

Central States Regional Legal Writing Conference
September 16 & 17, 2011
The John Marshall Law School
Detailed Schedule
Friday

Friday 1:30-2:00	Registration 12th Floor
Friday 2:00-2:15	<u>Room 1200</u> <i>Welcome and housekeeping matters</i>
Friday 2:20-3:15	<u>Room 1200</u> <i>Bridge Over Troubled Writers: Using Teaching Assistants To Connect Classroom Skills to Real World Practice</i> Benjamin Alba Christopher Evers Teaching assistants are uniquely qualified to reinforce a professor's message that skills learned during the first year of law school apply directly to the practice of law. A real-world story from the TA can powerfully reinforce the skills and classroom procedures taught by the professor – e.g., how the court clerk refused to file a motion because the TA's firm had failed to follow court filing procedure. This presentation will discuss techniques that DePaul legal writing TAs are trained to employ in assisting a professor in class. We will then focus on scenarios in which the professor "hands the mic" to the TA, establishing the TA as a sidekick-educator in a style reminiscent of the great teams in late-night television. Such strategic TA involvement motivates students to become more invested in developing these skills and establishes the TA as a valuable resource.
	<i>Secrets from the Crayon Box: Using Colors and Blocks to Connect Students to IRAC</i> Barbara Wilson Each year we ask ourselves how to orient new legal writers to the essential IRAC paradigm. We use text; we use graphics; we use balloons. This presentation will provide a new, visually invigorating and conceptually interesting format for introducing and working with the basic IRAC or CRAC underpinning. Once the foundation is in place, students can easily color code their own writing to see where their organization is or is not working.
	<u>Room 1102</u> <i>Anonymous Grading in Legal Writing Courses: Who Wins and Who Loses?</i> Susan J. Adams Mary Rose Strubbe The 2011 Legal Writing Survey reveals that law schools are fairly evenly divided about anonymous grading. Some law schools may require this technique in all classes; some professors may wish to assure students of bias-free grading; some students may demand it in a high-stress class that is important to their perception of how they are performing as law students. But do we serve our students most effectively in a process-driven skills class when we read and comment on their work without knowing their identities? Can we track student progress and give the most effective feedback when we are grading "blind"? And is anonymous grading consistent with the professional "law firm" experience that many of us hope to replicate?
	<i>Live Aid: The Pros and Cons of Live Critiques</i> Alison Julien Susan Bay The presenters have moved from a more traditional approach to critiquing students' drafts (namely, providing a written critique followed by a conference) to a live critique approach. Live critique benefits students because, among other reasons, it provides immediate feedback and

	<p>the opportunity for dialogue. Live critique can also make better use of the professor's time. Alison has been using live critiques for five years, and Susan has been using live critiques for one year. The presenters will discuss how they decided to move to live critiques, and what they see as the benefits and downsides to this approach. The presenters will also discuss their live critique methodology.</p>
	<p><u>Room 1103</u> <i>From First Draft to Final Product: Techniques for Teaching Students Organizational and Analytical Editing</i> Stephanie Roberts Hartung Shalini Jandial George</p> <p>This presentation focuses on providing students with tools to help them look more holistically and critically at their writing. In particular, we will suggest exercises which focus on the first draft, and help students to identify issues--both large and small--to be improved upon. These exercises draw students into the rewriting process, while discouraging a more passive editing approach, and are particularly aimed at showing students that good legal writing must be done in stages, from organization to substantive development of the analysis. These exercises also help prepare students to receive and implement feedback on their written work in practice.</p>
	<p><u>Room 403</u> <i>No Shirt, No Shoes, No Service: Interpreting the Academic Dress Code</i> Allison Martin Susan Smith</p> <p>Geography, weather, gender, school culture, and countless other variables all play a role in determining proper classroom attire. Our presentation will involve a discussion of these variables and the potential effects that attire choices may have on both students and professors. We will also explore the lessons that social scientists suggest we should consider when making our decisions what to wear and how professors can use attire as a teaching tool. By using a team approach for this presentation, we will be able to compare and contrast the differences in our personal styles and the "dress codes" at our respective schools, and encourage those who attend to share their experiences as well.</p> <p><i>Why the New ABA Standards Will Not Require As Much Outcomes Assessment As You Might Expect (and How to Persuade Your Faculty to Do It Anyway).</i> Lyn Entrikin Richard Neumann</p> <p>For the past two years, the ABA has been developing accreditation standards that will require law schools to assess whether students are adequately prepared to practice law. The presenters have followed these developments closely. Lyn has represented ALWD during meetings of the Council of the ABA Legal Education Section and the Standards Review Committee (SRC). Richard served on SRC from 2003 to 2006 and has authored many submissions to the ABA on outcomes assessment. The presenters will explain what the new curriculum standards may (or may not) require law schools to do, with a comparison to standards for accrediting architecture schools. The ABA standards may not require everything we would like; but given the current economic climate, they offer opportunities to persuade faculties to engage in more outcomes assessment than the standards actually require. We will describe some ways faculties might be persuaded to do more than they must.</p>
<p>Friday 3:15-3:30</p>	<p><i>Break</i> <i>Snacks provided by Wolters Kluwer Law & Business</i></p>
<p>Friday 3:30-4:15</p>	<p><u>Room 1200</u> <i>Fastcase, Casemaker, and Google Scholar? Teaching Students "Real World" Alternatives to High-Priced Commercial Databases</i> Mark E. Wojcik</p> <p>While they are in law school, students have free access to commercial databases. Few students, however, have any idea how much these commercial legal research services can cost in the real world. When students do not know how to use free or low-cost alternatives to expensive databases, the cost to law firms increases and clients must pay more to access essential legal services.</p>

This session will review two legal research alternatives—Fastcase and Casemaker—that are offered by many state and local bar associations as a membership benefit but which are taught to students by few if any legal writing professors. The session will show how many lawyers have access to these legal research services. It will consider both services and compare legal research on Google Scholar. The session will conclude with additional resources for free and low-cost legal research alternatives.

Benign Bluebooking: An Answer to Judge Posner's Recently Renewed Criticism of The Bluebook

Jessica Clark

Students spend hours trying to learn Bluebook rules and more hours practicing them on exercises, not to mention citing in their writing assignments. And we spend hours developing citation lessons, exercises, and answer keys. But to what end? Does all that time spent on The Bluebook have any practical value?

In this presentation, I will explore Judge Posner's suggestion to eliminate The Bluebook as the citation standard. With particular attention to real world practice, I will discuss what seems to really matter in terms of citation: based on the citation in whatever form, can the reader understand the weight of the authority and find the authority if desired? With those practical needs in mind, I will offer suggestions for how we can teach the principles of legal citation (the how, why, and what), with a practical non-citation-manual-driven approach.

Room 1102

Practice for Practice: Training Writing Tutors and Upper-level Students Through Peer Academic Writing Conferences

Iselin Gambert

Karen Thornton

Peer writing conferences help student tutors, as much as the upper-level writers they serve, move from scholarly pursuits to practice. The real world application of skills gained by writing an upper level paper are best understood when the student is guided through the writing process by an experienced writer. Student tutors staffing GW Law's Writing Center demonstrate how academic writing mirrors writing in practice and teach the writer to focus on the process, not the product. The success of such meetings is reflected in GW's rising rate of published Notes and seminar papers. Meanwhile, the tutors gain invaluable skills in effective supervising, which they can use early in practice. We plan to share an evaluation form we created to help tutors and tutees think through the writing process during peer review sessions. Focusing on thoughtful writing choices helps both peer review parties move from the academic to the practical.

Learning from the Pros: Using High-Stakes Briefs to Teach and Inspire in an Appellate Advocacy Course

Sue Provenzano

Mining the wealth of a top-shelf lawyer's brief for student advocates is challenging. With their length, complexity, and sophisticated organizational variations, these briefs can confuse and intimidate rather than teach and inspire.

In this session, we'll explore how to make real-life, high-stakes briefs "speak" to your students at their level. We'll discuss how to choose the "right" briefs – those that mirror the organizational, rhetorical, and analytical techniques you'd like your students to apply to their own work. We'll talk about how to focus your students' review of the briefs, and how to frame questions that help students draw parallels between the briefs they are reading and the brief they are writing. We'll look at the high-stakes briefs I have used in my class, examining how students can extract lessons about storytelling, crafting "911"-style issue statements, structuring argument, and using the entire brief to convey a theory of the case.

Room 1103

Research Presentations 2.0: What Our Students Have Taught Us About How to Teach this Skill

Ann Shields

Jane Moul

	<p>Ten years ago, we began teaching students how to make oral presentations of their research results. Our approach involved classroom instruction followed by one-on-one presentations. Last year, we surveyed our students on the types of research presentations they were being asked to make during their summer employment. Based on their reflections, we have modified our curriculum to even better prepare our students for this challenging aspect of practice. This presentation will briefly describe our original approach, show excerpts from our interviews with our students, and explain our current approach that, we believe, builds on and adds value to this component of our curriculum.</p> <p><i>Assessing Research Skills—Stepping Beyond a Research Exam</i> Wanda Temm Law schools are currently drafting outcomes and assessment plans in response to the ABA’s call for law schools to measure the effectiveness of a legal education. No matter what shape that plan ultimately takes, each will undoubtedly include an outcome and assessment of basic research skills. This presentation will give the LRW professor an assessment tool designed to focus on these skills in a direct heads-on manner, rather than through a paper-and-pencil exam that centers on measuring knowledge. The assessment is a timed research exercise in the library involving both print and online sources. In addition, the logistics of taking timed exercises by an entire 1L class (170 students) and the scoring of the exercises will be explained.</p> <p><i>Room 403</i> <i>‘Tis Better to Give . . . Or Is It? The Risks, Benefits, and Unintended Side Effects of Providing Legal Writing Samples to Students</i> Caryn Suder Legal writing students crave samples of the finished documents we expect them to create. Providing those samples can greatly enhance learning, foster critical thinking, and ease student anxiety. Or, it can do the opposite. This presentation will explore the hazards and the rewards of using document samples in class. Suggestions will be offered for maximizing the pedagogical benefits of these samples.</p> <p><i>Insights from the Bench and Bar: Ethical Dilemmas Commonly Faced in Practice</i> Nicole Negowetti This spring I conducted a survey of private practice attorneys, judges, and bar conduct committees to determine the most challenging and most common ethical dilemmas faced in practice. During my presentation I will share the survey results related to legal writing and will present some ideas for teaching legal writing students to spot and solve ethical issues, particularly those related to attorneys’ ethical duties to represent law and facts accurately.</p> <p><i>“Dead Poets” Perspective: Teaching Students to Understand and Write about the Varying Factual Perspectives within a Case</i> Jerry Rock <i>Q. What does the movie Dead Poets Society have to offer in the Legal Writing classroom?</i> <i>A. A wonderful lesson in perspective.</i> When students shift from objective to persuasive writing, they often do so with blinders on regarding the strengths and weaknesses of the arguments all around the case. They reach conclusions that one side of the case is clear and unimpeachable and find it difficult to see the different perspectives of the parties. In this presentation I will discuss an in-class exercise that, with the aid of a short movie clip, helps students understand that a singular event or series of events can and must be viewed from different perspectives. It is also a wonderful way to introduce persuasive lessons like word choice and structuring your discussion of the facts to best portray your client.</p>
Friday 4:15-4:30	<i>Break</i>
Friday 4:30-5:20	<p><i>Room 1200</i> <i>Driven Away from Distraction: Teaching Students to Unplug (at Least Periodically) in the Digital Age</i> Jim Dimitri The vast majority of law students today are “digital natives.” Therefore, technology plays a</p>

central role in many facets of their lives, including learning. However, students' status as digital natives doesn't always mean that they're able to effectively use technology. Indeed, teachers and administrators at all levels of education are concerned that students' dependence on technology and social media may be hindering their ability to concentrate for long periods of time and to think critically. These two skills—long-term mental focus and critical thinking—are keys to being a successful attorney. Therefore, this presentation will discuss techniques that law teachers can use in and out of the classroom to cultivate students' concentration and critical thinking skills by getting them to periodically “unplug.”

How the Internet is Changing the Way Lawyers Read and What Legal Writing Professors Should do About it

Jim Levy

Research from the fields of cognitive psychology and neuroscience shows that people read text differently depending on whether it is in electronic format (e.g., delivered via laptop, iPad or smartphone) or hardcopy (a distinction often referred to as e-text versus p-text). Not only does reading speed change depending on whether we're viewing e-text or p-text, but so does how the eye tracks the page, our attention level and most significantly our comprehension. As the electronic filing of court documents becomes increasingly mandatory, the question for legal writing professors is what, if anything, should we be doing to teach students new reading and writing skills to prepare them for an electronic environment. In this presentation, I will briefly review the research that describes how readers respond differently to e-text versus p-text and discuss how legal writing professors can incorporate this research into their classroom teaching to better prepare students for practice.

Room 1102

Practice Ready? Teaching Ready!

Martha A. Pagliari

Susan Thrower

This presentation aims to give existing law school players and practitioner-adjuncts the tools to formulate a drafting course that combines the use of documents often used in the practice of law with proven teaching methods and liberal communication between the law school and the drafting course instructor.

Where to Draw the Line between Consistency and Autonomy in a Legal Writing Program

Deborah McGregor

Joel Schumm

In this presentation we will discuss what aspects of a legal writing program must be consistent and what aspects are best determined by the individual writing professor, especially when writing professors are evaluated individually for promotion and tenure/long-term contract status. Considerations include anonymous/non-anonymous grading; points or grades on writing assignments; penalties for late penalties or acts of plagiarism; and numbers and types of assignments. We will allow time for questions and for participants to share their thoughts on this controversial issue.

Room 1103

Drafting (and Writing) Lessons from the New Federal Rules of Evidence

Joseph Kimble

The “restyled” Federal Rules of Evidence are scheduled to take effect on December 1 of this year. I was the drafting consultant. At the conference, I'll take four before-and-after examples — each with dozens of drafting flaws — and highlight the lessons for better drafting. Most of them will apply to all forms of legal writing. I'll try to make this as interactive as possible in the time allotted. The four examples will provide ready-made drafting exercises for your students.

Demand Letters: A Perfect First Step to Persuasive Writing and Advocacy

Lurene Contento

Students often struggle when transitioning from objective to persuasive writing. Assigning a demand letter can be a great first step in teaching advocacy and the art of persuasion. Demand letters are short, but they're packed with lessons regarding tone, professionalism, and

	<p>assessment of client needs. In this presentation, we'll explore the value in having students write demand letters, and attendees will receive exercises and materials that they can use to teach students the art behind the demand.</p> <p>Room 403 <i>The Writing Exposes the Thinking: Collaborating with Doctrinal Faculty to Make Explicit Connections Between 1L Doctrinal Classes and Legal Writing</i> Betsy Lenhart First-year law students sometimes view the first-year curriculum as two, unrelated parts – contracts, torts, and civil procedure simply teach the students how to “think,” while legal writing simply teaches the students how to “write.” As a result, law students often struggle to see the fundamental connection between legal writing and the rest of the curriculum. This presentation offers an approach for bridging the (frustrating) gap between legal writing and the other first year courses through collaboration with the doctrinal faculty. In brief, I work with one of the doctrinal faculty members to choose a topic for the mid-semester memo. As the topic is introduced, we both emphasize the fact that writing is necessary to “expose” the thinking – in other words, a student’s understanding of an issue will have little practical use unless the student is able to communicate that understanding in writing.</p> <p><i>Preparing Students for the Procedure of Practice: Teaching the Use of Secondary Authority to Advance a Client’s Case from Intake Through Discovery</i> Philip Kaplan The difficulty new attorneys have is with the nuts and bolts of litigation. Students often are not taught the specifics of how to write a complaint, or how to propound or answer interrogatories, requests for admissions, or requests for production. I propose to show law school faculty how to incorporate the use of secondary authority to teach students how to bring a case through the various stages of litigation by modifying existing material, rather than reinventing it.</p>
<p>Friday 5:30-7:00</p>	<p>3rd Floor—Room 3E (right off of the elevators)</p> <p><i>Reception and Dean’s Welcome</i> <i>Reception Sponsored by LexisNexis</i></p>

Detailed Schedule

Saturday

<p>Saturday 8:00-8:30</p>	<p>12th Floor <i>Breakfast</i> <i>Sponsored by The John Marshall Law School</i></p>
<p>Saturday 8:30-9:20</p>	<p><u>Room 1200</u> <i>Plenary with the Honorable Sheila Simon, Lt. Governor of Illinois</i></p>
<p>Saturday 9:30-10:15</p>	<p><u>Room 1200</u> <i>Ethical Challenges Raised by the Modern Technology used in the Practice of Law</i> Mary Rose Strubbe Douglas Wm. Godfrey The practice of law increasingly employs technology that drastically increases the speed and connectivity of providing services. Lawyers communicate to clients via e-mail, write documents via word processing programs containing metadata, and communicate with potential clients through social media such as Facebook. However, law students are not usually taught about some of the ethical pitfalls these technologies may present. For example, lawyers have breached client confidences by not being careful about whom they email documents to, breached discovery rules by producing documents scrubbed of their metadata, and “friended” represented parties on Facebook.</p> <p>This presentation will highlight some of these ethical concerns while focusing on teaching techniques to effectively convey these problems to our students. First, the presenters will briefly explain the technology and how its use gives rise to ethical concerns; second, recent ethical opinions will be synopsized that deal with these concerns, and third, a number of teaching techniques will be suggested to help our students focus on the potential problems. And last, we will enlist audience members in discussing ways to raise students’ awareness.</p> <p><u>Room 403</u> <i>Rescuing the Rewrite: Tools to Help Reroute Students Before Errors Compound and Minimize the Effectiveness of the Rewrite</i> Coleen Barger Terrence Cain Lindsey Gustafson Although rewrites are widely recognized as a valuable teaching and assessment tool, a required or even optional rewrite may only compound problems for students who make major errors on a first effort.</p> <p>This presentation will describe the problems that limit some students’ success on a rewrite, and will suggest practical ways to insert individualized instruction while a student is producing a first effort, thus encouraging strong student choices and cutting off poor choices before they limit a student’s options. These tools are not intended to replace a rewrite, but to make it a more effective tool for instructing the struggling student.</p> <p><u>Room 420</u> <i>The Play’s the Thing! Collaborating with Theatre Professionals on Acting Techniques to Produce Enhanced Written and Oral Communication</i> Deborah Borman John Mollenkamp Melanie Dreyer-Lude This presentation demonstrates three different techniques derived from acting methods used to teach legal writing and oral communication. Professors Deborah Borman (Denver University Sturm School of Law), John Mollenkamp (Cornell Law School) and Melanie Dreyer-Lude (Cornell University, Department of Theatre, Film and Dance) will explain how to use acting “warm-ups,” improv games, and collaboration with theatre department colleagues to enrich</p>

	<p>and improve their legal writing classes. Specifically, the same warm-up exercises that actors use to overcome stage fright before auditions are helpful (and surprisingly effective) tools in preparing for oral arguments. Likewise, improvisational theatre games help students deal with the rapid-fire questioning they might expect from a "hot" bench. Finally, advantages of working with theatre department colleagues (or local theatre groups) range from using actors as witnesses to collaboration on large-scale projects. This presentation will provide a blueprint for legal writing instructors to reap the benefits of a little theatre-play.</p> <p><u>Room 200</u> <i>"Let's Make a Deal: Incorporating Negotiations into LRW"</i> Olympia Duhart Joe Hnylka</p> <p>As students prepare to make the transition from law school to practice, their exposure to various lawyering skills will become more and more important. Negotiation is one important skill we can introduce to students in the first semester of legal research and writing. This presentation will address the importance of incorporating negotiation skills into the LRW curriculum. Presenters will walk participants through an interactive lesson on how to connect a negotiation "mini-unit" to an interoffice memorandum, highlight the various ethical considerations that can be reinforced through the lesson and introduce students to the theories and skills that support successful negotiations. Presenters will also provide handouts to allow participants to incorporate negotiations in their own classrooms.</p> <p><i>"... Only the Shadow[ing Student] Knows" – Benefits of Having Students "Shadow" Practicing Attorneys</i> Juli Campagna Mary Nagel</p> <p>Many students enter their first year of law school with the impression that "real" lawyers do what "fake" lawyers do on television, i.e., file a lawsuit and try a case in the same day. Most have never set foot in a private law office, government law office, or corporate law office. We find willing local practitioners who are willing to allow students to "shadow" them for a morning. This benefits the student who gets to witness firsthand the importance of legal writing in day-to-day activities. Also, the student may adopt a mentor in the field he wishes to practice. Utilizing lecture and using the student writing as examples, we intend on showing how this program, once organized, can work for any school, regardless of where the school is situated.</p>
<p>Saturday 10:15-10:30</p>	<p><i>Break</i></p>
<p>Saturday 10:30-11:15</p>	<p><u>Room 1200</u> <i>Practice-Ready Phone Calls and Texts: Keeping in Touch in the Digital Age</i> Elizabeth Sherowski</p> <p>Really? Do we really have to teach our students how to text and talk on the phone?</p> <p>We really do. Today's millennial students have grown up in a world of informal communication, but colleagues, clients, and opposing counsel demand more than "cul8r" and "lol." This presentation will discuss practical classroom strategies and exercises to help students use their knowledge of new technologies (and older ones, too) to communicate efficiently and effectively.</p> <p><i>Email and How You Do the Job</i> Susan Stuart Ruth Vance</p> <p>In the past couple of years, we have begun incorporating professional email standards in our legal writing classes. We don't just refer to the "rules of engagement" by which students must communicate with us, but also to the style and content of professional email communications. In this speed-round, we propose to introduce some easy and practical ways in which to teach students how to use email as professional communication with both supervisors and clients by incorporating those requirements in certain daily assignments. We will offer a handful of quick and easy tips (and exercises) that address decorum, style, typography, formality, content, and ethics.</p>

Room 403

Sybil in the LRW Classroom: The Use of Multiple Personalities (a/k/a Role-Playing) to Help Law Students Become Practice Ready

Wendy Adele Humphrey

A judge who is a stickler for deadlines. . . a demanding client who wants updates via e-mail. . . a grouchy, old partner who never uses e-mail. This presentation will provide you with easy-to-implement ideas for taking on “multiple personalities” and using role-playing exercises in the LRW classroom to help your law students become more practice ready.

Bring The Funny: Humor As A Means To “Lock In” Skills For Beyond The Classroom

Christopher Evers

A humorous story or example makes a particular lesson stand out more clearly in students’ minds and focuses their attention on a particular skill. Such a story or example is often particularly memorable so that a professor can later refer to the story as a proxy for a particular skill or legal practice concept. This humorous moment, and the skill it represents, is also likely to stay with students as they move beyond their first-year classes and into internships, externships, or full-time summer positions. By way of example, I will explain how I use a humorous situation to introduce analogical reasoning to my students and how I use an alter-ego to reinforce the importance of “knowing your audience” when drafting legal documents.

“Who Here Has Eaten Goat?” Engaging Students Through Class Discussion To Identify Legal Issues On Their Own

Kathleen Dillon Narko

Dana Hill

Practicing lawyers practice get facts from clients, then figure out the relevant legal claims or defenses. Students can do that, too. We propose rather than starting research assignments by giving students an assignment memo with relevant facts and issues to be researched, use an in-class brainstorming session to develop the legal issues. In our example, the classroom exercise starts with an engaging factual story and guides students to brainstorm the legal issues. “Who here has eaten goat?” was the first, “what-did-she-say?”, question that started the class off on a discussion of pros and cons of living next to a goat farm. The discussion covered factual, legal, and policy issues before the students performed any legal research. We will discuss techniques to engage students while guiding them to develop legal issues. This exercise helps them develop issue-spotting and analysis skills they will use in practice, while promoting a dynamic class discussion.

Room 420

Just the Facts, Ma'am: Using Client Interviews and Role Play to Teach Fact Investigation

Grace Tonner

Rachel Croskery-Roberts

Ken Chestek

Most law school courses are really good at teaching students how to think logically about the rules of law. But very few courses focus on what most lawyers do on a daily basis: discover the facts of what happened, and think critically about what the facts mean.

Each of the presenters have used client interviews, either in live-client settings or in simulations, to get students in their first-year legal writing classes to start thinking about the facts of a client’s problem more critically. Prof. Chestek uses simulated client interviews and role play. Profs. Tonner and Croskery-Roberts use a mixture of simulations and live-client intake interviews in the innovative Lawyering Skills class at UC-Irvine. All panelists will discuss the benefits and risks of having students conduct live client intake interviews, simulated client interviews, and fact investigation.

Room 200

Measuring Student Learning Outcomes in a Capstone Writing Course: An Empirical Study

Kelley M. Mauerman

Andrea Susnir Funk

This presentation will share one model for evaluating student learning at the program level in an existing legal writing program. We will present the findings of our year-long study

	<p>measuring learning outcomes in a fourth-semester advanced legal writing course. This capstone writing course is designed to develop students' lawyering skills in specific real world situations, featuring writing assignments similar to the type of writing tasks that a beginning lawyer would be given and would be expected to accomplish in a law practice.</p> <p><i>Cross-Disciplinary Insights: How Business Management Research on Employee Evaluations Can Improve Student-Teacher Conferences</i> Mary Jean Dolan Legal writing teachers usually meet individually with law students for the purpose of critiquing (or explaining written critiques of) students' work. While such conferences offer a uniquely helpful chance to improve student performance, they also are rife with reasons for student resentment, defensiveness, and even desire to retaliate with negative teaching evaluations. Published articles by legal writing professors already provide many helpful strategies, including insights from positive psychology.</p> <p>This presentation summarizes my research on an analogous context: employee evaluations. When supervisors meet to review employees' work, they have a similar dilemma. Criticism usually is necessary to improve performance, but employers also need to preserve positive relationships and morale. Over 360 journal articles from the business management and organizational psychology fields, including large-scale studies and laboratory experiments, yield solid data. The presentation will focus on those lessons that are readily transferable to the legal writing student conference.</p>
11:15-11:30	<i>Break</i>
11:30-12:20	<p><u>Room 1200</u> <i>Ghosts of Assignments Past: Using Old Assignments to Cement Old Skills and Learn New Ones</i> Marcia Goldsmith Denise Field This presentation will set out how in our classrooms we use samples of students' completed work to cement older skills and learn new ones. We will present techniques for helping students cement skills by projecting examples of good and bad Explanation and Application paragraphs which are then dissected by the class. This facilitates a classroom discussion on structure, analysis and good writing choices. We will also describe techniques we use to help students learn new skills; for example, bringing in a previous paper that was objective in nature and have the students convert it to a persuasive document. We will also discuss the pedagogy behind using student samples to help with skill learning. Finally, we will discuss how to avoid some of the pitfalls and problems in using student samples (i.e. singling out students, permission to use work etc.)</p> <p><i>The "Quick Turnaround Assignment": Giving Students A Practice-Realistic Writing Experience</i> Mary Dunnewold Beth Honetschlager In this presentation, we will talk about our experience introducing a "Quick Turnaround Assignment" into the first-year curriculum. This assignment is intended to provide students with a writing experience that will be similar to writing experiences they will have in practice. We developed the assignment in response to the on-going dialogue about whether the traditional office memo is still viable. The assignment gives students a limited question to research and a short turn-around time. It also asks students to report their conclusions in a less formal format than the office memo, in particular, through email. The assignment requires students to use the legal research, analysis, and writing skills they have developed by early in their second semester of law school, but to use those skills in a scenario that is more realistic than the typical law school legal writing assignment.</p> <p><u>Room 403</u> <i>Practice Ready: Using Performance Tests to Prepare Students for Practice</i> Christine Kelton "Practice Ready." As Legal Writing Professionals, we know it is essential for students to hit the</p>

ground running on their first day of practice. Not only do they need advanced legal writing skills, they need to know how to manage their time to complete a legal writing task within time constraints.

This presentation describes a fourth semester advanced legal writing course that teaches both legal writing and time management skills using State Bar released Performance Tests. Students develop lawyering skills in specific real world situations; featuring timed writing assignments similar to the type of writing tasks a beginning lawyer would be given.

Using Performance Tests, students learn to read critically and quickly, to follow direction, and to timely complete assignments. Students develop and enhance the skills necessary to pass the bar exam, and to successfully practice law.

Keeping a Safe Distance: Utilizing Distance Education Technology for Effective Skills Instruction and Assessment

Karen Millard

David Simon

Distance learning is an important and growing aspect of legal education. Skills-based courses and instructional material pose unique challenges in a distance learning format. But, innovative technology and teaching approaches can help faculty transform the challenges into opportunities for them and their students. Through direct demonstration of a distance learning skills module, attendees will explore ways to supplement or replace traditional classroom instruction. In addition, the presentation will provide student and professor perspective for incorporating distance education for all or part of a skills course. The techniques discussed will be helpful for professors of first-year and upper-level writing and drafting classes. In particular, the presentation will explore a distance learning approach to:

- Preparation and delivery of instructional material
- Assignment management
- Assessment of student learning outcomes
- Student communications.

Room 420

Revisiting the Traditional Objective Memo: Using the First-Year Objective Memo to Teach Upper-Level Students How to Draft "Practice Ready" Pleadings.

Rosemary Queenan

This presentation will discuss an assignment that requires students to draft a Complaint using an Objective Memo. Specifically, the assignment requires the students to draft a complaint based on their review of a state statute (in this case the N.Y. whistleblower statute) and the legal analysis contained in an Objective Memo.

This assignment is helpful in addressing some of the common problems students experience in drafting pleadings, including not adequately researching and/or pleading the elements of the cause of action and not adequately pleading allegations that support the elements.

Additionally, this assignment allows the students to revisit the significance of the traditional objective memo and how it is used by practicing attorneys to evaluate the strength of the cause of action prior to filing the complaint.

Teaching and Assessing Legal Research, Writing, and Negotiations Skills with Upper-Division Students

Adrienne Brungess

This presentation will address incorporating research and writing skills in an upper-division negotiations course. I will also discuss including practitioner panels in the course and assessing students' skills. I will explain how students may select a transactional, dispute, or criminal plea bargain negotiation to best fit their interests and career goals. Further, I will address the benefits of requiring students to research the law, as well as other objective criteria relevant to their clients' situations, and prepare detailed planning memos reflecting their work and negotiation strategies. Requiring students to exchange demand/offer and response letters with opposing "counsel" reinforces writing skills and professionalism. The students participate in a negotiation simulation and submit a self-assessment of their performances with specific references to materials. Additionally, I will discuss how hosting the practitioner panels,

	<p>including lawyers from various fields, provides real-life accounts of negotiation successes and failures.</p> <p><u>Room 200</u> <i>Developing Students' Identities as Legal Apprentices</i> Elizabeth Jones Lori A. Roberts</p> <p>This presentation will first address why a legal writing course is an ideal place to expose students to practical experience during the first year to help them make the connection between law school and practice. We will summarize several specific ways that legal writing professors can create opportunities for students to interact with lawyers and judges as part of a first year writing course, including guest lectures, visits to local courts, and forming relationships with alumni during a first year moot court competition. Through these interactions, we can encourage students to think of themselves as lawyers in training and clarify that the writing, research, citation, advocacy and professionalism skills that they learn in class will be applied in practice.</p> <p><i>Subtext, Context, and Text: Understanding the Invisible Qualities of Language Can Help Students Become Better Lawyers</i> Rebecca Blemberg</p> <p>Lawyers and law students alike understand the importance of word choice in crafting documents. Focusing on the invisible qualities of language can help students approach word choice from a new perspective. This presentation will include teaching exercises designed to introduce students to the concepts of subtext and context and to help students learn to put those concepts to use.</p>
<p>12:30-1:30</p>	<p><i>12th Floor</i> <i>Lunch</i> <i>Sponsored by The John Marshall Law School</i></p>
<p>1:30-2:15</p>	<p><u>Room 1200</u> <i>MISSION POSSIBLE: Our Mostly Successful Effort to Introduce Law Students to Contract Drafting in the First-Year Writing Course</i> Grace Dodier Sue Payne</p> <p>We will discuss Northwestern University Law School's commitment to introducing students to contract drafting during their first year. Northwestern has made it a priority to teach students written communication skills that they will need to succeed in practice, including skills in basic exposition, legal analysis, advocacy, and basic contract drafting.</p> <p>We will cover:</p> <ul style="list-style-type: none"> - The Law School's decision to incorporate a contract drafting module into the first year writing curriculum. - The pros and cons of placing the contract drafting module there. - The module's timing and content. - The assignments that our 1L's complete as part of the module. - The goals we set and whether we have met them. <p>Professor Payne will describe designing the contract drafting module and training Northwestern's Communication and Legal Reasoning faculty to teach it. Professor Dodier will relate her experience of preparing for and teaching the contract drafting module in her CLR class.</p> <p><i>Using Past Students' Mistakes to Help Your Current Students: Classroom Instruction Using Examples of Past Student Writing to Improve Students' Written Analysis</i> Michael W. Loudenslager</p> <p>It is often difficult to get students to critique their own writing substantively to examine whether or not the arguments presented are logical, specific and ultimately will be persuasive to a reader. This presentation will explain the use of past student examples in class in an attempt to improve students' ability to critique their own writing. Attendees will receive some</p>

examples of past student writing that the presenter has used in class and a lesson plan indicating some of the strategies that the presenter has developed over the years to get students to analyze the writing of past students. The presentation will also discuss the use of this exercise to reinforce students' understanding of the basic writing paradigm (IRAC, CREAC, etc.) and how students can improve their use of that paradigm.

Room 403

A Skills Curriculum in Problem-Solving: From Learning to Doing to Being (From Thinking Like a Student to Being a Professional)

Jeanne Kaiser

Between substantive knowledge and performance is a chasm, an interruption of continuity. Legal scholars have attempted to bridge that chasm by articulating fundamental lawyering skills. But the articulation of those skills has not provided a pedagogy to teach them. The gap between "thinking like a student" and "being a professional" remains. Through my problem-solving curriculum, we will explore how to move students from learning (acquiring knowledge), to doing (synthesizing knowledge to develop processes), to being a problem solver.

Participants will "learn" - acquire knowledge - by reviewing some of the problem-solving literature. They will then "do" by synthesizing that knowledge to develop a process for problem solving. Participants will then "be" problem solvers by using the process to solve a particular problem.

I hope that the participants would be able to use the scaffolding for my problem-solving curriculum as a model for their own curricula.

Using LRW Learning Outcomes and Assessments to Improve Student Performance

Cynthia Stroud

In the past academic year LRW faculty at Florida Coastal School of Law have developed learning outcomes statements and completed assessments for our first-year LRW courses, Lawyering Process I and II. Using those assessments, we have identified specific skills for which we plan curricular revision so that student performance will be improved in the coming academic year.

This presentation will demonstrate how we developed and implemented our learning outcomes statements and assessment rubrics, identified specific skills for improvement and planned curricular revisions.

Room 420

Skills Drills: Three Quick and Easy-to-Incorporate Skills Based Exercises for the Legal Writing or Drafting Classroom

Kirsten Clement

Kirby Oberdorfer

Katharine Hartland

In light of the Carnegie report, preparing law students for the practice of law clearly is and should be an important goal in a law school writing curriculum. Infusion of practice skills in a legal writing program requires creativity and time, but can be a great benefit to the students and the classroom environment. The presenters will share three skills-based practical in-class exercises relating to legal analysis, professionalism and transactional drafting that attendees can implement or adapt in their classes immediately or in an upcoming semester.

Room 200

Are Sally and Johnny ready to practice law? A Model To Assess First-Year Students' Progress Toward Practice-Ready Status

Michael D. Murray

Are our students progressing toward practice-ready status as attorneys? My one-semester plan assesses students on their ability to handle a case in an area of law new to them and gives them the chance to work on the case through several stages of lawyering. The plan assesses first-year students' progress toward practice-ready status in client interviewing and client counseling, fact-gathering and fact reconciliation, legal research in an unfamiliar area of the law, logistics of case preparation and case presentation, advocacy and rhetoric in trial-level and

	<p>appellate-level writing assignments and oral arguments, alternative dispute resolution, and ethical and professional performance of the representation. This model puts the students in a realistic practice situation that gives the students good feedback on their own progress toward the mastery of actual lawyering skills, and is intended to build their confidence in handling actual client matters in new areas of the law.</p> <p><i>Courtroom Observations on Trial</i> David Austin Ruth Hargrove Leslie Wallace</p> <p>Legal Skills professors are increasingly integrating “outside” activities into their syllabi. One common assignment requires students to visit a courtroom and observe a trial. Assessment, if any, may include students drafting a reflection paper summarizing their experience and observations. Students frequently report that they rarely, if ever, sat in on a trial prior to attending law school. This initial exposure, therefore, represents a unique opportunity to engage students on issues such as professionalism, collegiality, and real-world advocacy. The panelists will illustrate exercises that will allow students to assess their growth as lawyers-in-training, provide them with valuable lessons in networking, and allow them to appreciate better the particular needs of the audience for whom they are learning to write. These activities will help students bridge the gap between theory and practice, as well as provide them with additional motivation to apply themselves in the classroom by taking them out of it.</p>
2:15-2:30	Break
2:30-3:15	<p><i>Room 1200</i> <i>Laying a Foundation for Success: Using a Basic, In-Class Hypothetical to Teach Progressive Legal Analysis and Memo Writing Skills</i> Danielle Shelton</p> <p>Students often learn legal writing concepts best through concrete examples. While students have multiple hypotheticals that they work on outside of class to master new concepts, I have found for in-class purposes that using and building on a single, rudimentary hypothetical throughout the fall semester helps students master basic concepts.</p> <p>Specifically, I developed and use a “Dangerous Dog” hypothetical, which helps me teach concepts ranging from breaking down a statute and identifying legal issues; analyzing cases; drafting the discussion portion of a memo (including roadmaps paragraphs, rule explanation paragraphs and rule application paragraphs); drafting the questions presented and short answer portion of a memo; and rule and case synthesis.</p> <p>While the primary benefit of this hypothetical has been its usefulness in-class when introducing new concepts, it also has proven useful during student conferences as well as in critiquing student papers insofar as it provides a reference point for reinforcing basic concepts.</p> <p><i>Research and Writing for a Real Client: A Hybrid Clinical/Writing Course</i> Sarah E. Ricks</p> <p>This presentation will explain a hybrid clinical/writing course where upper level students perform research for a real client – a non-profit or a government agency. Students improve their practical skills and build professional connections while fulfilling real research needs in the public interest community. The course focuses on the research, writing, and oral communication skills necessary to effectively convey legal advice. It culminates in submitting a written product and orally presenting the analysis to the outside lawyer. Students peer review each other’s work at every stage of the process. A hybrid clinic/writing course also can help legal writing professors build bridges with clinical faculty. The course is based on the Rutgers-Camden Pro Bono Research Project that I started in 2003 and that two other law schools have replicated.</p>
	<p><i>Room 403</i> <i>Rethinking Assignment Design in Contract Drafting Courses: How to More Effectively Assess Learning Outcomes.</i> Jacob Carpenter</p>

In contract drafting courses, professors require their students to draft contracts. But, when professors grade students' contracts, the professors often cannot know if the students created the contracts themselves, or if they simply found a good form, copied it, tweaked it a bit to incorporate their hypothetical client's facts, and turned it in. Thus, these traditional assignments, alone, often provide ineffective means to assess whether students have learned and applied the desired learning outcomes for contract drafting courses. This presentation will give attendees a brief background on the "assessment of learning outcomes" and will explain why the "form book problem" makes many typical contract drafting assignments ineffective tools for assessing learning outcomes. Most importantly, the bulk of the presentation will discuss eight ways to design assignments that will help professors better assess their students' knowledge and skills.

Imminent Professionals: The Role of Assessment in an Upper Level Transactional Drafting Course

Maria Perez Crist

While teaching a transactional drafting course to mostly third-year students, it was striking how much of a connection there was between the assessment methods used throughout the semester and the lessons those assessment practices became for students about to graduate. Within the course design, I followed the basic assessment flow for skills: introduce, practice, and refine. Although there was some grumbling at first, by the end of the semester, students were telling me and others that they felt like the class had taught them not only transactional drafting skills, but also how to approach the acquisition of new skills in practice. In this presentation, I will share the course design and the specific assessment vehicles I used throughout the semester. The presentation will cover some basic assessment principles, and will focus on how these principles may need to be tweaked when dealing with "almost-out-the-door" third-year law students.

Room 420

Advocating for a New Rule of Law in an Appellate Brief

Melissa Love Greipp

In this presentation I will discuss a rule advocacy technique I use to help students organize and draft their appellate briefs in my Appellate Writing and Advocacy course at Marquette University Law School.

Rule advocacy is a term I use to describe a technique to organize appellate briefs and develop appellate arguments. I find that students have a difficult time initially making the leap from trial-level brief writing to appellate brief writing. In class, we discuss how to add rule advocacy paragraphs between the explanation and application to explain to a court why it should adopt a new rule of law. Students also have difficulty figuring out what sources to use to support their arguments at the appellate level. I use the concept of rule advocacy to discuss how to choose the best primary sources, as well as how to use public policy and secondary sources to strengthen their arguments. I find that rule advocacy can also be used to argue at the trial level when a gap exists in the existing law of a jurisdiction.

Transactional Skills: Keeping it Short, Quick, and Diverse

M. Lisa Bradley

For those Legal Writing professors teaching transactional skills courses, it is easy to make the mistake of preparing assignments outside one's expertise. Yet one of the goals of a transactional course is to show that the skills learned in class transfer over into every area of law. This goal can be accomplished without delving too far into areas unknown by structuring several assignments to be short, quick adventures into different areas of practice. And this can be done without either the professor or student needing in-depth substantive knowledge. Examples of tightly structured assignments include health care directives, powers of attorney, simple wills, residential leases, employment contracts, and Buy/Sell agreements. Examples will be discussed and handed out during the presentation.

Room 200

Refreshing Their Readiness: Conducting a Summer Professional Readiness Workshop

Mary Rose Ksobiech

Kimberly Boone

	<p>For the past several years, we have conducted a Summer Professional Readiness Program for our students heading off to their first summer jobs in the legal community. Coordinated with our Career Services Office, this four-session program provides useful refreshers on how to perform legal research in a cost-effective manner, the types of written products expected of summer associates, a basic primer on legal ethics for law students, and a panel discussion on appropriate behavior in a professional setting. We will share what we have learned in organizing this workshop and our tips to implement a similar program at your law school.</p>
<p>3:15-3:30</p>	<p><i>12th Floor</i> <i>Snacks provided by Wolters Kluwer Law & Business</i></p>
<p>3:30-4:20</p>	<p><u><i>Room 1200</i></u> <i>You Can't Fit a Square Peg Into a Round Hole: Teaching Students How to Identify and Write Law-Based Arguments</i> <i>Lisa Penland</i> In most legal writing and lawyering skills programs, the fall semester focuses on writing objective legal memorandums. The natural conduit for teaching the skills for synthesis and objective legal memorandums are fact-based problems and there are many resources for legal writing professors on how to teach fact-based reasoning and writing.</p> <p>However, most appellate arguments are grounded, at least in part, in law-based issues. For law based issues, students need to learn new skills: (1) how to identify the difference between fact-based arguments and law-based arguments; (2) how to identify the different types of legal arguments; and (3) how to write a law-based argument.</p> <p>The presentation will provide exercises and instruction on how to teach the three skills. I will particularly emphasize the third skill – teaching students to write law-based arguments. I will provide a template for writing law-based arguments and instruction on guiding students in using the template.</p> <p><i>The How, When, and Where Behind Using Public Policy in Legal Writing: Using Public Policy to Strengthen Clarity and Persuasiveness in Legal Writing</i> <i>Aaron M. House</i> Every year, students tend to quickly grasp what constitutes public policy and that it should be used to strengthen their legal writing, but they fall short on how to use public to do so. This presentation will provide a lesson plan and PowerPoint professors can use directly containing fresh ideas for teaching public policy to first-year students. The presentation will focus on how, when, and where public policy should be used. When students understand how to weave public policy into existing arguments or when to create new arguments based entirely on public policy, their writing becomes clearer and more persuasive.</p>
	<p><u><i>Room 403</i></u> <i>When 90% Is Good Enough: Taming the Perfectionist Within, Without Sacrificing Teaching Effectiveness</i> <i>Nancy Soonpaa</i> Each of us wants to be the best teacher possible, but achieving that goal can be elusive, and objectively assessing one's teaching effectiveness is made more difficult when seen through the lens of perfectionism. This presentation will start with a discussion of the literature on perfectionism and a short test to determine whether participants are perfectionists. After addressing the pros and cons of being a perfectionist, I will offer and analyze several scenarios in the typical law professor's experience and then ask the group to discuss when perfectionism is appropriate and when 90% is good enough.</p> <p><i>Using Portfolios to Assess Metacognition</i> <i>Victoria Van Zandt</i> Are students ignoring your comments on their drafts or do they not understand how to use the comments? A simple way to answer these questions is through the use of metacognition portfolios. In legal research and writing classes, portfolios can be used for various purposes. Although typically used to showcase students' best work or to demonstrate the development of students' legal research and writing skills over the course of several classes, portfolios can also</p>

be used to answer the questions above and assess students' ability to incorporate constructive criticism and to be responsible for their own learning.

In this presentation, attendees will learn about the various types of portfolios and their potential use in the legal research and writing curriculum. Additionally, attendees will learn how to recreate the metacognition portfolio in their classes and will hear about the benefits of using this simple, yet effective assessment tool.

Room 420

Email for Lawyers: Leave the LOLs and Emoticons at Home

Amanda M. Foster

Email communication is probably the most frequently used mechanism for daily communication between attorneys and others today. As we try to do more in our courses to make our students practice ready, it logically follows that an exercise on email drafting would benefit our students. My presentation will model a classroom exercise on email drafting and professionalism. The exercise relates to email writing skills, e.g., appropriate language, tone, organization in various contexts. Further, this exercise provides a great opportunity to talk about professionalism related to situations dealing with an adversary, a client, and a co-worker.

How NOT to get "Benchslapped": Making Professionalism in Legal Writing Real Through a Public Service Announcement Exercise

Jennifer M. Cooper

Patricia Stringel Shepard

How do you teach the old "Professionalism in Legal Writing" topic so your students' eyes don't immediately glaze over? How can you make the topic relatable, engaging, and even entertaining? If you can't afford to hire the cast of Saturday Night Live to perform skits about Professionalism in Legal Writing, USE YOUR OWN STUDENTS. This presentation will provide you with all the tools you need to engage your students and bring Professionalism in Legal Writing to life. After assigning reading on Professionalism in Legal Writing, we divided the students into small groups and assigned each group a topic covered in the reading. Each group was given time in class to create a short Public Service Announcement (PSA) and then performed the PSA before the rest of the class. The exercise engaged students by involving them in the creation of individual PSA's as well as observing other groups' PSA's.