

THE NUTS & BOLTS OF TEACHING LEGAL WRITING

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Part I Planning the Syllabus

A. Educate yourself

Familiarize yourself with all of your teaching materials.
Learn the lingo.
Join a list serve.
Shake a hand and make a friend.
Research the “experts” and contact them.

B. Borrow ideas from others

Don't reinvent the wheel.
Utilize your colleagues for ideas.
Consult the Director.
Review several texts; some will have syllabi included.

C. Outline the Goals of your course

List the skills you plan to teach.
Determine an assessment tool for each goal.
Decide which assignments will teach a particular skill.
Remember to include citation skills in your goals.
Don't forget research!

D. Create a reasonable long-term plan

Rome was not built in a day; don't set yourself up for failure.

Visualize the semester.
Give yourself time and space to “re-practice” a skill.
Select a teaching approach.

E. Drafting the syllabus

Work out a classroom schedule.
Decide how you want to include the writing, research, citation, and oral advocacy components on a weekly basis.
Decide how many assignments and rewrites you want to have during the entire semester.
Plan the assignments by taking into consideration the needs and other obligations of the students, the law school, and yourself.
Allow enough time in between assignments for grading and feedback before another assignment is due.
Include all pertinent information on the syllabus:

- Weekly readings
- Goal of the week
- Topic of the week
- Assignment
- Assignment due date
- ADA policy
- Grading policy
- Late paper policy
- Formal conferences
- Plagiarism statement
- Rules about working together

F. Work out a conference schedule

Plan at least two formal conferences a semester.
Factor your assignments into the conference schedule.
Develop a conference checklist.
Discuss the purpose of the conference before scheduling them.
Work out a grading schedule.
Grading papers is a skill that takes time to develop.
Try to always return papers before the next assignment is due. Factor this into your syllabus plan.

Part II

Class Preparation

Be reasonably faithful to the syllabus and the text.
Don't repeat the material in the text, except occasionally for emphasis.
Class work should go beyond and enhance the value of the text materials.
Identify your learning goals for each class.
Identify techniques that will achieve those goals. Be imaginative.
Provide continuity from class to class. Demonstrate that (1) skills build on one another and (2) skills are transferable.
Educate yourself. Read. Seek out different points of view.
Create a class schedule or agenda – plot out how much time you will spend on each teaching segment.
Outline. Practice. Sketch out potential questions.
Beware of overusing PowerPoint.
Communicate goals and schedule to the students – a roadmap at the beginning and a summary at the end can be effective.

Part III

Classroom Dynamics

A. Ideas for the Whole Class

In-class writing and grading assignments
Peer to peer grading
Oral arguments
Case briefing for closed universe memos
Guest speakers
In-class research problems
Board citation problems
Quizzes
Critical reading exercises
Lectures
Interviewing
Negotiating
Counseling

B. Ideas for Small-Group Work

Group writing, exercises, research problems -- the sky's the limit.
Can be effective way to energize students during a long class.
Communicate to students the goals of the group assignment.
Tie group work into realities of law practice. (Avoid cute, silly fact situations.)
Require pre-class preparation.
Assign clear, focused tasks – in writing.
Avoid allowing students to choose own groups.
Assign a role to each student in the group. Make each student accountable.
Report and evaluate results.

C. Ideas for Individual In-class Work

Short, in-class writing assignments. (Students like these).
Can tie in to larger writing assignment.
Individual research.
Provide some form of feedback – sample answer, outline of good answer, good student answer, individual comments, group comments, peer editing, etc.

Part IV Some Parting Advice

A. Dealing with Inevitable Challenges

Set the tone of the class from the first day.
Maintain your sense of humor.
Never resort to negativity or denigration.
Develop techniques for dealing with difficult student questions.
Practice tough love.
Give yourself a break.

B. Common Pitfalls of the New Legal Writing Teacher

Over-use of lecture.

Over-use of PowerPoint.
Over and under-scheduling the semester.
Failure to keep appropriate student-teacher boundaries (i.e. over friendly).
Assigning problems that are too difficult (or less commonly, too easy).
Unrealistic expectations of students (or of the teacher).
Failure to communicate goals to students.
Late in returning assignments.

C. Don't Forget

Use your imagination.
Remember your sense of humor.
Show enthusiasm.
Communicate compassion.
Trust your instincts.
Set a supportive tone.
Make class (and teaching) fun.
Trust that your second year will be easier!

III. Bibliography*

Books

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Steven Friedland and Gerald F. Hess, *Teaching the Law School Curriculum* (2004).

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Articles

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Vernellia R. Randall, *The Myers-Briggs Type Indicator, First Year Law Students and Performance*, 26 Cumb. L. Rev. 63 (1996).

Jennifer Jolly-Ryan, *Coordinating a Legal Writing Program with the Help of a Course Webpage: Help for Reluctant Leaders and the Technologically-Challenged Professor*, 22 QLR 479 (2004).

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

Douglas J. Whaley, *Teaching Law: Advice for the New Professor*, 43 Ohio St. L.J. 125 (1982).

Clifford S. Zimmerman, *Thinking Beyond my own Interpretation: Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum*, 31 Ariz. St. L.J. 957 (1999).

Web Sites

<http://www.lwionline.org> (Website of the Legal Writing Institute; contains information about Legal Writing: The Journal of the Legal Writing Institute and links to "The Second Draft," the LWI newsletter that has many great teaching ideas)

http://www.supremecourtus.gov/oral_arguments/oral_arguments.html (U.S. Supreme Court oral argument web site. Also includes links to briefs.)

<http://www.wfsu.org/gavel2gavel> (Website for viewing Florida Supreme Court arguments online).

<http://www.ualr.edu/cmbarger> (Website of Coleen Barger, of the University of Arkansas at Little Rock. A good place to find out how professors at other schools have developed their course policies and syllabi for legal analysis, research and writing courses)

www.alwd.org (Website for the Association of Legal Writing Directors; contains good online materials on program design and other information vital to new teachers in the field).

http://law.wisc.edu/iis/writing_competitions.htm (List of writing competitions compiled by the University of Wisconsin Law School.)

*Adapted by Mary Beth Beazley and Suzanne Rabe from a bibliography prepared by Debra L. Green.