

- In this issue, we highlight the way some teachers and directors of legal writing were able to persuade their Deans and Faculty to raise the status of Legal Writing Faculty and the Subject of Legal Writing.
- We also note the tragedy involving one of our colleagues, Thomas Blackwell, murdered by a student last January. See stories on pages 10-11.

The Path To Tenure-Track: The Pace Experience

By Michelle Simon
Associate Dean
Pace

History

In the early 1980's, Pace Law School had a typical legal writing program where third year students taught the course in small groups. In the mid-1980's, Pace went through a major curriculum revision where one of its goals was to improve legal writing. Instead of third year students, the faculty determined that the course should be taught by "lecturers of law" supervised by a "Director", who was the law librarian. I,

along with five others, began my career at Pace as one of those lecturers—recent graduates of law school, women, disillusioned with big firm practice, who had taught legal writing as a student.

Our offices were in an old, converted house (mine was in the bathroom—complete with toilet), we had no voting rights, did not participate on committees, and were on yearly contracts. We all taught our courses from the same notes, which were overseen by the "Director." As the years progressed, we began to slowly become more of the law school community.



Helene S. Shapo, recipient of the Legal Writing Award, January 2002. See page 14 for request for nominations for the upcoming year.

Instead of the "Director" of the program being the law librarian, I became the

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Joining the Club: Strategies for Inclusion

By Linda Edwards
Professor of Law
Mercer

In the Fall of 1990, Mercer implemented a new Legal Writing Program. In planning the Program, the school made some important decisions. The Director was to be a tenure-track professor who would also teach at least one doctrinal

class. The two required courses, Legal Writing I and II, were allotted three credits each and were to be graded on the same scale as any other law school course. The doctrinal faculty believed in the importance of the courses and did not tell students they should concentrate their efforts on their "real" courses.

The Program was, however, implemented on the Bigelow model, using "Teaching Fellows" to teach the required courses. Fellows were hired on one-year contracts with a two-year cap. The vision of the ideal candidate was a recent law school graduate finishing a judicial clerkship and looking for an en-

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Message from the AALS Section Chair: Joan Blum

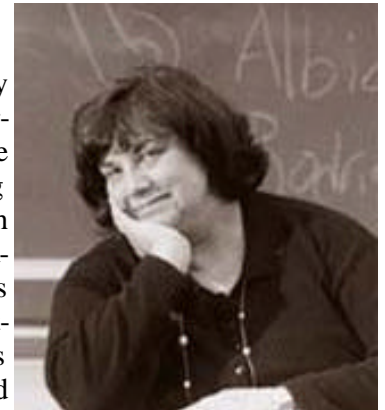
By E. Joan Blum,
Section Chair, Associate
Professor of Legal Reason-
ing, Legal Research and
Writing, Boston
College

With this newsletter, the AALS Section on Legal Writing, Reasoning, and Research enters the electronic age. I've always been intrigued by the possibilities technology offers, so it's appropriate that my first message to the Section membership as Chair be

distributed on-line.

As teachers of legal writing and research, we tend to use technology more than most of our colleagues who teach in other areas. In part, I think that's because our subject presents us with numerous opportunities to integrate high tech tools. Decades ago the late Professor Reed Dickerson recognized that technology could make teaching writing in large law school classes possible, if not

ideal. His high technology was, of course, the overhead projector, which he used in his Legal Drafting classes to work through sample clauses and documents. He showcased this method in his Legal Drafting text and at conferences (including one I attended at Indiana in 1987). While today most of us use more sophisticated technology than Reed Dickerson did, like him some of us spend a lot experimenting with using technology to accomplish our goals. Our engagement with technology is not limited to figur-



Joan Blum, the Chair of the AALS Section on Legal Writing, Reasoning and Research

ing out how to use a course web page, comment electronically on student work, or instruct students in how to use online legal research

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Editor's Note: Virtually everyone who teaches in the field of legal writing has to come to grips with the status accorded both to the subject and to the people teaching it. In this issue, we highlight the way some teachers of legal writing have been able to persuade their faculty and deans to enhance the status of their legal writing faculties. Michelle Simon details how Pace transformed itself from a student-instructor taught program to a fully tenure-track program. Linda Edwards shows how Mercer changed from an instructor-taught to a tenure-track program as well. Terry Seligmann shows how to move forward in the process. Jan Levine provides his overall strategies for advancing the status legal writing faculty. Nancy Soonpaa details her approach. Chris Wren suggests enlisting judges. Lastly, Sue Liemer discusses the role of scholarship and the need for support for legal writing scholarship. Interestingly, common themes emerge from those who have been successful, lessons that may prove valuable to those who are still working to achieve basic equity in terms of work load, pay, rank, and institutional regard.

We also take this opportunity to note the brutal murder of Tom Blackwell, shot in the back by a law student. This outrage could happen to any of us, and it is particularly tragic given the energy and dedication that Tom gave to his students, his school, his field, and his family.—Tom McDonnell, Section Secretary & Editor of AALS Section Newsletter, Assoc. Prof., Pace

Nominations for AALS Section Secretary Sought; Proposals for 2004 AALS LR&W Program Asked

The AALS Section on Legal Research and Writing seeks nominations for Secretary for 2003. The Secretary prepares the AALS section newsletter, which is published twice annually.

The AALS Section on Legal Writing is also soliciting proposals for the 2004 AALS Legal Writing Section Program, which will be presented at the AALS Annual Meeting in January 2004. Generally, the individual chosen as Program Chair is elected in the following year as Secretary of the Section.

Nominations for Secretary and proposals for 2004 AALS LR&W program should be sent by November 1, 2002 to Thomas McDonnell, Secretary, AALS Section on Legal Research and Writing, Pace University School of Law, 78 N. Broadway, White Plains, N.Y. 10603 or by e-mail:

tmcdonnell@law.pace.edu

Strategies to Improve Writing Faculty's Status

By Nancy Soonpaa
Director, Legal Practice
Program, Texas Tech

Enhanced status does not occur in one fell swoop, but in incremental change. Sometimes the change is in satisfying large increments; other times, frustratingly small. Change may also occur as the result of evident planning or as the result of careful, quiet plotting. The following eight ideas fall mostly into the latter category.

1. Behave in all ways possible as if you already had the status that you seek. You may need to grade elsewhere to get the work done, but don't consistently keep "public" hours noticeably different from tenured or tenure-track faculty, or at least not different in a way that might be perceived as negative (e.g., always coming in at a later time or fewer days per week). Attend faculty meetings, even if you can't vote. Find out which events (banquets, graduation) are *de rigueur*, and be there. Those weekly faculty coffees? Grab your mug and go. Politely but persistently be a presence.

Unless and until told otherwise, assume that you can attend, can participate,

can contribute. Then do it.

2. If you're a new director, consider the wisdom of biding your time. Watch and listen—who on the faculty has the power and the ear of others? Whose opinions are politely received and then disregarded? Don't make assumptions—it's easy to be defensive because we as a community have historically been accorded less respect and status. Rather than go into a meeting prepared to do

battle and strike first, however, go in prepared, and then wait. Sometimes you'll be pleasantly surprised by the strides that others are willing to make on your behalf, and the cost to you is then minimal. Save your energy and political capital for the battles where you begin alone.

3. Consider carefully your relationships and identification with students, especially if you are young or new to teaching. If you are closer to their age than to the age of the rest of the

"Find out which events (banquets, graduation) are de rigueur, and be there. Those weekly faculty coffees? Grab your mug and go. Politely but persistently be a presence."

faculty, distinguish yourself from the students. Err on the side of more profes-

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Living in the Sunlight :

Showcasing the Legal Writing Faculty

By Terry Jean Seligmann, Assoc. Prof. and Dir., Legal Writing, University of Arkansas

Too often, the faculty of legal research and writing programs labor unheralded within the larger law school. Their offices may be physically separated from other faculty, who do not see the students lined up to confer with their legal research and writing professors, or notice the hours the LRW faculty devote to their work.

The faculty may well know that teaching a writing course is difficult; indeed, they may limit their seminar enrollments, or be reluctant to teach writing courses in light of the time demands those courses impose. But they may tend to think of LRW as a less worthy subject, distinguishing it from doctrinal teaching, and conceiving of what we do as correcting grammar or comma placement. As LRW faculty know, we teach legal analysis, and our assignments require a deep understanding of the legal doctrine applicable to the facts. Because we are not doctrine-bound in selecting topics for memoranda and briefs, we become knowledgeable and teach in more than one area of law over the course of a semester or a year.

Shining the light on LRW faculty can take many forms. LRW faculty who work on law school and University committees expose their talents to others while doing work that needs to be done. LRW faculty who can meet teaching needs in the law school by teaching doctrinal courses make themselves valuable to the faculty, Academic Deans, and acquire the luster of expertise. LRW faculty who coach intramural moot court or trial teams reflect well on the school, involve faculty as practice judges, and assist with

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Strategies to Improve Writing Faculty's Status

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sional attire. Even if you would prefer to be less formal, avoid first names—especially in terms of their addressing you. Be flattered when someone (let us hope not another faculty member) mistakes you for a student, but then ask yourself why. Politely decline invitations to unofficial student events unless other faculty are going.

4. Be aware of ways in which you unintentionally suggest that you or your course is inferior to doctrinal/substantive professors and courses. Don't let your legal writing classroom become the expected forum for all those first-year announcements—five minutes of your time is just as valuable as five minutes of anyone else's. Also, making announcements in large-section courses is more efficient. If your students seek a deadline change due to an assignment in another course, encourage them to make that request of the other professor also. Better yet, contact the other first-year professors before the semester starts, and suggest that you all share information about deadlines and assignments to prevent those mid-semester student pleas. United, you stand.

5. Identify lower-level decision makers who can

affect status perception. Who designs the law review masthead, the graduation program, the faculty office nameplates? While you cannot simply change your reported title from "Instructor" to "Professor" and—presto!!—have that status, you might be able to change references from "Instructor" to "Faculty" or "Faculty Member."

6. Be sensitive to the difference between seeking change and complaining.

7. Never underestimate the value of networking and contact with the legal community. Bring in guest speakers and judges for oral argument. Clip newspaper articles, and occa-

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popular student activities.

Creating evaluation processes that bring faculty into LRW classrooms as observers quickly dispels the myth that we are diagramming sentences. Likewise, involving faculty in the review process exposes them to the class planning, and to the original and legally challenging materials and assignments that LRW faculty regularly create. Conducting searches for LRW vacancies in the same ways that other faculty vacancies are filled (AALS recruitment, national searches, callback visits with

sionally take the first five minutes of class to talk about whatever the legal community is abuzz over. If you have small enough sections, take a trip to the courthouse and introduce them. Sit in on a trial or an oral argument. Give them an insider's view. Make them feel like part of the professional world that seems so far away. First-year law students crave reality and value those who give it to them.

Beyond the value that students attach to those contacts with the legal community, recognize the value and support that practitioners can give you. Firms can sponsor writing prizes. Those students,

"Be sensitive to the difference between seeking change and complaining."

now alums, with whom you have maintained contact can speak to the value of your program if you are faced with ill-advised changes. By your good teaching, you create an ever-growing network of professional and influential support.

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Letting in the Sunshine Cont'd

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presentations) elevates the significance of the decision to hire.

Physically, integrating LRW faculty offices within the larger faculty leads to opportunities for conversation and professional relationships to develop. It also lets faculty see for themselves the frequency and intensity of students' relationships with LRW faculty.

If the law school has a workshop series of presentations by faculty, LRW faculty can present on a subject of their interest

and expertise. They can offer CLEs that will garner praise from the local bar association. They can be sure that their accomplishments become known by using email, writing them up for publication in the law school's alumni magazine or special brochures, or through memoranda or newsletters.

The premise of these ideas is that faculties who perceive their LRW faculty as valuable colleagues, colleagues with talents and skills comparable to theirs,

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Sue Liemer

The Quest for Scholarship: The Legal Writing Professor's Paradox

*By Sue Liemer
Director of Legal Skills Program
Southern Illinois*

American law schools regularly hire legal writing professors with the expectation they will *not* be applying their writing expertise to produce scholarship. Indeed, many legal writing appointments are

structured so as to make pursuing legal scholarship practically impossible:

Law schools, ..., structure the typical LRW [Legal Research & Writing] job so that it consumes significant amounts of the time and energy one could otherwise use for producing the type of in-depth analytical scholarship traditionally respected by the academy.... [T]he LRW teacher grades papers and consults with students for countless hours.... A doctrinal teacher, with fewer required office hours and little to no grading during the semester, can devote time left over after classroom teaching and lesson preparation to his or her own scholarly activities. Few LRW instructors know the meaning of "leftover time."
FN1

In addition, while "doctrinal faculty usually have an unencumbered summer in which to write," FN2 legal writing professors do not. Lower salaries during the nine-month academic year force them to teach or practice law for additional income every summer.

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Seligmann: Letting the Sunshine In, cont'd

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will respond to the need to enhance the status of these colleagues on a variety of levels. Our current LRW faculty is living proof of this. By the time our two most senior LRW faculty came up for reappointment this year under new procedures allowing for long term commitments, they had become all but irreplaceable.

One had a hand in setting up a strong moot court program, had published articles in a yearly faculty-written publication for practitioners and in the bar association journal, taught a doctrinal

course, and chaired a University Committee. The other had revamped and administered a successful trial competition, created and taught a series of study skills workshops, planned Orientation, and coached several moot court teams. Both gave CLEs for the state bar association. Their supporting materials were impressive, and were termed "outstanding" by one set of faculty reviewers. It took the faculty no time at all to respond with unanimity in recommending they be offered long term commitments.

Strategies to Improve Status, continued

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8. Collaborate with your career planning office. You teach the course in which first-year students produce the all-important writing sample. You teach the skills that they will use in their first law jobs (and, of course, all thereafter). You could draft a questionnaire and survey local law firms about the most important skills that they seek in an applicant (without a doubt, research and writing skills will be among the top vote-getters). You could contribute to career-day-type

panels by either participating yourself or suggesting practitioners who will explicitly support the skills that you teach. Students value what helps them to get jobs. We teach the skills that qualify them for those jobs. Perfect fit.

In conclusion, when obvious and significant changes are not possible, try the subtle and the small. Progress is progress, however measured.

"It does not defy logic, however, to surmise that law schools quite purposely hoard scholarship resources far from the reach of legal writing professors, given that: [T]he 'importance of scholarship to the careers of law teachers is difficult to overestimate.'"

The Path to Tenure-Track, Pace, cont'd

(Continued from page 1)

“Director” and we began to create our own lesson plans and notes. Thanks to our Dean, who was a woman who had also taught legal writing, some of us began to teach additional courses as adjuncts, or help create an academic support program. The Dean created an ad hoc faculty committee chaired by a well-respected faculty member to study the status of legal writing professors. As a result of the work of that committee, in the spring of 1989, the fac-

ulty voted to give us three year rolling contracts, the title of assistant professors, and the rights and obligations of untenured faculty as to voting rights and committee assignments. The University Board of Trustees rejected this proposal because it did not adequately address the problem of the students’ writing skills. We were then appointed to two-year contracts, with a mandate to go back to the Board of Trustees with a new plan.

Initiating Tenure-Track and the In-

“Acting resentful or like a second-class citizen serves no purpose.”

tegrated Criminal Law-Legal Writing Course

In July of 1989, a new Dean began his tenure at the Law School. He was a strong supporter of an excellent writing program, and specifically supported an integrated writing program, where writing was combined with a substantive first year course, such as Criminal Law. It followed that the faculty could not fully integrate writing into a first year course without also fully integrating teachers of the course into the faculty. Over the next two years, I created that integrated, Criminal Law-Legal Writing course and taught it on a pilot basis.

At the same time, a faculty committee co-chaired by a well-respected tenured faculty member and me studied the various options. The faculty members on the committee were purposely varied—some strongly supported fully integrating the writing program while others had serious concerns. The committee held two faculty retreats for the full faculty to discuss the issues and possible resolutions. Faculty were encouraged to sit in on the pilot program. All concerns were openly addressed, including both personnel and program issues, such as salary and job security, scholarship requirements and “burn-out.” Finally, in April 1991, the faculty passed a resolution that resulted in six tenure-track legal writing positions to teach an integrated legal writing course.

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The Quest for Scholarship, cont'd

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Legal writing professors understand the process of writing at expert levels. It defies logic for law schools not to expect these people to use their expertise to create scholarship for the good of the academy and the legal profession.

It does not defy logic, however, to surmise that law schools quite purposely hoard scholarship resources far from the reach of legal writing professors, given that:

[T]he ‘importance of scholarship to the careers of law teachers is difficult to overestimate.’ Intellectual satisfaction, prestige, promotions, increased salaries, and opportunities to move laterally all depend as much upon writing, and as little upon teaching, as does tenure.

FN3

Indeed, “[p]rofessional reputations are usually decided not by teaching writing skills to others, but by producing scholarly articles.” FN4 Not sharing with legal writing professors the resources supporting scholarship, and hence not sharing

the opportunity to gain scholarships’ rewards, has serious ramifications. The terms of employment of typical legal writing jobs disserve the bench, the bar, and the public, while simultaneously discriminating against the largest concentration of women in the law professorate.

We know that “the process of writing is in fact the process of problem-solving and thinking,” FN5 and that “writing is used not only to communicate knowledge, but to generate knowledge.” FN6 Supporting scholarship by legal writing professors would require fully acknowledging their expertise in problem-solving, thinking, and generating knowledge, areas of expertise previously claimed as the exclusive province of doctrinal law faculty. The claim of exclusive expertise, of course, justifies the claim to exclusive reward. If the scholarly potential of legal writing professors were fully acknowledged, proffered justifications for not supporting that scholarship would lose their underpinnings, and it would become ob-

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Joining the Club, Cont'd

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try into law school teaching.

Nine years later, Mercer adopted a plan for converting these contract positions to tenure-track positions. What follows are some reflections on what led to this vote. The list isn't a prescription; each situation is different. But whatever a school's current status issues may be, these strategies may help.

1. A good place with good people. Probably the most important ingredient for success is a healthy

law school culture, and Mercer is fortunate on this count. More than anything the Legal Writing faculty did, our deans and doctrinal faculty are responsible for Mercer's results. Even a more difficult culture can be improved, however. Along with the strategies that follow, it's important to see doctrinal faculty as good people with whom we share a common project. A tried-and-true principle is at work here. If we see the best in others and let them know it, we sometimes can set the stage for im-

“Even a more difficult culture can be improved, however. Along with the strategies that follow, it's important to see doctrinal faculty as good people with whom we share a common project.”

proved relations.

2. A Quality Product. Of course, the first priority is our students, and the first order of business is teaching first-rate classes. Creating a quality program also gives the school a good product to market to applicants and potential employers. The more we marketed Mercer's Program to these external constituencies, the more value the doctrinal faculty saw in the Program and the more they supported it.

3. A Decentralized Model. When

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Quest for Scholarship, by Sue Liemer, Cont'd

(Continued from page 6)

vious it is simply a question of resource allocation. An efficient allocation of resources would dictate giving the writing experts the resources to write. In this light, the legal academy looks particularly self-serving for not sensibly allocating its resources as it fulfills its public mission.

The American Association of University Professors (“AAUP”) and the Association of American Law Schools (“AALS”) recognize that professors have a special responsibility to pursue scholarship. Neither the AALS nor the AAUP exempts legal writing professors from this responsibility. Curiously, the American Bar Association (“ABA”) does excuse legal writing professors from scholarship expectations. To receive ABA accreditation, law schools do not need to support the scholarship of their legal writing professors. Simply by changing the relevant accreditation standards, the ABA could solve the problem in one fell swoop.

Some law schools have recognized and supported the commitment of legal writing professors to pursue

scholarship. It is time for the rest to do so, too.

Notes

1. Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing Programs*, 70 TEMP. LAW REV. 117, 176 (1997).
 2. Jan M. Levine, *Leveling the Hill of Sisyphus: Becoming a Professor of Legal Writing*, 26 FLA. ST. U. L. REV. 1068, 1088 (1999).
 3. Patrick J. Schiltz, *Legal Ethics in Decline: The Elite Law Firm, the Elite Law School, and the Moral Formation of the Novice Attorney*, 82 MINN. L. REV. 705, 751 (1998) (citations omitted).
 4. John D. Feerick, *Writing Like a Lawyer*, 21 FORDHAM URB. L.J. 381, 385 (1994).
 5. J. Christopher Rideout & Jill J. Ramsfield, *Legal Writing: A Revised View*, 69 WASH. L. REV. 35, 45 (1994).
 6. *Id.* at 54.
- A much fuller version of this article will appear in a forthcoming issue of Oregon Law Review.*



Linda Edwards

Joining the Club, cont'd

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individual teachers are free to design their own syllabus, select their own texts, and choose their own teaching methods, they will be seen as independent faculty members in their own right. At first, we used a common syllabus and did everything in lockstep. We noticed that the faculty seemed to see “the Legal Writing instructors” as a more-or-less anonymous group. Then we shifted to an approach that maximized individual discretion in each teacher. Not only did this shift turn out to be a substantive in improvement in the program, but the doctrinal faculty began to see the Legal Writing teachers as individuals, an important change in perception.

4. Scholarship. The first two reasons for doing scholarship have nothing to do with status issues. First, good scholarship in any discipline makes for better teaching. Second, this connection between writing and teaching is even stronger for people who teach writing. But scholarship is critically important for status improvement as well. During the nine years before the tenure-track vote, Mercer’s Legal Writing faculty produced a significant body of good scholarship. Without it, the vote would not have turned out as it did.

5. Symbolic Inclusion and Sharing the Work. Small changes in such areas as faculty lists, mailboxes, titles, participation in faculty activities, admissions and alumni activities, and scholarship presentations helped the doctrinal faculty see Legal Writing teachers as part of the faculty. Also, service on faculty committees allowed the work load of faculty governance to be spread among more people and

helped develop important personal relationships with doctrinal faculty. These relationships were vital for the process at Mercer.

6. Evaluation Process. For contract renewals, we used an evaluation process similar to the tenure and promotion process. That process requires classroom visits by a committee of doctrinal faculty, post-visit conversations about teaching, reports on scholarship and service, and a full-faculty vote. The similarity of the process underlined the similarity of the work being evaluated. Also, during each contract review the doctrinal faculty learned more about the good work of the teachers in the Program.

7. Patience and Incre-

“[G]ood scholarship in any discipline makes for better teaching. . . . But scholarship is critically important for status improvement as well.”

mental Change. During the nine years before the tenure-track vote, the Program went through many small changes. First the two-year cap was extended to three years. Then the cap was removed for excellent teachers. Office locations were integrated. The titles were changed to “Assistant Professor.” Committee service was added. Each of these changes constituted an important step.

8. Using the committee structure. Rhetorically, an argument

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Articles, Books, & Websites to Check:

Colleagues’ LR&W Recommendations

Articles Recommended by Colleagues: Joel R. Cornwell, “Languages of a Divided Kingdom: Logic and Literacy in the Writing Curriculum,” 34 *John Marshall L. Rev.* 49 (2000).

Linda H. Edwards, “The Convergence of Analogical and Dialectic Imaginations in Legal Discourse,” 20 *Legal Studies Forum* 7 (1996).

Brian Foley & Ruth Anne Robbins, “Fiction 101: A Primer For Lawyers on How to Use Fiction Writing Techniques to Write Persuasive Fact Sections,” 32 *Rutgers L.J.* 459 (2001).

Ellie Margolis, “Beyond Brandeis: Exploring the Uses of Non-Legal Materials in Appellate Briefs,” 34 *U.S.F. L. Rev.* 197 (2000).

Thomas M. McDonnell, “Playing By the Rules: A Realist and Rhetoric-Based Approach to Researching the Law and Solving Legal Problems,” 67 *U.M.K.C. L. Rev.* 285 (1998).

Recommended Books: Anne Lamott, Bird by Bird.

Fontham, Vitiello and Miller, Persuasive Written and Oral Advocacy in Trial and Appellate Courts, plus case file supplement by same authors, Practicing Written and Oral Advocacy

Recommended Websites:

<http://www.wilbers.com/> (Wilbers is a writing consultant and syndicated columnist)

<http://www.court.state.nd.us/> (has wonderful tips on appellate advocacy at <http://www.court.state.nd.us/Court/Filing/Tips.htm>).

Path to Tenure Track: Pace's Experience

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The Law School conducted a national search to fill these tenure track positions. I, along with five others, was hired. We started teaching about 45 students a semester in two sections of a course that combined criminal law and legal writing. In addition, we taught an upper-level course in advanced appellate advocacy. Initially, to receive tenure, we were required to write three substantive articles (the same requirement as other faculty), although the articles could be about legal writing. This scholarship requirement was later revised to mirror the clinical tenure requirements of one traditional article and two other pieces that could include teaching materials and other nontraditional things.

In 2002, all of the legal writing faculty is tenured. We are well-respected, integrated members of the faculty. In fact, I am currently Associate Dean of Academic Affairs. We still teach an integrated, Criminal Law-Legal Writing course, although we no longer teach an upper-level section of ad-

vanced appellate advocacy. Other substantive faculty teach sections of the integrated course. Legal writing faculty teach other substantive courses, including Civil Procedure, Sales, and International Law.

Attaining Tenure-Track

The most important way to achieve this goal is to act as if you have the status of a tenure-track faculty member even when you do not. If there is a need in the law school, you must be available to share your expertise and help out. This includes volunteering for committee work, helping with curricular innovations such as academic support, and teaching additional courses. Acting resentful or like a second-class citizen serves no purpose. For example, one of my legal writing instructors in the old program refused to teach torts when asked to do so, because that instructor felt that she was being taken advantage of and that the money wasn't enough. That was a mistake. When those opportunities come along, you have to grab them.

I also did what the substantive fac-

“Aside from my legal writing scholarship, I wrote a traditional law review article.”

ulty did: I taught Local Government Law as an adjunct in addition to teaching legal writing. Aside from my legal writing scholarship, I wrote a traditional law review article. I gradually gained the respect of a cross-section of the faculty. I also asked their advice, and I took it when I could. Lastly, we were able to achieve these goals because we had two Deans who strongly believed in the importance of a fine legal writing program, and faculty who supported the program and were willing to be innovative and take risks.

As legal writing professionals, we always looked towards the future, worked extremely hard and made ourselves invaluable even when we had no status at all. As I reflect on the past, I know that there are some things that I would have done differently and that there is still work to be done. I look forward, along with all of my faculty colleagues, to making sure that our students continue to receive the best education possible.

The Integrated Pace Program is described in Michelle S. Simon, *Teaching Writing Through Substance: The Integration of Legal Writing with All Deliberate Speed*, 42 DePaul L. Rev. 619, 625-26 (1992)



Michelle Simon teaching Criminal Law Analysis and Writing.

“The most important way to achieve this goal [tenure track] is to act as if you have the status of a tenure-track faculty member even when you do not.”

Legal Community Mourns Murdered Colleague Tom Blackwell

Thomas Blackwell, 41, a Professor of Law at Appalachian School of Law and an active and highly respected member of the Legal Research and Writing community, was murdered by a gun-wielding student on January 16 of this year. The student also killed Dean L. Anthony Sutin, and Angela Dales, another student; and wounded three others. Tom is survived by his wife, Lisa Blackwell, and his three children.

Statements About Tom Blackwell

The Chicago-Kent community is privileged to have called Professor Thomas F. Blackwell one of its own for two years. Tom served from August 1997 to May 1999 as a visiting professor of law at Chicago-Kent, where he taught legal writing, corporate finance, copyright law, and law office technology. His work here focused innovatively on integrating technology into law practice and the classroom. He was a gifted teacher and a talented scholar, respected and admired both as a lawyer and as a human being by faculty and students alike. His death represents a tragic loss to the legal community and to his many friends and colleagues here. We extend our deepest sympathy to

Professor Blackwell's family and, indeed, to the families of Dean L. Anthony Sutin and Ms. Angela Denise Dales as well as to our colleagues at Appalachian School of Law. Tom will be remembered with affection by the faculty and graduates of our law school. Harold Krent Interim Dean, Chicago-Kent School of Law

Statement of Ralph Brill
I did not know Dean Sutin.

Tom Blackwell, dedicated and creative teacher

By Molly Lien
(This is a reprint of Molly Lien's January 17th e-mail to the Legal Writing list.)

Tom Blackwell was a treasure. He was a wonderful and dedicated teacher who spent endless hours preparing new and creative ways to teach. His love for his wife Lisa and their three children was absolute.

Our offices were next to each other at Chicago-Kent, and Lisa and the kids came downtown frequently to have lunch and visit a museum with their dad. He worked long hours, but always arranged his schedule so that if Lisa was at work after school, he would be there for his children. He loved singing in the Lutheran church choir and proudly posted programs of their concerts on his office door. There was no better colleague or friend. He treated students, staff and faculty with complete respect and never, ever said an un-

I did know, very well, my former colleague, Tom Blackwell, who Molly Lien had hired as one of our Visiting Assistant Professors some five years ago. He was a great guy. He was a wonderful teacher. He was very dedicated to law teaching. He passed up many opportunities to use his immense talents at more prestige places to go to Appalachian, and make it a place for poor people to gain en-



Professor Thomas Blackwell

trance into the profession. He worked very hard, undertook far too many projects, but

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kind word about anyone. His sense of humor was legendary and he was wonderful with computers.

One summer he taught a course on Law Office Management and Technology. We spent a very funny summer afternoon while Tom programmed his computer next door to make amazing noises on docket management and billing programs. He also taught corporate organization and finance courses, along with a full legal writing section. At Appalachian he added contracts as well.

Legal writing has lost one of its best and all who knew him have lost a friend they will mourn forever. My special sympathies to our colleagues at Appalachian, who have suffered multiple devastating losses.

If any of you would like to write to Tom's wife, I know that she would appreciate a note with your

good wishes and prayers. Her address is Route 1, Box 137, Grundy, VA 24614. I spoke with her [shortly after the killing] to tell her of the sorrow we all feel and to let her know that the legal writing community is with her and praying for her and their children.

She said that Tom, the Dean and the school had done everything possible to help this student. When the student ran out of money, the school had even bought him a car and computer. He flunked out last year, but they gave him a second chance in the fall semester. He had been a student in Tom's contracts section and Tom had been trying very gently to help him accept the fact that law was not for him and that there were other careers where the student

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Tom Blackwell Remembered: Molly Lien

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might be happier. The student had withdrawn on Monday, but returned yesterday morning to try to convince his professors to raise his grades. He returned about 1:00 pm and shot Tom in the back. Tom was facing the window and away from the door and probably never knew what happened. Dear Tom, we will miss you always.

Ralph Brill Cont'd

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somehow completed them on time and highly competently. His work for the Legal Writing field has been wonderful, especially in blending his superb knowledge of technology to improve the resources available to legal writing professionals. His terrible loss is devastating to those of us who worked with him at Chicago Kent; I know that he was a very important part of the growth and achievements of Appalachian in striving for ABA approval, and educating those in the rural area of Virginia. From some of the quotes already appearing in the media, he was loved and respected at ASL, and will be greatly missed.

Statement of Rick Peltz

I will miss Tom. I will always remember his soft-spoken yet self-assured wit and selfless dedication to our profession.

Statement of Diane Edelman

My heart goes out to Tom's wife and children, whose pain we can barely begin to imagine. I had known Tom for only a year or two, but found him kind and friendly and somehow capable of doing an extraordinary amount of work — managing ALWD's great web site,

developing and teaching in a program at a new school, and always having ideas to share. We were lucky to have had time with him, but that time was unfairly short. He will be greatly missed. Our thoughts and prayers are with his family.

Thomas Blackwell
Memorial Fund
c/o Jennifer Greenberg
Director of Alumnae/i Relations
Chicago-Kent College of Law,
565 W. Adams St.
Chicago, Illinois 60661.

Thomas Blackwell
Scholarship Fund
Appalachian School of Law
P.O. Box 2825
Grundy, VA 24614

Some of Tom's Scholarship:
—*The Revolution Is Here: The Promise of a Unified Business Organization Law*, 24 Iowa J. Corp. L. 333 (1999)
—*Finally Adding Method to Madness: Applying Principles of Object-Oriented Analysis and Design to Legislative Drafting*, 3 N.Y.U. J. Legis. & Pub. Pol'y 227 (2000).

Approaching Judges to Up Legal Writing Faculty Status

By Christopher G. Wren*

Following up a recent suggestion/request by both Joe Kimble and Jane Kent Gionfriddo, I'm putting before the Outreach Committee a thought I've already put forward but that probably needs to be presented as an actual proposal or recommendation. Briefly, I recommend that LWI establish a judicial outreach program that would sponsor the attendance of state supreme court justices --say, three to five at a time -- as LWI's guests at the biennial LWI conferences. (Afterthought: would this work with deans as well?) Complaints about legal writing abound out here among judges and practitioners. LWI and others have attempted to reduce those complaints, including by efforts to upgrade the status of those who teach LWRA. Most of those efforts have focused on persuading the ABA to upgrade its accreditation standards relating to LWRA. Some progress has occurred, but the easy battles have almost certainly been won already.

I think LWI, as a broad-based organization embracing academic lawyers, practicing lawyers, and other legal writers, should lead the LWRA community in a direction beyond petitioning the ABA. I think LWI should lead an effort to encourage the state supreme court justices (who, after all, actually decide the standards for admitting people to the practice of law) to look critically at LWRA standards in legal education and in bar-admission standards.

At this point (and for the foreseeable future as well), the ABA has way too many other fish to fry to care much about LWRA standards. And how many times -- and how frequently -- can you really go back to that well? LWRA standards probably look, to most ABA members, as academic abstractions (and distractions) far removed from their workaday problems.

But the justices -- and their lower-court colleagues -- have to deal with enormous quantities of crummy written communication from lawyers

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Jan Levine

Levine: Four Rules To Advance the Status of Legal Writing Faculty

By Jan M. Levine, Associate Professor, Director of Legal Research & Writing, Temple

There are four simple rules to follow.

Rule 1 - "Legal writing teachers should be interested in producing, and expected to produce, scholarship about legal research and writing."

The "coin of the realm" in law

schools is scholarship. Teachers who do not produce law review articles are not seen as professors by those who do produce scholarship. Teachers who write and publish, regardless of what they write about, are going to be seen by their colleagues as professors and peers, regardless of their initial status on the faculty. The scholarship should include articles about legal writing, because you must write about the subjects you teach, if you do not write you cannot teach writing as well as someone who does. Writing about legal writing validates the existence of the field, your specialty, and your career. If articles are published about a field, then the field is a "real" one; and if you do not write about what you teach, then what you teach is not worthy of recognition as a real class, and neither are you going to be perceived as worthy of recognition as a real professor.

Rule 2 - "Legal writing teachers should be hired via the same process the school uses to hire all other law school faculty members."

Searches should be national in scope, conducted by a faculty committee that usually hires tenure-eligible faculty (and the legal writing director, if there is one), and conducted during the traditional hiring season. Post-screening procedures should follow the traditional model: an on-campus interview of at least one full day, dinner with the faculty, a full battery of interviews, and a faculty workshop or presentation by the candidate. The hiring process is a rite of passage, and anyone who did not en-

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Wren: Judicial Initiative Cont'd

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every day, and the justices and judges definitely do not like what they see. They want something done. Interestingly, they actually have the power to make the unstated "something" happen, but they have, for whatever reasons, not made the connection between the standards of admission they approve (typically, requiring graduation from an ABA-approved law school) and the power their courts have both to modify those standards in each jurisdiction and to pressure the ABA into further upgrading accreditation standards for LWRA.

I think that by implementing a "Judicial Visitors" program for the conferences, LWI can help educate the justices to recognize that connection and to encourage them to take significant steps on behalf of LWRA teachers. The justices actually make the rules about who gets admitted and under what terms (even if those terms now consist of blindly adopting the ABA standards), so the justices are the ones who need to understand that they can actually do something about this problem, either by pressuring the ABA to make the necessary changes in their accreditation standards or by revising court rules to go beyond ABA standards in each state.

In effect, the justices hold the key to moving forward, and a stealth "under the radar" campaign, low-key but persistent, by LWI and other interested parties and organizations to educate the judges and encourage them could, I think, make a big difference. I believe a "Judicial Visitors" program, through which LWI would cover the travel, lodging, and meals expenses of invited justices, would make a significant contribution to this effort. Many justices probably labor under an outdated view of what LWRA programs are like these days, and a visit to LWI could educate them about the current state of affairs and about how the programs could further benefit the profession if the judges could prod the law schools and the ABA into improving the status of LWRA teachers.

Even if the ABA won't listen much to the LWRA community, I believe it will listen to the state-court justices and respond accordingly.

- Ass't Att'y General, Wis. Dep't of Justice. The views expressed here are my own and do not necessarily reflect those of my employer .

“You must act as do your colleagues if you wish to be seen by them as equals. That means enduring the same things they do: faculty meetings, faculty committee service, counseling students, and attending social functions. Act as they do: work long hours and making sure everyone knows about it, demand similar offices, conduct research, dress the same, and speak and deport yourself the same.”



Professor Terry LeClercq, Univ. Texas, will be presenting the key address at the LWI Conference in Knoxville, Tenn., starting on May 29; see page 14.

Levine Cont'd

Four Rules to Advance Writing Faculty

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ter the academy via the process endured by those who survived it will never be seen by them as an equal. The presentation to faculty is critical, and it probably should be about legal writing scholarship, or at least a theoretical aspect of writing pedagogy.

Rule 3 - “The process used for reviewing legal writing teachers for reappointment should be as similar as possible to the school’s process for reviewing all other faculty members.”

The traditional review mechanism for a tenure-track professor is to have a committee of the tenured faculty observe class, read scholarship, and assess service. Use of such a process means that the professors who do not teach writing will observe legal writing classes, read critiqued student papers, see the amount and quality of the teaching done by a writing professor, and will have a chance to read the evaluations prepared by students in the class. For a typical program, this means that in five years, virtu-

ally all the other faculty will have been exposed to what it means to teach legal writing and will see what a good job is being done. For reviews involving promotion or extended contract length (or tenure), external reviewers of scholarship should be employed, and the external reviewers of legal writing professors should include legal writing faculty from other law schools. Similarly, reviews of a director should involve use of outside directors. The director of a program should conduct a parallel review of legal writing faculty in his or her program, and the two evaluation reports should go to the dean and faculty.

Rule 4 - “Legal writing teachers have a better chance of being treated the same as other faculty if they act as if they already are regular faculty.”

The first three Rules are fundamental, but may not always be able to be followed in full. Rule 4 alone is a necessity. You must act as do your colleagues if you wish to be seen by them as equals. That means enduring the same things they do: faculty meetings, faculty committee service, counseling students, and attending social functions. Act as they do: work long hours and making sure everyone knows about it, demand similar offices, conduct research, dress the same, and speak and deport yourself the same. The old saying is that “If it walks like a duck and quacks, it must be a duck.” But for legal writing teachers who are often not seen to be any sort of bird, it means walking like a goose (and that’s the only source for golden eggs).

Edwards: Joining the Club Cont'd

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is more persuasive if it is presented by someone other than the affected persons. Using the committee structure allows a proposal to come before the faculty as a committee recommendation, not a self-serving proposal from an interest group.

9. The Role of a director. If a director is tenured and teaching at least one doctrinal class, that person can serve as a bridge to help the doctrinal faculty relate to the contract faculty. That person also can protect the other Legal Writing faculty so that when the process is over, they won’t have to deal with political wounds that may take years to heal. Relieved of politics, Legal Writing teachers can concentrate on teaching good classes, writing good scholarship, pitching in on all faculty duties, and developing personal relationships with doctrinal faculty. These are the things that, in the end, make the difference.

Nominations Sought for Section's Legal Writing Award

The AALS Section on Legal Writing, Reasoning & Research asks for nominations for the Legal Writing Section Award. The award goes to an individual who has made a significant contribution to the field of legal research and writing. Helene Shapo, Professor of Law, Northwestern, was this year's recipient.

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

Nominations should be sent by November 1, 2002 to Thomas McDonnell, Secretary, AALS Section on Legal Research and Writing, Pace University School of Law, 78 N. Broadway, White Plains, N.Y. 10603 or by e-mail: tmcdonnell@law.pace.edu



*University of Tennessee School of Law;
Site of the Legal Writing Institute Biennial Conference, starting May 29.*

10th Biennial Conference of the Legal Writing Institute May 29 – June 1, 2002

From the Legal Writing Institute Website:

The Legal Writing Institute will hold its 2002 Conference from Wednesday, May 29 through Saturday, June 1, 2002 at the University of Tennessee College of Law in Knoxville. The theme is Reflections and Visions. The Conference will celebrate the successes our community has achieved within the academy and focus on the challenges that currently face us. Some parts of the program are designed to encourage experienced teachers to share their insights with the newer members of the profession. Other parts of the program will allow direct specialists, experienced teachers, and novices to meet separately to discuss their unique challenges. We hope the Conference will encourage, inform, and inspire everyone from the newest legal writing teacher to the most seasoned director. For information, contact Dan Barnett, (617) 552-4366; barnetda@bc.edu or Suzanne Rowe, (541) 346-0507; srowe@law.uoregon.edu or the LWI: <http://www.lwionline.org/activities/conferences.htm>

Message from the Chair, Joan Blum, Cont'd

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tools. For some of us, technology has made fundamental changes in the way we think about what and how we teach.

Our growing expertise in using technology in teaching and curriculum development puts us in a position to have a profound influence on how legal education is practiced. One of the best attended faculty colloquia at my school over the past several years was a colloquium in which several members of the faculty, including legal writing faculty members, shared their insights on how they had brought technology into their courses. That colloquium generated excitement about using technology in sophisticated ways; it also underscored to other faculty the creativity of legal writing faculty members in thinking about curriculum. So I encourage you not to hide your light under a bushel—writing about or presenting on your insights on technology can open up other faculty to the sophistication of legal writing education, as well as make law faculty in general more thoughtful about teaching and curriculum development.

Program notes... Before turning to good news, I would like to mark some very bad news, the death of our colleague and member of our Section, Tom Blackwell of Appalachian, who was murdered in January. We all mourn this tragic loss. Our Section is sponsoring two programs at the 2003 AALS Annual Meeting next January in Washington, D.C. The main Section program, which Jo Anne Durako of Rutgers Camden is chairing, is entitled "Better Writing, Better Thinking." Amy Gajda of Illinois is developing our second program, "Op-Eds and Talking Heads: Law Speak for a Lay Audience," which is being co-sponsored by the Section on Mass Communication Law. We have a big first coming up a little more than a year from now: the AALS has accepted our Section's proposal for a workshop for new teachers of legal research and writing to be held in conjunction with the AALS New Teachers Workshop during the summer of 2003. Special congratulations to Susan Kosse of Louisville, who chaired the committee that developed the proposal.

May the summer be peaceful and relaxing or productive (pick one or all

of the above). I look forward to seeing many of you at the Legal Writing Institute Conference in May.

"As teachers of legal writing and research, we tend to use technology more than most of our colleagues who teach in other areas."

—Joan Blum