 167-224 (2d ed. 1994).

Laurel Currie Oates, et al., *The Legal Writing Handbook: Research, Analysis, and Writing* I-1 to I-8, I-42 to I-64 (Professors' Anno. ed. 1993).

George Orwell, *Politics and the English Language, in GEORGE ORWELL: SELECTED WRITINGS* 75 (2d ed. 1968) (1959).

Lawrence Silver, Note, *Anxiety and the First Semester of Law School*, 1968 WIS. L. REV. 1201.

Nancy Sommers, *Responding to Student Writing*, 33 COLL. COMP. & COMM. 148 (1982).

Kent D. Syverud, *Taking Students Seriously: A Guide for New Law Teachers*, 43 J. LEGAL EDUC. 247 (1993).

Arturo L. Torres & Karen E. Harwood, *Moving Beyond Langdell: An Annotated Bibliography of Current Methods for Law Teaching*, 1994 GONZAGA L. REV. 1 (spec. ed.).

John R. Trimble, *The Art of Revising, in WRITING WITH STYLE: CONVERSATIONS ON THE ART OF WRITING* 95 (1975).

Douglas J. Whaley, *Teaching Law: Advice For The New Professor*, 43 OHIO ST. L.J. 125 (1982).

Additional readings can be located through a new bibliography published by the Institute for Law School Teaching at Gonzaga University School of Law.

