



- In this issue, we continue the conversations started at the 2003 AALS Conference in Washington, D.C. on "Better Writing, Better Thinking" and "Op-Eds and Talking Heads."
- Laurel Currier Oates, this year's Section Award recipient, is profiled.
- We also note upcoming events for this summer and fall.

Better Writing, Different Teaching

By Philip C. Kissam
University of Kansas School
of Law

I could not attend the 2003 AALS panel "Better Writing, Better Thinking," and these comments may be unduly repetitive or bizarrely tangent to the discussions that took place. But perhaps my experience using writing projects to teach doctrinal subjects may suggest a few additional methods, motivations or perspectives that could help promote writing in law schools.

I certainly have no disagreement with the basic idea that "better writing" (or even just "more writing") can provide "better teaching" in law schools, including the core

subjects of legal doctrine. I have two sorts of experience that support this view: using take-home examinations similar to classic issue-spotting final exams, and employing teaching assistants to review written answers to practice questions completed by first-year students in a Criminal Procedure course. For many years I used issue-spotting take-home exams to help teach Property, Criminal Procedure and Constitutional Law, and it seems clear that students can demonstrate their abilities at basic legal analysis much more effectively writing take-home exams instead of blue books.

Then one time I had the chance to hire two upper-class students to review the written



Professor Kissam is the author of "Thinking (By Writing) About Legal Writing," the article that inspired the AALS program on Better Writing

answers to three practice questions in a 60-person Criminal Procedure course. As I graded the final take-home exam that year, I lost a considerable

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Section Award — Two Decades of Dedication

Remarks prepared by Steve Johansen, Lewis and Clark Northwestern School of Law

At the Annual Meeting in January, the Section presented Laurel Oates with the Section's Award. Laurel's contributions to Legal Writing are legion. She is the co-founder of the Legal Writing Institute. It was her vision of legal writing educators shar-

ing information and collaborating to enhance the discipline of teaching legal writing that has become the bedrock principle of the Institute.

For almost two decades now she has been a leader in the Institute. She has been a leader in the formal sense of being the first Chair of the national Board of Directors (1984-1988), the first Editor of the *Second Draft* (1984-1990), and the program

chair/site coordinator of the 1984, 1986, 1988, 1992, 1996, 2000 national conferences. She will also serve on the Program and Site Committees of the 2004 national conference. (Yes, you counted correctly--that's seven national conferences with a key leadership role.) She also served a second four-year term on the Board of Directors from 1998-2002.

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Message from AALS Section Chair: Dan Barnett

Spring 2003

When I wrote "Spring 2003" at the top of this page, it finally hit me that it REALLY is 2003! After a moment of panic, I had the urge to reach for the pile of old Section Newsletters to see what was happening during the Spring of 1993. The Section was busy back then. Dennis Hynes, Colorado, was Chair of the Section. At the AALS Annual Meeting in San Francisco, the Section honored Marjorie Rombauer, who was retiring that year, and sponsored the program

"Teaching Legal Analysis: Why It's So Hard and How We Can Do It Better." The Section was preparing an AALS Workshop on legal writing during the summer and the Program Committee had decided to host a debate on the MacCrate Report for the Section Program at the 1994 Annual Meeting. Though many things have changed over the last ten years, it was clear to me when reading the 1993 Newsletter that there was a group of dedicated legal writing professionals leading the way to improve legal education. That

work is continuing.

At this year's Annual Meeting, the Section honored another important figure in legal writing: Professor Laurel Currie Oates, Seattle University. This was an important event for me personally because, like many of us who were new teachers back in 1993, I feel that Laurel's work and the efforts of her colleagues at Seattle University and many of her contemporaries across the country have given me the opportunity to have a career in legal writing. However, Laurel's contribution goes far beyond our career opportunities. Because of her work and the



Dan Barnett, the Chair of the AALS Section on Legal Writing, Reasoning and Research

dedication of so many people like Laurel who have fought for better status and working conditions for all of us in legal writing, literally thousands of law students have received a much better legal education over the

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Editor's Notes:

AALS activities of interest to Legal Writing, Reasoning and Research Section members continue to grow. This issue of the Section newsletter continues the conversations on topics of panels at the 2003 AALS conference. It includes comments from those attending the conference, missing it this year, and viewing it from a new perspective. News of next year's AALS conference, the 2003 ALWD conference in Ontario, the 2004 LWI conference in Seattle, and regional LRW conferences is also reported.

AALS Summer Teaching Workshop

21st Workshop for New Law Teachers. This Workshop begins on June 26, with two days of plenary sessions and group discussions. The workshop is designed to offer new law teachers ideas about teaching techniques and scholarly development and to enable them to share excitement, experiences and concerns about entering the academic world. **A special Optional One-Day Workshop on Teaching Legal Writing** will begin on June 28. As an introduction to teaching legal research and writing, the Workshop addresses the basic tasks of designing problems, classroom teaching, critiquing students' written work, and conducting effective student conferences. For more information go to the AALS web site www.aals.org.

AALS Section on Women and Legal Education will sponsor a panel on Saturday, January 4, 2004, titled "Occupational Segregation by Sex in the Legal Academy." Sue Liemer, Southern Illinois, has been busy coordinating with Barbara Cox of that section.

AALS Newsletters from 2002 and 2003 will be posted on the AALS Section web site once the web site is created. Any volunteers?

—Jo Anne Durako
Section Secretary & Editor of the AALS Section Newsletter.

Nominations for 2004 AALS Section Secretary Sought; Proposals for 2005 AALS LWRR Program Requested

The AALS Section on Legal Writing, Reasoning, and Research seeks nominations for Secretary for 2004. The Secretary prepares the AALS section newsletter, which is published twice annually.

The AALS Section on Legal Writing is also soliciting proposals for the 2005 AALS Legal Writing Section Program, which will be presented at the AALS Annual Meeting in January 2005. Generally, the individual chosen as Program Chair is elected in the following year as Secretary of the Section.

Nominations for Secretary and proposals for the 2005 AALS section program are **due November 1, 2003** to Jo Anne Durako, Secretary, AALS Section on Legal Research and Writing, Georgetown University Law Center, 600 New Jersey Avenue, N.W. Washington, D.C. 20001 or by e-mail: durako@law.georgetown.edu.

Further Thoughts About Talking Heads

By Amy Gajda, University of Illinois College of Law

I write legal commentaries for National Public Radio stations in Illinois. Every week, I take a news story and analyze it legally: the Iraq war, the death penalty, a dog show, Bozo's retirement. You get the idea.

Most times, I do my best to write in a fairly objective manner, even when I write about hot-button issues. I suspect that it's my journalism background and the "give both sides" mentality instilled in me in newsrooms where I worked before lawyering. I prided myself on my unbiased look at the law and thought that listeners, too, appreciated the information that helped them decide for themselves.

Then I gave a talk to a lunch group as part of a University of Illinois lecture series. One of the first questions from the audience was, in a critical tone, "Why don't you ever give your opinion?" What this fellow in the audience wanted, then, wasn't the overview of the law I felt that I was giving him but exactly how I felt about the issues I raised. I sensed that he wanted that information because, unlike him, I had legal training, I had experience with law, and he trusted me to help guide his thinking on the issues of the day.

That's the danger, some say, with law professors who act as legal commentators, a focus of my AALS Annual

Meeting panel last January. Some among us take a subject (impeachment was a big one) and offer a view of it through our thick, politics-colored glasses without ever showing the giant spectacles to the general public. We don't reveal our biases, our political party memberships, our reasons for speaking out to the reporter who calls, or write them in the tag line to our newspaper opinion pieces. We certainly don't tell the public that not all lawyers, not all law professors would analyze the issue in exactly the same way. And law-professor-as-legal-commentator critics worry

that the reader, the viewer, the listener will think all law professors, knowing and educated in law, would agree with whatever Professor X has to say.

Now, sure, that school of thought paints the public as incredibly gullible and naive. But there's at least some truth there. Think about the number of times you've been approached by students and others who ask you for guidance on some obscure legal topic. You're asked because you're a law professor and, therefore, are assumed to be all-knowing about all law. My personal favorite examples

"One of the first questions from the audience was, in a critical tone, 'Why don't you ever give your opinion?'"

involve bankruptcy forms and international comparative law questions. Both law students

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Another View of the AALS Conference

By Cliff Zimmerman, Northwestern School of Law

This year I ventured to AALS in a different role than in years past. Two months before the conference, I had become the Director of Academic Counseling, opening up an additional and, as we know, complementary, side of the conference offerings. I would attend not just the LRW and Teaching Methods sections, but also the Academic Support and Student Services presentations. Thus, the context within which I viewed the LRW parts of the conference was heavily influenced by the Student Services and Academic Support presentations.

I have always been a strong advocate of using our unique role within the legal community to reach out to students. Judy Rosenbaum and I presented at the September 2001 Midwest Regional Conference on Building a Community in the Classroom. This talk encompassed how to make our classroom a safe, comfortable learning environment, the importance of being someone whom our students can approach with academic or other issues, and, in the end, the need to ensure that our teaching methods were not only pedagogically sound, but also reflected a student-centered learning environment. Thus, I attended the first LRW panel, featuring creativity in teaching methods and addressing how to achieve better thinking and better writing, and found nothing out of the norm for a solid LRW presentation.

Then, I attended the early Friday Student Services presentations which focused, at least initially, on the severe psychological issues that arise out of and are the result of legal education. The stark numbers of law students documented to be suffering from depression struck me to the core more so than in years past. While these numbers (one third in the first year, rising to forty

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Talking Heads, *LRW History:* *cont'd*

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posing the queries looked stunned when I answered that I simply did not know. On the other side, the newspaper pages are called opinion pages for a reason and we can't squelch voices because some are not smart enough to recognize that. But there I go again, giving both sides and not revealing exactly where I stand.

In the end, giving both sides may be the wrong thing to do. That man in the audience may speak for many readers, viewers, and listeners who want opinions from many so they can decide which few they'll use as counsel. But, even so, I will forge on and continue my overviews, thank you very much. For one, writing in that way gives the listener a good sense of the fluidity of law and the importance, intrigue, and fun of legal analysis. It also allows me the freedom to take a class podium and encourage robust student discussion without worrying that the students disagree with my political views will hesitate to speak.

ALWD/LWI Survey of Legal Writing Programs broke 90% response rate for 2003. Results will be available at the ALWD Conference in July. Many thanks to all who responded.

LRW History: *The Inside Story*

Interested in how the AALS Section on Legal Writing, Reasoning and Research began? In the history of the Legal Writing Institute? Watch for two forthcoming articles by Mary Lawrence (University of Oregon) in the Journal of the Legal Writing Institute. Learn why West initially turned down Marjorie Rombauer's seminal legal writing text and how Marjorie triumphed. Find out how writing across the curriculum influenced indirectly the founding of the Institute. Discover how Marjorie Rombauer anticipated and come up with solutions for many of the questions legal writing professors raise on our listservs today. Marvel at the progress we've made as a profession.



Mary Lawrence, Associate Professor Emerita, University of Oregon School of Law

AALS Through New Eyes,

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Cliff Zimmerman, Northwestern University School of Law

percent in the second, according to Larry Krieger and Andy Benjamin's study) are in and of themselves an alarm, I felt an even greater wave of understanding that as LRW professional teachers in the 21st century of legal education, we have many of the solutions and creativity that legal education will need to address and resolve these issues. Many of the solutions presented at AALS (in the Student Services context) are, in effect, standardi-

zation, replication, and expansion of our teaching methods, such that a student-centered approach becomes the norm in legal education.

As a result, the previous and following LRW panels, featuring a wide range of presenters from both within and without the LRW community, like Kent Syverud and Judith Wegner, appeared as bright lights in the darkness of the depression statistics presented by Larry Krieger; and the creative and humorous, yet pedagogically grounded methods presented by Mary Beth Beazley appeared as just the solutions hoped for by Krieger and Benjamin. The more in-depth LRW panels, such as Programs for Foreign LLM Students, reflected, like a bright star in the full, black night, the beacon that should be guiding all of legal education. This panel, in particular, covered the breadth and depth, simplicity and com-

plexity, and theory and practicality of the topic in a fashion second to none. While the LRW section has had a wider community of speakers in the past, I do not recall a panel embracing our methods to these degrees. (In retrospect, I specifically recall John Costonis speaking about post-MacCrate education without recognizing the vital role that LRW teaching could and would play in addressing the recommendations and James Boyd White criticizing our texts and implying that their limitations were reflective of or influential upon LRW pedagogy.)

As this academic year closes, this evolutionary development in our LRW professionalism, as reflected in our vibrancy at AALS presents an exciting new frontier for legal education. We must continue to lead this movement that balances professionalism and substantive excellence with creativity, support, and civility in legal education.

Better Writing, Different Teaching, cont'd

(Continued from page 1)

amount of sleep as I came to realize that I had to apply our school's grading curve to so very many good solid papers!

More recently I have used different kinds of writing exercises in doctrinal courses and have discovered that these exercises can support a broader kind of teaching and learning, in the classroom as well as the writing, that reaches well beyond the "basic legal analysis" of issue spotting and making arguments by rule or analogy. Since 1990 I have taught Constitutional Law by requiring a 12-page "limited research, analytical paper" in place of a final exam. This project requires the student to develop the best possible constitutional arguments for two competing rules or other premises of constitutional law and then offer a reasoned judgment in support of one of the rules or premises. I distribute a list of topics early in the semester, review a three-page bibliographic essay or prospectus in mid-semester, and review at least one one-page "structural outline" before the paper is due during the exam period.

I introduced these exercises to teach constitutional argumentation in difficult cases, and other than having to apply the grading curve to many good papers I have not been disappointed by the results of these projects. To my surprise, however, I have also gradually discovered that the writing project has changed and broadened the nature of class discussions. In addition to traditional case analysis, my students now find it sensible to read, think about and talk about the leading constitutional cases as "practice" for their papers. That is, I believe I've finally convinced many students to read constitutional cases for their underlying arguments and justifications as well as for their holdings and rules. My students also seem to tolerate much better a series of lectures I present on different methods and theories of constitutional interpretation. While probably all constitutional law teachers talk about theory, method and policy in addition to case analysis, I had found students somewhat bored, rest-

less or uncertain about all this talk until I happened upon using a writing exercise that incorporates at least parts of this learning.

In the past few years I have been teaching Immigration Law -- not as an expert but as a way to include this subject in our curriculum. I began by using a classic kind of final exam, but with my Constitutional Law experience in mind, I hoped to re-design this course as a "quasi-clinical" experience for students. I now give a one-hour mid-term, relatively late in the semester, to test students on their acquisition of the basic vocabulary of the subject. Then, as we turn to refugee and asylum law, which is a more policy-driven part of the course, I ask students to research and write a 12-15 page memo on an approved subject of their choice. With the benefit of relatively small classes, I have also been able to provide two conferences for each student: one on the choice and design of their project, and a second on a short "structural outline" of their research memorandum. In addition to the research and writing benefits of the project, I have discovered -- much like my discovery in Constitutional Law -- that students now seem more interested in policy discussions throughout the semester.

* * *

For further discussion, see Kissam,

Teaching Constitutional Law Differently, 9 Const. Comment. 237 (1992);

Lurching Towards the Millennium: The Law School, the Research University, and the Professional Reforms of Legal Education, 60 Ohio St. L. J. 1965 (1999);

The Ideology of the Case Method/Final Examination Law School, 70 U. Cinn. L. Rev. 137 (2001); and

The Discipline of Law Schools (Carolina Academic Press, forthcoming 2003).

1979 AALS Panel: The More Things Change . . .

An Excerpt from Reed Dickerson's classic *The Fundamentals of Legal Drafting*:

In 1979, the Association of American Law Schools conducted a legal writing panel discussion on what law schools can do to solve the problems of instructor turnover, inadequate transitional guidance, administrative inefficiency, low evaluation of the task, low salaries, lack of prestige, and student discontent. Some of the solutions suggested for discussion were providing more money, rotating responsibilities among experienced faculty, and attaching small sections to substantive courses. Unfortunately, such suggestions deal with symptoms rather than the causes. None relates to the root causes of the law schools' general lack of success. Here are some of them:

1. We have trivialized legal writing by calling it a "skill" when expository writing, of which legal drafting is one kind, is a basic discipline, perhaps the most basic of all disciplines. ("Skill" is the academician's semantic put-down.)

2. We have demeaned legal writing by treating it as mainly a matter of language, thus playing down one of its most important functions: improvement of substantive ideas. . . .

* * *

For more, see Dickerson, *Teaching Legal Writing in the Law Schools (With a Special Nod to Legal Drafting)*, 16 Idaho L. Rev. 85 (1979).

"We have trivialized legal writing by calling it a 'skill' when expository writing . . . is a basic discipline, perhaps the most basic of all disciplines."

Section Award

(Continued from page 1)

In addition to these responsibilities, Laurel's desire to help others learn to teach legal writing has led her to be a presenter at every Legal Writing Institute conference, sharing both theoretical and practical expertise. Her theoretical presentations have included such topics as her own qualitative research on the reading strategies of alternative admissions law students, using learning theory to design effective curricula, applying transfer theory to legal writing, and integrating rhetorical theory insights into legal writing courses. She has also shared nuts and bolts practical expertise in presentations like "Teaching Students to Write Persuasively," "Using Writing to Teach Legal Analysis," and "Using Collaborative Learning."

As amazing as all these formal leadership roles and presentations are, however, Laurel's most important leadership in the organization has been informal. By setting a tone of generously sharing her expertise and by creating an inclusive environment where all are welcome and valued members, she has helped build a professional community with an extraordinary sense of mission and camaraderie. Laurel's view is that everyone has a place at the table, and everyone has something to contribute.

There is no better example of the inclusive spirit Laurel has breathed into the Legal Writing Institute than the new teacher sessions we have at every one of our national conferences. The new teacher track was an early idea of Laurel's that has played a pivotal role in shaping how our experienced members mentor novice teachers. How wonderful it has been for new legal writing teachers to be able to go to the national conferences in their field and find specific sessions designed to give them a head start in their teaching.

Anyone who has attended a Legal Writing Institute conference knows that Laurel is at home in the classroom.

What we experience at conference presentations, her students experience every day. It is hard to explain just how good Laurel is as a teacher. What Julia Child is to a kitchen, what Tiger Woods is to a golf course, Laurel is to a classroom. The classroom is her natural environment, the place where she excels, but more importantly the place where her students excel.

Although her reputation usually precedes her, the students who have not heard of her before beginning her course realize by the end of the first class that they are in good hands. She is organized, totally professional, dedicated beyond belief, and 100% committed to their learning how to do legal research, analysis, and writing well.

Laurel also is co-author of one of the most successful textbooks in our discipline, *The Legal Writing Handbook*. While the textbook itself has proven successful (adopted at over 70 law schools and now in its third edition), an equally significant and quiet contributor to the teaching of legal writing has been the book's extensive *Teacher's Manual*. Laurel's sample syllabi, sample lesson plans, grading checklists, and introductory notes on teaching research, analysis, memos, and briefs generate comments like "although I did not adopt your textbook, I want you to know that I learned to teach legal writing from your *Teacher's Manual*!!"

Explaining Laurel's contributions to Legal Writing is both an easy and a difficult task. It is easy to talk about how Laurel's approach to our profession matches the Section Award criteria. Her personal and professional qualities and fundamental motivation of always striving to do what is good for students make her an obvious choice for such an award. What is difficult about the task is to explain accurately what she does when the truth is so overwhelming as to seem to exaggerate her generous and collaborative spirit. Fortunately, so many of us know her so well that we understand that she is all of these things and more.



**Laurel Currier Oates,
Director of Legal Writing Program,
Seattle University School
of Law, 2003 Section Award
Recipient**

A Few Words from the Section Award Recipient

Although it made me feel old, it was a great honor to receive this year's AALS Legal Research, Analysis, and Writing section award. In particular, it was a great honor to receive an award from those I admire so much and those I consider to be not just colleagues but also friends.

If I have learned anything in my twenty-two years of teaching legal writing, it is that you can't do it alone. The progress that we have made during the last two decades has been the result of a group effort. Working together, we have obtained additional credits for our classes, we have made it possible for individuals to choose teaching legal writing as a career, and we have developed the materials and teaching techniques that have enabled us to dramatically improve the quality of our students' writing.

In addition, as a group, we have helped change the nature of legal education. Following our example, many

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Section Award Recipient cont'd

law school professors have begun to think critically about what they want to teach and the best ways of accomplishing their goals. In addition, many law school professors now use the techniques that we introduced into law schools: writing-to-learn exercises, collaborative learning, and presenting material in a variety of different ways to meet the needs of students with different cultural backgrounds and learning styles.

In addition, as a group, we continue to explore ways in which we can improve the way law schools teach. For years, we have been leading the way in integrating issues of professional responsibility and social justice into our classrooms. In addition, more recently, we have been leaders in exploring ways in which we can use technology to improve the ways in which we engage and interact with our students. Finally, we have demonstrated to our colleagues that you can provide students with a rigorous and demanding education that encourages instead of demoralizes.

Thus, although there are days when it seems that the battles over status will never end or that we will never get to the bottom of a stack of papers, I can't think of a better profession. I have students who are eager to learn, colleagues who provide me with day-to-day support and inspiration, and the opportunity to help change the way law schools teach and the way in which lawyers practice law and interact with their clients and communities.

* * *

"We have demonstrated to our colleagues that you can provide students with a rigorous and demanding education that encourages instead of demoralizes."

LRW Conferences—National and Regional News

2004 Legal Writing Institute Biennial Conference: Call for Proposals

The 2004 Legal Writing Institute Conference will be held at the Seattle University School of Law in Seattle, Washington from July 21 to July 24, 2004. The theme of this eleventh biennial conference is Horizons. Proposals must be submitted by August 1, 2003. For details, go to www.lwionline.org.

New England Writing Consortium, June 13, at Roger Williams Law School, in Bristol, RI. Contact Jessica Elliott at jelliott@rwu.edu.

Philadelphia Regional Meeting, May 12, at Rutgers Law School at Camden, NJ. Contact Randy Abate at rabate@camden.rutgers.edu.

Southern Regional Conference, tentatively scheduled for September 9, at Stetson Law School in St. Petersburg, FL. Contact Darby Dickerson at darby@law.stetson.edu.

Articles, Books, & Websites to Check:

LRW Recommended References

Recommended Books:

Karen Elizabeth Gordon, *The Deluxe Transitive Vampire: The Ultimate Handbook of Grammar for the Innocent, the Eager and the Doomed*. A grammar book for even the toughest audience.

Robin Williams, *The Non-Designer's Design Book: Design and Typographic Principles for the Visual Novice*. Using proximity, alignment, contrast, and repetition, this little book is a treasure of document design basics.

William Zinsser, *On Writing Well*. This classic guide to writing nonfiction is now in its 25th anniversary edition. *The New York Times* called it "a bible for a generation of writers looking for clues to clean, compelling prose."

Zinsser, *Writing to Learn - How to Write - and think—clearly about any subject at all*, gives an inside view of the power of writing across the curriculum. Follow the author's personal journey of discovery of why writing should not be the sole possession of the English teacher, but an organic part of how every subject is taught. It establishes that "writing is a form or thinking, whatever the subject."

Recommended Websites:

www.sec.gov/investor/pubs/englishhndbk.htm - The Securities and Exchange Commission's guide to writing in plain English. Download a copy of the *SEC Plain English Handbook* at this site.

www.bartleby.com - Links to many writing resources, including the classic *The Elements of Style*.

www.refdesk.com facts.html Links to 50 sites with writing and writing style pointers. It bills itself as the single best source of facts on the web.

www.uscourts.gov The site includes links to federal courts, frequently asked questions, judicial vacancies, news, and more .

Further Thoughts on Better Writing

By Terry Pollman, University of Nevada at Las Vegas

As writing teachers, we frequently witness the mystery of how writing and re-writing clarifies thinking. We teach our students to let the writing process show them the gaps in their reasoning. As students edit, they learn that paring away the superfluous allows us to see the line and structure of the argument. When a section or a sentence “won’t write,” it is often because we are trying to ignore a flaw in our understanding. Form is related to content. The attempt to simplify our message teaches us what is it we have to say.

During the writing process we read and interpret text. Modern literary scholars have argued that the process of interpreting a text is more than discovering the author’s intention; it is an act of negotiating meaning. The particularized reader brings a context to the text and it is through the dialogue between reader and text that meaning emerges. Composition theorists have noted that the writing process replicates this negotiation but adds another layer. The author as writer creates text. The author as reader negotiates the text’s meaning. The author as writer revises based on the new meaning discovered by the author as reader. And so the circle continues with the author learning during every step of the process

There is an illustrative saying among scholars that I first heard as a law student from my professor and mentor, Dean Toni Massaro. Sometimes when I asked Dean Massaro’s

opinion on a topic, she would answer, “You know what they say--I don’t know what I think about that, because I haven’t written about it yet.”

The panelists at the section meeting on “Better Writing, Better Thinking” remind us of the pedagogical importance of law schools requiring significant writing training. Dean Judith



Wegner spoke of the goal of law school training as transforming our epistemology, or transforming our individual

theories of what it means to know. If our experience tells us we know something in a different way after we’ve written about it, then writing offers an important way to accomplish this task. In other words, learning to write as a lawyer is another way to learn to think as a lawyer. Professor Mary Beth Beazley talked of intervening in the writing process. The “private memo” she described shows us one way to make the negotiation between author and text into a three-way conversation between author, text and teacher. The “self-graded draft” makes explicit the lessons students can learn from their own texts. Dean Kent Syverud reminded us that “making thinking explicit is something better done through writing than orally.” Finally, both Dean Wegner and Dean Syverud helped us to remember that through our attention to learning theory, we are gaining powerful allies to deal with the external problems of status or traditions that sometimes

interfere with using writing to learn. Dean Syverud told us the problems are all surmountable if we keep the will to surmount them.

The discussion brought to mind a cartoon I recently shared with one of my writing classes. During the Watergate Scandals of the early 1970s, investigative reporters asked about President Richard Nixon, “What did he know and when did he know it?” The press revived the question last year in regard to whether agencies in the United States government had knowledge that might have prevented, or lessened the tragedies of September 11th. Last May, while the question was filling the news, *The New Yorker* magazine published a cartoon that depicted skeptical parents discussing a proud graduate who stands before them in cap and gown, diploma in hand. The caption reads, “*What does he know, and how long will he know it?*”

The panel discussion on Writing as Thinking at the AALS meeting in January reminds us that the questions of what law graduates know, and how they know it, and thus, how long they will know it is profoundly influenced by teaching better writing for better thinking.

* * *

The cartoon is printed in *The New Yorker*, 84 (May 27, 2002).

“The New Yorker magazine published a cartoon that depicted skeptical parents discussing a proud graduate who stands before them in cap and gown, diploma in hand. The caption reads, ‘What does he know, and how long will he know it?’”

Publishing Outlets for Legal Writing

2003 AALS Conference Presentations Published in Legal Writing Journal

Volume 10 of *Legal Writing: The Journal of the Legal Writing Institute* will publish papers from the presentations of two panel at the 2003 AALS Conference. "Better Writing, Better Thinking" and "Op-Eds and Talking Heads: Legal Commentary for a Lay Audience." The "Talking Heads" program explored the role law professors have as public experts for the media. Moderator Amy Gajda has secured commitments for papers from panelists Ian Ayres, Yale; Erwin Chemerinsky, USC; Linda Greenhouse, Supreme Court Correspondent, *The New York Times*; Pamela S. Karlan, Stanford; Arthur R. Miller, Harvard; Peggy Robinson, Senior Producer for Legal Issues, The Newshour with Jim Lehrer; and Benjamin Wittes, Editorial Writer, *The Washington Post*.

The "Better Writing" panel, moderated by Jo Anne Durako, focused on how those charged with teaching writing should learn from learning theory, clinical practice, and educational evaluation and innovation, to help our students become better writers, better thinkers, and better lawyers. Papers will be published from panelists Mary Beth Beazley, Ohio State University; Kent Svverud, Vanderbilt; and Judith Wegner, University of North Carolina.

A later volume, one dedicated to issues which arise in teaching of Foreign LL.M. students (tentatively Volume 11), will include the published remarks from a third 2003 AALS panel "Developing Writing Programs for Foreign LL.M. Students." Moderated by Mark E. Wojcik, John Marshall Law School, six panelists explored best practices in creating legal writing courses for foreign law students who speak English as a second language: Teresa Kisane Brostoff, Pittsburgh; Nina Hovarava, Chair, English Department, European Humanities University, Minsk, Belarus; Debra S. Lee, Legal English Consultant and Professor, Nashville State Technical Community College; Jill J. Ramsfield,

Georgetown; Ann M. Sinsheimer, Pittsburgh; and Julie M. Spanbauer, John Marshall.

Legal Writing continues to solicit articles, research reports, book reviews, and critical commentary from persons interested in both the theory and the practice of legal writing, in the design of courses and curricula, and in teaching techniques for the classroom and office. We seek articles that contribute to the discipline of legal writing.

For further information, check the Legal Writing Institute web site at lwionline.org. Manuscripts may be sent to Kathryn Mercer, Case Western Reserve University, 11075, East Blvd., Cleveland, Ohio 44106. Please check the web site for manuscript requirements.

New Legal Writing Journal-JALWD

CALL FOR ARTICLES FOR FALL 2004 LEARNING / THINKING/ WRITING

The Journal of the Association of Legal Writing Directors (JALWD) invites submission of proposals and articles for its Fall 2004 Learning/Thinking/ Writing issue.

In this "best practices" issue, the Journal will publish articles relating learning theory and cognitive research to the teaching and practice of professional legal writing. **The final deadline for submission of articles is September 15, 2003.** Article selection will be completed by November 1, 2003.

The Journal welcomes submissions from legal writing professionals, including law professors, lawyers, and judges, as well as from academics, researchers, and specialists from other disciplines. In addition to full-length articles, the Journal welcomes essays and practice notes.

JALWD is designed to generate landmark volumes within the field of professional legal writing by encouraging and publishing scholarship that uses theory, research, and experience to propose and develop "best practices" within a specific subject area. The Journal aims to be an active resource and a forum for conversation between the legal practitioner and the academic scholar.

Notre Dame Colloquium

The third Notre Dame Colloquium on Legal Discourse will be held the week of June 8, 2003. The conference will provide an intensive, exciting week of relaxing, reading, and thinking as well.

If you are interested in attending, please contact Linda Edwards at Edwards_LH@Mercer.edu, or call her office at 478-301-2191.

To accomplish these goals, the Journal is interested in two kinds of articles: (1) articles that develop the theory and research the practice of legal writing, and (2) articles that apply theoretical and research findings from law and other disciplines to the teaching and practice of legal writing. In addition, the Journal will publish "practice notes" designed to highlight a strategy or technique applied in the field, a current problem or obstacle, or a new issue encountered in the field that has not yet received much scholarly attention.

For more information and submission guidelines, visit the ALWD website, www.alwd.org.

Nominations Sought for Section's Legal Writing Award for 2004

The AALS Section on Legal Writing, Reasoning & Research seeks nominations for the Legal Writing Section Award for 2004. The award goes to an individual who has made a significant contribution to the field of legal research and writing. Laurel Oates, Seattle University School of Law, was the 2003 recipient. See page 1 for story on the 2003 award.

Past recipients include Helene Shapo, Ralph Brill, Mary Lawrence, and Marjorie Rombauer.

Nominations should be sent by November 1, 2003 to Jo Anne Durako, Secretary, AALS Section on Legal Research and Writing, Georgetown University Law Center, 600 New Jersey Avenue, N.W. Washington, D.C. 20001 or e-mail to durako@law.georgetown.edu.

Message from the Chair, Cont'd

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years. That in turn has improved the legal profession and the quality of legal representation received by many more thousands of clients, both large and small. That is truly a legacy for which Laurel should be immensely proud.

The Section continues to follow Laurel's example to make a difference in the legal academy and the legal community. You'll read reports in this Newsletter about activities of the Section and the legal writing community at the 2003 AALS Annual Meeting. The Section sponsored or co-sponsored several programs that were designed to assist a wide-range of legal academics to be better educators, scholars and members of the legal community. There were a variety of other events organized by legal writing groups, including the reception co-sponsored by LWI, ALWD and Scribes where the first annual Thomas F. Blackwell Memorial Award was presented to Professor Richard Neumann, Hofstra.

The Newsletter also includes several announcements about the future plans of the Section. Thanks to the hard work of Susan Kosse, and her planning committee, legal writing professors will lead a day-long seminar for new writing teachers as part of the AALS New Teachers' Workshop in Washington, D.C., in June. Suzanne Rowe, the chair of the Program Committee, is planning the Section program for the 2004 Annual Meeting, which will address the issues of the Americans with Disabilities Act and legal education. The Section also will coordinate a program with the Section on Women in Legal Education entitled "Occupational Segregation by Sex in the Legal Academy."

And the work of the legal writing community doesn't stop there. You'll see several announcements in the Newsletter about many opportunities to attend regional and national conferences this year related or organized by legal writing organizations.

All of this reminds me how lucky we are to work with such a dedicated and dynamic group of people. Our commitment to each other and to our mission of providing the best legal education possible to our students is making a difference. Try to keep that in mind when facing your next stack of papers. All of your hard work is part of an important tradition.

Have a good spring and summer.

Dan Barnett, Boston College



ALWD's First International Conference: Windsor, Ontario

Fourth Biennial Conference of the Association of Legal Writing Directors: July 17-19

Leadership will be the guiding theme of ALWD's Fourth Biennial Conference, "The Director as Leader: Exercising Power Within and Beyond a Legal Writing Program." This event will be ALWD's first truly international conference, as it will take place on the campus of the University of Windsor in Windsor, Ontario, Canada, not far from Detroit. The conference will begin with an informal reception on the evening of Thursday, July 17th, and end with a closing banquet on Saturday, July 19th. Registration information, including details about transportation and lodging, are available on the ALWD website, www.alwd.org.

Conference programming will include two workshops conducted by an expert in leadership skills, a plenary session examining ALWD's past successes and future agenda, breakout groups discussing

internal program management and external relations, and concurrent sessions that will teach attendees how to assess student evaluations wisely, how to use scholarship to advance one's career, how to manage adjunct-taught programs, how to use data to develop negotiation strategies, and even how to become deans.

Also on the agenda is a dinner cruise on Friday and some musical entertainment, provided by ALWD member David Caudill, on Saturday. This promises to be another exciting conference.